

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009**

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. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Zaks,  
Ms. Goralski, Mr. Halberstam

Absent: Mr. Lankry

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

Salute to the flag.

Motion to approve minutes of September 14, 2009 with a waiver to read – Ms. Goralski  
Second – Mr. Lazzaro

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

Request from Mr. Pfeffer asking to be heard earlier in the evening because he has to be in  
Howell Township.

**Appeal # 3653A – 910 East County Line Road**, Block 208 Lots 2.01 & 2.02. Amended  
site and elevation plan.

Abe Penzer represented applicant. The front top half of the building will now be stucco  
as per the drawings submitted. The stucco will be wrapped around the building on top.

Mr. Halberstam – the rendering has a lot more light to it and does not have a problem  
with it.

Mr. Gelley – tremendous improvement.

Open to public. Closed to public.

A-1 – rendering

Mr. Ungar, affirmed. - All windows will be changed to the lighter color frame.

Motion to approve – Mr. Zaks

Second – Mr. Gelley

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

**Appeal # 3719 – Symcha Realty**, Private Way, Block 51 Lots 7.02, 8 & 9.01, R-OP  
zone. Subdivide existing 3 lots into 4 new lots. Variance required for lot area and bulk  
variances are required for lot width, and side yard setbacks.

Secretary read reports.

**From: John Ernst, Engineer/Planner      October 6, 2009**

1. The property is located on the east side of Private Way, approximately 169 ft. south of Fourth Street. It lies within the ROP (Residential Office Park) Zone and comprises an area of 27,150 s.f. The property is developed in the following manner:

Lot 7.02 – The lot is occupied by a 2½-story residential dwelling with an attached rear yard deck, a driveway from Private Way, a storm water catch basin within the rear yard area (within an existing 25 ft. wide Drainage Easement) and a concrete sidewalk along Private Way.

Lot 8 – The lot is occupied by a 2½-story residential dwelling, a rear yard garage, a rear yard paved parking area, a paved horseshoe shaped driveway from Private Way that surrounds the dwelling and a concrete sidewalk along Private Way.

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 2.**

Lot 9.01 – The lot is occupied by a 2½-story residential dwelling with an attached rear yard deck, a driveway from Private Way, and a concrete sidewalk along Private Way.

Surrounding land Uses (within 200 ft.) are multi-family residential buildings with the exception of single-family dwellings on adjacent Lot 9.02 (to the north) and adjacent Lot 7.01 (to the south).

2. The applicant proposes to consolidate the three existing lots and re-subdivide the tract into four residential lots in the following manner:

Proposed Lot 8.01 – The existing 2½-story dwelling with attached rear yard deck and driveway from Private Way which are on existing Lot 9.01 are to remain. The proposed lot will require Variances for lot area, lot width, single/combined side yard setback and building coverage requirements of the ROP Zone.

Proposed Lots 8.02 and 8.03 – All existing improvements that have been built on existing Lot 8 are to be removed. Each proposed lot will have a new 3-story single-family residential dwelling with a basement apartment. The architectural plans indicate the buildings will have an exterior entrance for the basement apartment. Four off-street parking spaces are proposed for each lot. Both proposed lots will require Variances for lot area, lot width, single/combined side yard setback and building coverage requirements of the ROP Zone.

Proposed Lot 8.04 – The existing 2½-story dwelling with attached rear yard deck, storm water catch basin and driveway from Private Way which are on existing Lot 7.02 are to remain. The proposed lot will require Variances for lot area, lot width, single/combined side yard setback and building coverage requirements of the ROP Zone.

Also proposed is the dedication to the Township of Lakewood of a 10 ft. wide x 135 ft. long Road Widening Easement along Private Way which has a right-of-way width of 30 ft.

3. The following Variances are required for this application:
  - a. Lot Area Variances for Proposed Lots 8.01, 8.02, 8.03 and 8.04 – Lot 8.01 will have an area of 6,450 s.f., Lot 8.02 will have an area of 6,600 s.f. and Lots 8.03 and 8.04 will have areas of 7,050 s.f. each; whereas lot areas of 10,000 s.f. are required.
  - b. Lot Width Variances for Proposed Lots 8.01, 8.02, 8.03 and 8.04 – Lot 8.01 will have a width of 43 ft., Lot 8.02 will have a width of 44 ft. and Lots 8.03 and 8.04 will have widths of 47 ft. each; whereas minimum lot widths of 75 ft. are required.
  - c. Side yard Setback Variances for Proposed Lots 8.01, 8.02, 8.03 and 8.04 – Lot 8.01 will have side yard setbacks of 4.5 ft. (adjacent to existing Lot 9.02) and 6.5 ft. (adjacent to proposed Lot 8.02), Lot 8.02 will have two side yard setbacks of 5 ft., Lot 8.03 will have side yard setbacks of 5 ft. and 8 ft. and Lot 8.04 will have side yard setbacks of 4.5 ft. (adjacent to existing Lot 7.01) and 7.6 ft. (adjacent to proposed Lot 8.03); whereas a minimum side yard setback of 12 ft. is required. The Board should be aware that the existing single-family dwelling on adjacent Lot 9.02 to the north of proposed Lot 8.01 is 5.5 ft. (scaled) from the common property line and the existing single family dwelling on adjacent Lot 7.01 to the south of proposed Lot 8.04 is 5 ft. (scaled) from the common property line.
  - d. Combined Side yard Setback Variances for Proposed Lots 8.01, 8.02, 8.03 and 8.04 – Lot 8.01 will have a combined side yard setback of 11 ft., Lot 8.02 will have a combined side yard setback of 10 ft., Lot 8.03 will have a combined side

yard setback of 13 ft. and Lot 8.04 will have a combined side yard setback of 12.1 ft.; whereas a minimum combined side yard setback of 25 ft. is required.

- e. Building Coverage Variances for Proposed Lots 8.01, 8.02, 8.03 and 8.04 – Lot 8.01 will have a building coverage of 34.7%, Lot 8.02 will have a building coverage of 37.6%, Lot 8.03 will have a building coverage of 35.2% and Lot 8.04 will have a building coverage of 33.5%; whereas a maximum building coverage of 25% is permitted. The Board should be aware that the building coverage percentages that are shown within the Zoning Schedule on the Subdivision Plan are incorrect as they do not include the attached rear yard decks which are more

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 3.**

than 3 ft. high. By definition of “Building” and “Building Area” if a deck is higher than 3 ft. it is to be considered in calculating Building Coverage percentage.

4. The applicant should address the Board on the following:
  - a. Testimony should be given in support of the required Bulk Variances.
  - b. Will the applicant provide shade trees along Private Way? If so, a Shade Tree Easement should be provided and shown on the Map to be filed.
5. The plan entitled “Variance Exhibit” shows the buildings on proposed Lots 8.02 and 8.03 will be provided with 4 parking spaces in the front yard areas along Private Way. In regards to providing adequate parking and buffering we would suggest to the Board the following:
  - a. Since the new dwellings will have 10 bedrooms each, that a total of 6 spaces (2 additional) be provided on each lot. This can be accomplished without moving the buildings towards the back of the lots by providing a 27 ft. x 36 ft. parking area in the front yards of each lot.
  - b. The applicant should address the Board on the types of existing dwellings (single or multi-family) that will be on proposed Lots 8.01 and 8.04 and if single-family dwellings we would suggest to the Board that either fencing (a 6 ft. high 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 and Lots 8.01 and 8.04.

If any of the above items are required by the Board notes pertaining to same should be placed on the Map to be filed.

6. Prior to filing of the subdivision, the buildings on existing Lot 8 must be removed.
7. As per Section 18-805B of the Ordinance the proposed lot numbers should be assigned/approved by the Township’s Tax Assessor. If previously approved please submit to this office a copy of the Tax Assessor’s approval letter.
8. The Minor Subdivision Plan should be revised as follows:
  - a. 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”.
  - b. A minimum of 3 outbound corners of the tract should be coordinated.
  - c. The word “property” should be spelled correctly within General Note #1.
  - d. The Zoning Schedule should be revised as follows:
  - e. The words “duplex lots” should be removed.
  - f. The lot area for proposed Lot 8.01 is 6,450 s.f. (not 6,540 s.f.).
  - g. The combined side yard setback for proposed Lot 8.01 is 11 ft. (not 12 ft.).
  - h. All building coverage percentages should be revised per comment #3.f. within this review letter.
  - i. The Parking Schedule should be removed.
  - j. Within Lot 9.02 remove the note that makes reference to Lots 7.02, 8 and 9.01, Block 51, 27,150 s.f., 0.623 Ac.”
  - k. The proposed lot lines should be labeled.

- l. The 10 ft. wide Roadway Widening Easement note should indicate it is dedicated to the Township of Lakewood.
- m. The “200 ft. Radius Line” should be labeled.
- n. The Legend should be revised to conform with what is shown on the plan.
- o. The certification for the approval of streets, roads, lanes or alleys should be removed.
- p. The owner’s certification, the certification to be signed by the Chairperson/ Secretary/Engineer, and the certification that the Lakewood Township Zoning Board is the property authority should be revised to conform with the certifications shown within Section 18-604.B.1 of the Ordinance.

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 4.**

9. The following outside agency approvals are required:
  - a. Ocean County Planning Board.
  - b. Ocean County Soil Erosion and Sediment Control (if area of disturbance is greater than 5,000 s.f.).
  - c. The applicant remains responsible to obtain all other Local, State and Federal approvals and permits that may pertain to this project.

Steven Pfeffer, attorney for applicant

Brian Flannery, engineer, sworn.

Steven Weiss, affirmed.

A-1 variance map

A-2 6 photos of the area

Mr. Pfeffer – photos were taken today.

Mr. Flannery – this area is in the downtown center and has a very high demand for residential units and is close to the 2 colleges. Surrounded on all sides by multi-family residential dwellings.

Mr. Flannery reviewed Mr. Ernst’s report.

Mr. Naftali realized that he has property within 200 feet of this site and stepped down from the dais.

Mr. Cherkos – need a majority vote – this is not a use variance.

Mr. Pfeffer agreed to continue.

Mr. Flannery – this will be consistent with the units on each side and with the neighborhood. The units will be 3 story units. The exterior and the facades will be changed so that they look different. Lots 8.01 and 8.04 the existing structures will remain. This is meeting the need for housing. The Board can grant this without any detriment to the zone plan or zoning ordinance. There is no adverse impact on the general public. They are proposing to provide foundation plantings on the lots. They are providing 4 parking spaces.

Mr. Weiss, associated with Symcha Realty. Two parking spaces per unit per building is sufficient.

Christopher Risoti, sworn. The darker driveway represents the two new units.

Mr. Pfeffer - Proposing two two family units will be built and one building is being demolished.

Mr. Ernst – according to RSIS the number of parking spaces is based on the number of bedrooms. There are 10 bedrooms in each new building. It is a single family with a basement apartment.

Mr. Flannery – trying to make them all look like one project.

Mr. Halberstam recommended that there be no fences between properties. The whole corner on 4<sup>th</sup> street should look all the same.

Open to Public. Closed to Public.

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 5.**

Mr. Flannery – apartment units are permitted in the basement. The height is consistent with the area.

Ms. Goralski – would recommend 6 parking spaces.

Mr. Flannery - The driveways will be set back and additional 6 feet to allow stacking of vehicles. There is a 14 foot deck and then 20 feet of green in the rear. Mr. Kalter who will be using the properties would prefer to leave the green space than add parking spaces.

Mr. Halberstam – would rather see green than more parking spaces.

Mr. Zaks – this area is 2 blocks from the college and it is a very dense area.

Motion to approve with the condition that there will be 4 on-site parking spaces, outside facades shall be the same as lots 9.01 and 9.02 and similar to lots 7.01 and 7.02, buildings should not be larger than the existing lots and no fence between the units – Mr. Zaks

Second – Mr. Gelley

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

Mr. Halberstam

Nays: Ms. Goralski

**Appeal # 3720** , 113 Carasaljo Drive. Chairman announced that the notice was not issued properly and therefore the application will be carried until the **November 16<sup>th</sup>** meeting.

Mr. Cherkos – 3 or 4 people across the street were not noticed, they will be noticed and there will be no new notice to the newspaper of the people that were already noticed.

Secretary will be doing a revised Certified List.

**Appeal # 3714, Yehoshua Schwab**, Williams & Henry Street, Block 419 Lots 1 & 2, R-12/R-10 zone. Subdivision.

Secretary read reports.

**From: John Ernst, Planner/Engineer - September 2, 2009**

The application is for a Minor Subdivision with Variances for Lot Areas, Lot Widths, front yard setback and Single/Combined Side yard Setbacks on the above referenced lot. We have reviewed the submitted information and offer the following comments:

1. The property is located on the southeast corner of Williams and Henry Streets. The property is split zoned between the R-10 and R-12 (Single-Family Residential) Zones and comprises an area of 20,000 s.f. The property is partially cleared of trees and is occupied by a two-story residential dwelling and a metal shed. Access to the property is provided from Williams Street (an improved north/south street) onto a dirt driveway and parking area located within the right-of-way area of Henry Street (an un-improved street) and then into the property. The R-12 Zone runs along Williams Street with the R-10 Zone being 100 ft. further east. Potable water and sanitary sewer services are provided by existing public facilities within Williams Street. Surrounding land Uses within 200 ft. of the property are residential.
2. The applicant proposes to develop the property in the following manner:
  - a. It is proposed to consolidate and re-subdivide the lots into two new lots (proposed Lots 1.01 and 1.02) having areas of 10,000 s.f. each. Lot 1.02 will be a corner lot and will have frontage along Williams and Henry Streets. Lot 1.01 will have frontage along Williams Street only.
  - b. The existing residential dwelling is to remain and will be located on proposed Lot 1.02. The use of the existing dirt driveway and parking area within the right-of-way area of Henry Street is to be continued.

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 6.**

- c. A two-story single-family residential dwelling is to be constructed on proposed Lot 1.01. The dwelling will have a basement with an exterior entrance and an attic. Also, a paved driveway for 4 off-street parking spaces is to be constructed from Williams Street.
3. Since both proposed lots will have frontage along Williams Street we have cited the requirements of the R-12 Zone and the following Variances are required for this application:
  - a. Lot Area Variances for Both Proposed Lots – A lot area of 12,000 s.f. minimum is required; whereas both proposed lots have areas of 10,000 s.f.
  - b. Lot Width Variances for Both Proposed Lots – A lot width of 90 ft. minimum is required; whereas both proposed lots have lot widths of 50 ft.
  - c. Front Yard Setback Variance for Proposed Lot 1.02 – A front yard setback of 30 ft. minimum is required; whereas the existing dwelling is 10.1 ft. from the right-of-way line of Henry Street.
  - d. Side Yard Setback Variance for Proposed Lot 1.01 – A side yard setback of 10 ft. minimum is required; whereas both side yards have setbacks of 7.5 ft.
  - e. Combined Side Yard Setback Variance for Proposed Lot 1.01 – A combined side yard setback of 25 ft. minimum is required; whereas a combined side yard setback of 15 ft. is proposed.
  - f. Accessory Building Side Yard Setback Variance for Proposed Lot 1.02 – A side yard setback of 10 ft. minimum is required; whereas the existing metal shed is 1.5 ft. (scaled) from the proposed property line between the proposed lots.
4. The applicant should address the Board on the following:
  - a. Testimony should be given in support of the required Bulk Variances.
  - b. Will the applicant provide shade trees along Williams Street (Section 18-803D)?
  - c. Will sidewalk be constructed along Williams Street?

- d. Will the basement and/or attic areas have bedrooms?
  - e. In regards to property access to proposed Lot 1.02, will Henry Street be improved to the limit of the applicant's property along Henry Street? If not, we would recommend the use of Henry Street for access & parking be abandoned and a paved driveway on new Lot 1.02, near the common line with Lot 1.01, be provided from Williams Street. The applicant should then advise the Board on the number of bedrooms within the existing dwelling so that the limits of the driveway can be determined.
5. We would suggest that the proposed building on Lot 1.01 be moved towards the back of the lot to provide a driveway that can support parking for 4 off-street parking spaces and walkway to the front steps of the dwelling without encroaching into the right-of-way of Williams Street. In review of the Architectural Plans the 40 ft. setback does not appear to provide enough space.
  6. As per Section 18-805B of the Ordinance the proposed lots numbers should be assigned/approved by the Township's Tax Assessor. If previously approved please submit to this office a copy of the Tax Assessor's approval letter.
  7. Upon the Board's approval of this application and the receipt of revised plans (if applicable) this office will perform a Technical Engineering Checklist Review of the plans. The Checklist Review will be sent to the applicant's Engineer with copies to the Board.
  8. The following outside agency approvals are required:
    - a. Ocean County Planning Board.
    - b. Ocean County Soil Erosion and Sediment Control (if area of disturbance is greater than 5,000 s.f.).

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 7.**

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

Miriam Weinstein represented applicant. This is a minor subdivision of the existing 2 100 x 100 square foot lots into 2 new 50 x 200 square foot lots. The total square footage of each lot will remain at 10,000 square feet. This is a split zone of R-10 and R-12. One lot is conforming and one lot is non-conforming because it is in the R-12 zone. The reason for the subdivision is that Henry Street is an unimproved Road.

Mr. Flannery – The application is to take two existing 10,000 square foot lots and reorient them. Currently there is a lot on the corner of Henry Street and Williams Street that is 100 feet x 100 feet and a second lot easterly on Henry Street that is 100 x 100. Proposing to merge them and re-subdivide with frontage on Williams Street. Have two squares and asking for two rectangles. Henry Street is a paper street. Also the lots are in two zones. Proposing 2-50 foot wide lots. It is his opinion that there is no reason to improve Henry Street. This is a C-2 variance which is the benefits outweigh the detriments. This is a better zoning alternative. Reviewed Mr. Ernsts report. The applicant does not intend to finish the basement or the attic.

Chairman asked that one set of stairs be removed to the basement.

Mr. Flannery – they are proposing 4 parking spaces. If the future homeowner wanted to finish the attic they would need to get building permits and comply. They will be finishing the sidewalks on Williams Street. They will gravel the driveway on the existing house.

Open to Public.

Leonard Horowitz, affirmed. Concerned about his wells ability to work.

Secretary read letter from Mr. Horowitz.

Mr. Ernst – there is no requirement for construction near a well. The applicant has to take the precautions on that side of the house.

Mr. Horowitz – it is a shallow well only about 40 feet down.

Closed to Public.

Motion to approve with sidewalks on Williams Street, driveway apron on both lots, one exterior entrance to basement, existing house will have a gravel driveway with a concrete apron, landscaping plan including trees, houses will face onto Williams Street - Mr. Gonzalez

Second – Mr. Gelley

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

Recess.

**Appeal # 3713 – Mark Friedman, 11<sup>th</sup> Street, Block 112 Lot 8, R-10 zone.** Subdivide one lot into 2 lots, one for a single family and one for a duplex.

Secretary read reports.

**From: John Ernst, Engineer/Planner - September 2, 2009**

This application is for a Minor Subdivision with Use and Bulk Variances to construct a single-family residential dwelling and a two-family residential duplex building on the above referenced lot. The property is located on the south side of Eleventh Street, approximately 141 ft. west of Lexington Avenue. It lies within the R-10 (Single-Family Residential) Zone and comprises an area of 18,750 s.f. The property is occupied by a one-story residential dwelling (with an attached garage), a driveway from Eleventh Street, a masonry shed, fencing and numerous mature trees within the front, side and rear yards. Potable water and sanitary sewer services are provided by

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 8.**

existing public facilities within Eleventh Street. Surrounding land Uses within 200 ft. of the property are residential.

1. The applicant proposes to remove all existing improvements on the lot and develop the property in the following manner:
  - a. It is proposed to subdivide the property into two residential lots having areas of 7,500 s.f. (proposed Lot 8.02) and 11,250 s.f. (proposed Lot 8.01).
  - b. A two-story (1,890 s.f.) single-family residential dwelling with a new driveway (for four off-street parking spaces) from Eleventh Street is to be constructed on proposed Lot 8.02. The building will have a basement with an exterior entrance and a partially finished attic.
  - c. A two-story (2,800 s.f.) two-family residential duplex building with two new driveways (for four off-street parking spaces for each unit) from Eleventh Street is to be constructed on proposed Lot 8.01. Each duplex unit will have a basement with an exterior entrance, an attic and a raised rear yard deck.
  - d. Also proposed to be constructed are 6 ft. high board-on-board fences along the side property lines of proposed Lot 8.01 from the front of the building to the rear property line and new curbing and sidewalk along Eleventh Street.
2. The following Variances are required for this application:
  - a. A Use Variance for Proposed Lot 8.01 – Two-family and duplex housing is permitted only on lots having a minimum area of 12,000 s.f.; whereas a lot area of 11,250 s.f. is proposed.
  - b. A Lot Area Variance for Proposed Lot 8.02 – A lot area of 10,000 s.f. minimum is required; whereas a lot area of 7,500 s.f. is proposed.
  - c. A Lot Width Variance for Proposed Lot 8.02 – A lot width of 75 ft. minimum is required; whereas a lot width of 50 ft. is proposed.
  - d. Side Yard Setback Variance for Proposed Lot 8.02 – A side yard setback of 10 ft. minimum is required; whereas both side yard setbacks of 7.5 ft. is proposed.



- e. A Combined Side Yard Setback Variance for Proposed Lot 8.02 – A combined side yard setback of 25 ft. minimum is required; whereas a combined side yard setback of 15 ft. is proposed.
  - f. A Building Coverage Variance for Proposed Lot 8.02 – A maximum building coverage of 25% is permitted; whereas a building coverage of 25.2% is proposed.
3. For proposed Lot 8.01 (duplex building lot) the applicant has requested a Waiver from providing a buffer that meets the requirements of Section 18-803.E2b of the Ordinance (30 ft. wide buffer is required along existing Lot 7 and proposed Lot 8.02). In lieu of the buffer the applicant proposes to construct a 6 ft. high board-on-board fence along each side of proposed Lot 8.01 from the front building line to the rear property line to screen the property.
  4. The applicant should address the Board on the following:
    - 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 the reasons supporting the granting of the Use Variance, addressing both the positive and negative criteria for the Variance.
    - c. Testimony should be given in support of the required Bulk Variances.
    - d. Will the applicant provide shade trees along Eleventh Street (Section 18-803D)?
    - e. Will the basement and/or attic areas have bedrooms?
    - f. Where will the screened trash and recycling containers as well as the HVAC equipment be located on the residential duplex building?
  5. We would suggest to the Board that the proposed buildings be moved towards the back of the lots to provide driveways that can support parking for 4 off-street parking spaces without encroaching into the right-of-way of Eleventh Street. A driveway length of 40 ft. should be provided; whereas the plans indicate (by scale) 32 ft. is proposed.
  6. The plans indicate that each residential building will be provided with 4 parking spaces in the front yard areas along Eleventh Street. We would suggest to the Board that either the proposed 6 ft. high board-on-board fence be extended 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 and adjacent Lots 1 and 7. If this is to be required by the Board, a note pertaining to same should be placed on the Subdivision Plat to be filed.
  7. In conformance with the Map Filing Law prior to map signing either the existing buildings should be removed or a bond for the removal of same should be posted with the Township.

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 9.**

8. As per Section 18-805B of the Ordinance the proposed lot numbers should be assigned/ approved by the Township's Tax Assessor. If previously approved please submit to this office a copy of the Tax Assessor's approval letter.
9. The Architectural and Detail Plans should be amended to show the locations of the screened trash and recycling containers and also the HVAC equipment.
10. Upon the Board's approval of this application and the receipt of revised plans (if applicable) this office will perform a Technical Engineering Checklist Review of the plans. The Checklist Review will be sent to the applicant's Engineer with copies to the Board.
11. The following outside agency approvals are required:
  - a. Ocean County Planning Board.
  - b. Ocean County Soil Erosion and Sediment Control (if area of disturbance is greater than 5,000 s.f.).
  - c. 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.

Miriam Weinstein represented applicant. This application is for a minor subdivision of an oversized lot into two lots. One lot to be a single family the other a duplex.

Glenn Lines, engineer/planner, sworn.

Board accepted credentials.

Mr. Lines – Proposing an 11,250 square foot lot for a duplex where 12,000 is required. There are other duplexes in the area. There are a large number of undersized lots in the area. The single family lot proposed is 7,500 square feet where 10,000 is required. Mr. Lines reviewed Mr. Ernsts report. New curbing and sidewalk is proposed along 11<sup>th</sup> Street. They agreed to provide shade trees.

Mr. Cherkos – a duplex is a permitted use if you have 12,000 square feet. This is a use variance.

Ms. Weinstein - Asking for a use variance for the duplex and the other lot is an undersized lot for a single family home.

Mr. Halberstam - Creating 3 single family houses which could have 3 basement apartments.

Mr. Gonzalez suggested 2 single family homes on 9,375 square foot lots. This would fit better with the community.

Open to Public.

Irwin Wenger, 235 11<sup>th</sup> Street, affirmed. Requested that the board deny this application.

Rivky Kesserman, 215 11<sup>th</sup> Street, affirmed. Requested that the board deny this application.

Aaron Rottenberg, affirmed. Requested that the board deny this application.

Avi King, 230 11<sup>th</sup> Street, affirmed. Requested that the board deny this application.

Closed to Public.

Mr. Halberstam – not in favor of this application.

Mr. Zaks – the neighborhood has spoken.

Mr. Gonzalez – agree with the neighbors.

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**OCTOBER 19, 2009  
PAGE 10.**

Mr. Naftali – did not hear anything positive for this application.

Applicant would like to withdraw this application.

Mr. Cherkos – if the application is withdrawn they can come back at a future date. If they eliminate the use variance they can go to the Planning Board for a subdivision.

Motion to accept the withdrawal of this application – Mr. Zaks

Second – Ms. Goralski

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

Nayes: Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Halberstam

Motion to withdraw has been denied.

Motion to deny – Mr. Lazzaro

Second – Mr. Gonzalez

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

Mr. Zaks, Ms. Goralski, Mr. Halberstam

Application denied.

## **Resolutions**

**Appeal # 3665 – Omnipoint**, New Hampshire Avenue, Block 1082.01 Lot 36.  
Resolution to deny antennas on Lakewood MUA water tank.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

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

**Appeal # 3715 – Samuel Preschel**, 119 Leonard Street, Block 227 Lot 7, R10 zone.  
Resolution to approve the construction of an addition with deck. Variances approved for lot coverage and side yard setbacks.

Motion to approve – Mr. Gonzalez

Second – Mr. Lazzaro

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

**Appeal # 3716, Locust Acquisitions**, Locust & Vermont, Block 1081 Lots 10.01 – 10.14, R20/12 Cluster zone. Resolution to approve the construction of town homes and a community building. Preliminary and final major subdivision approved and front and side setback variances approved. .

Motion to approve – Mr. Lazzaro

Second – Mr. Zaks

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:20 P.M.

Respectfully submitted,

Fran Siegel