

**LAKWOOD ZONING BOARD OF ADJUSTMENT
MINUTES
DECEMBER 5, 2005 • 7:30 PM**

Meeting was called to order at 7:45 P.M.
Meeting properly advertised according to the Sunshine Law.

ROLL CALL:

Attending: Mr. Gonzalez, Mrs. Goralski, Mr. Naftali, Mr. Zaks, Mr. LeCompte,
Mr. Lieberman Mr. Mr. Sernotti

John Jackson, Attorney
Steve McCrystal, Court Stenographer
Fran Siegel, Secretary

SALUTE TO THE FLAG:

Chairman welcomed new members, Sharon Goralski and Adam Lieberman

Motion to approve minutes of November 7th with a waiver to read – Mr. LeCompte

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gonzalez, Mr. LeCompte, Mr. Sernotti

Appeal # 3467A Forest Glen did not submit revised plans and could not be heard.

Mr. Penzer agreed to re-notice and waive time.

Motion to table with notice – Mr. Naftali

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. LeCompte,
Mr. Lieberman, Mr. Sernotti

Letter from Mr. Alfieri, Esq. requested to carry Appeal # 3588, Aharon Kahn – trying to purchase adjacent property to make his lot more conforming.

Motion to table until January 9, 2006 with a waiver of time – Mr. Naftali

Second – Mr. LeCompte

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. LeCompte,
Mr. Lieberman, Mr. Sernotti

Request from Mr. Penzer to table Appeal # 3593 Congregation Sons of Israel to the Special Meeting of December 12th and agreed to pay any costs incurred.

Motion to table until December 12th, no further notice and waiver of time – Mr. Naftali

Second – Mr. LeCompte

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. LeCompte,
Mr. Lieberman, Mr. Sernotti

APPLICATIONS:

Appeal # 3586 – Shlomo Meyer, 423 6th Street, Block 68 Lot 13, R-OP zone. To renovate the exiting structure and to construct a 2 1/2 story addition to create a 2,341 square foot 2 family structure.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review

1. The subject property is located on Sixth Street and is within the ROP (Residential Office Park) Zone. The applicant proposes a major renovation to the existing single-family structure that will convert the structure to a two-family dwelling.
2. In accordance with Section 903.I., two-family dwellings are not a permitted use in the ROP Zone. Additionally, the proposed dwelling exceeds the permitted density in this Zone. Therefore, special reasons variances will be required as follows:
 - a. To permit a use in a district restricted against such use. The proposed two-family use is not a permitted use within the ROP Zone. The only permitted residential use is single-family detached.
 - b. To allow an increase in permitted maximum gross density. The maximum gross density in the ROP Zone based on single-family detached use and minimum lot area is approximately 4.4 units/acres. The lot is undersized and cannot yield one conforming single-family lot. The applicant is proposing 2 units in one (1) building and a density of 11.7 units/acres. Therefore, a density variance is required.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use (two-family use) and an increase in permitted density. In order to achieve this, the applicant should explain why the two-family use with the requested density is a better planning and zoning alternative than the traditional single-family residential concept.

3. In addition to the special reasons variances that are required, bulk variances are required as follows:

	Required	Existing (Single-Family)	Proposed (Two-Family)
Minimum Lot Area	10,000 s.f.	7,500 s.f.	7,500 s.f.
Minimum Lot Width	75 feet	50 feet	50 feet
Minimum Side Setback (One)	12 feet	0 feet	0 feet
Minimum Side Setback (Combined)	25 feet	6.5 feet	6.5 feet
Minimum Rear Setback	15 feet	0.9 feet	0.9 feet
Minimum Side Setback (Accessory)	7 feet	1.8 feet	1.8 feet
Maximum Building Coverage	25%	18.6%	29.9%

The Schedule of Bulk Requirements should be revised per Section 902.I.2., of the Ordinance. The rear yard setback requirement listed is incorrect.

The applicant must demonstrate to the Board that the requested 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.

The applicant should address the Board regarding the visual impacts which the addition will have on the surrounding properties.

4. The structure has the appearance of a 3 family dwelling. Each floor contains a kitchen, bathrooms, bedrooms and other all purpose rooms. The applicant should discuss how this is not a 3 family dwelling.
5. Variances related to parking are required as follows:
 - a. In accordance with R.S.I.S., a minimum of nine (9) parking spaces are required, whereas four (4) off-street spaces have been provided.
6. An existing driveway straddles the side property line which appears to be a shared driveway with adjacent Lot 12. The applicant should discuss if there is an existing access easement over this driveway. Any approval should address this condition.
7. The proposed driveway and parking layout should be redesigned.
8. The architecturals show a walkout basement at the rear side of the building which requires an approximately 9 or 10 foot grade difference in the rear yard. A grading and drainage plan is required to show if this house design is feasible. Grading will be difficult considering the limited building setbacks.
9. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

Considering the condition of the existing structures I think it would be a better idea to demolish the old building and design a new structure with a more conforming shape that is more centered on the property.

Shlomo Meyer, affirmed. Plans were revised to a one-family home. It will be on the same footprint. His original application was for a two-family home. The entire rear of this property faces the parking lot of an apartment complex.

The board did not have the revised plans and the architecturals did not match.

Mr. Priolo – he never did a review for a one-family – the architecturals that he has shows 3 floors and each floor looks like a separate unit with their own kitchens and bathrooms.

Mr. Sernotti - We cannot make a decision with all the confusion of the information.

Motion to table until January 9th, no further notice waiver of time – Mr. LeCompte
Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. LeCompte,
Mr. Lieberman, Mr. Sernotti

Mr. Zaks arrived.

Appeal # 3583 – Saul Mizrahi, 406 Ridge Ave, Block 189.01 Lot 2, R-10 zone.
Single family house on an undersized lot – required 10,000 –
proposed 6,900

Secretary read reports.

From: Jim Priolo, Engineer/Planner - Second Review

1. The subject property is located on Ridge Avenue and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to demolish the existing dwelling and construct a new, larger single-family dwelling. The existing lot does not conform to the current zone requirements. In accordance with Section 902F of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	Required	Existing	Proposed
Minimum Lot Area	10,000 s.f.	6,897 s.f.	6,897 s.f.
Minimum Lot Width	75 feet	50 feet	50 feet
Minimum Side Setback (One)	10 feet	10 feet	9 feet
Minimum Side Setback (Combined)	25 feet	25 feet	18 feet

It should be noted that the proposed lot coverage shown on the plans does not include the deck and is incorrect. This discrepancy should be revised.

The applicant must demonstrate to the Board that the requested 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.

The applicant should address the Board regarding the visual impacts which the new structure will have on the surrounding properties.

2. The applicant should provide information regarding the proposed use of the basement level and the provision of a separate entrance.
3. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches. The difference in the rear of the house is 36 inches.
4. An 8.5-foot road widening is provided along the entire frontage. The parking should be dimensioned from the easement line, in which case it would run right up to the entrance stairs.

From: Ed Mack, Zoning Officer

I have no objections to this application.

Saul Mizrahi, 144 Colony Circle, affirmed. Would like to demolish existing home and construct a two-story single family dwelling. A 25 foot wide house is not practical. Most of the lots in the area are 7,500 square feet or under.

Mr. Sernotti - have been requesting to design the house to meet the combined side yard setback.

Mr. Mizrahi – This house is an eyesore. The house is 3,200 square feet.

Ray Carpenter, 2517 Route 35, Manasquan, engineer sworn.

Mr. Gonzalez questioned a discrepancy in the lot coverage.

Mr. Priolo – they calculated with the deck and 29%.

Mr. Mizrahi – will take out the deck or lower it to under 18 inches. A typical townhouse is 28 feet wide. Could bring the house down to 30 feet wide instead of 32 feet. There is 4 car parking in the front.

A-1 plot plan

Mr. Carpenter testified that a 25 foot wide house would have long narrow rooms. A 32 foot wide house provides more square rooms and better living conditions. There is no separate basement entrance.

Open to Public. Closed to Public.

Mr. Zaks –this will be an enhancement to the neighborhood.

Motion to approve with the condition that the deck will be less than 18 inches high and the 30 inches to grade – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks,
Mr. LeCompte, Mr. Lieberman

nayes: Mr. Sernotti

Appeal # 3594 – Osher Eisemann, 1416 Monmouth Avenue, Block 139 Lot 8, R-10 zone, Single family home on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Revised Review

1. The subject property is located on Monmouth Avenue and is within the R-10 (Single-Family Residential) Zone. The applicant proposes to demolish the existing dwelling and construct a new, larger single-family dwelling.
2. In accordance with Section 902 F. of the Ordinance, bulk variances will be required for the construction of the proposed single-family dwelling as follows:

	Required	Existing	Proposed
Minimum Lot Area	10,000 s.f.	6,952.5 s.f.	6,952.5 s.f.
Minimum Side Setback (Combined)	25 feet	44.3 feet	20 feet
Minimum Front Setback (Monmouth Avenue)	30 feet	21.4 feet	21 feet
Minimum Front Setback (Rear-Washington Place)	30 feet	37 feet	16.53 feet

Maximum Lot Coverage 25% 10.9%39.6%

The applicant must demonstrate to the Board that the requested 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.

The applicant should address the Board regarding the visual impacts which the new larger structure will have on the surrounding properties.

3. The applicant should indicate the height of the existing chain link fence to ensure no additional variances are required.
4. Any approval should include a condition that the maximum elevation difference between finished floor and outside grade is 30 inches. The difference in elevation proposed is 36 inches.
5. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

I think the applicant should consider eliminating the garage which will eliminate the rear setback problem and reduce the lot coverage.

Abraham Penzer represented applicant. Applicant has a child with special needs. The house cannot be made any smaller because of the handicap requirements for rooms, doorway, hallways, etc.

Osher Eisemann, 1404 Monmouth Avenue, affirmed.

Mr. Penzer – There are other lots in the area under 10,000 square feet. The lot coverage requested is 39% where 25% is required. The garage will not be a garage but will be used for storage for the Sukkah, wheelchair, etc. This house was designed as small as possible with all the needs for the child. This house will not impact the properties around it. It will enhance the public good by having the child being able to be taken care of at home. They will construct a 4 foot fence so that no variance will be necessary. They agreed to make the house 30 inches to grade.

Open to Public. Closed to Public.

Mr. Penzer - Try to keep medical care at home. This house is necessary.

Motion to approve with 30 inches to grade – Mr. Lieberman

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. LeCompte, Mr. Lieberman, Mr. Sernotti

Appeal # 3589 – Step On Me Carpet, Route 9, Block 415 Lot 14, HD-6 zone. Use variance for retail use.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – Second Review

1. The subject property is located on the west side of Route 9 (a.k.a. River Avenue), 100 feet north of the James Street intersection and is within the HD-6 (Highway Development) Zone. The existing site is vacant. The applicant proposes to construct a one-story 4,059 s.f. retail/warehouse building with parking facilities, and other site improvements.
2. The applicant appeared before the Board of Adjustment on November 7, 2005. Due to extensive comments and concerns by the Board, the applicant has significantly revised the plans. The revision block should indicate a new revision date.
3. Special Reasons Variances are required for this project as follows:
 - a. Requesting a use not permitted in this Zone. Code Section 903G., sets forth the permitted uses in the HD-6 Zone. The HD-6 Zone does not identify retail and warehouse facilities as permitted uses and therefore a use variance is required.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance from the Zoning Regulations to permit a use in a District restricted against such use. In order to achieve this, the applicant should explain why the retail/warehouse use is a better planning and zoning alternative than the permitted uses in the Zones.

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

4. Variances are required as follows:
 - a. In accordance with Sections 903G. and 803E. of the ordinance, bulk variances will be required for the construction of the retail/warehouse as follows:

	Required	Provided
	HD-6 Zone	
Minimum Front Yard Setback	150 ft. (Route 9)	69.56 ft. (Route 9)
Minimum Improvement Setback	100 ft. (Route 9)	4.06 ft. (Route 9)
Minimum Side Yard Setback (One)	15 ft.	12 ft.
Minimum Side Yard Setback (Combined)	35 ft.	25 ft.
Minimum Rear Yard Setback	30 ft.	15 ft.
Accessory Side Yard Setback	7 ft.	5 ft.

The zoning schedule should be revised to reflect the revisions to the site layout.

- b. In accordance with Section 807, 31 parking spaces are required for the proposed use, whereas 17 spaces are provided.
- c. In accordance with Section 803E., a minimum 50 ft. buffer shall be provided along rear/western property line which borders the R-10 Zone, whereas an 8 ft. buffer is provided.

The applicant must demonstrate to the Board that the requested 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 zoning ordinance.

5. The applicant should provide verification whether a right-of-way dedication will be required by the NJDOT.
6. The Township has established specific setback requirements along Route 9 to provide a larger separation between the highway and any proposed improvements.

Among the reasons was to allow for the hopeful future expansion of Route 9. The State and County have asked the Township to enforce these setback requirements, as it will aid them in any future plans for Route 9.

Therefore, the Board should strongly consider the setback requirements along Route 9.

7. The following comments should be addressed with regards to the Site Plan:
 - a. The stop bar shown on the plans should be shortened.
 - b. The applicant should discuss vehicular circulation within the site including turnarounds, trucks, deliveries, etc. The sizes and types of trucks accessing this site should be provided and turning movements should be verified. It appears no loading zones have been provided.
 - c. The sidewalk provided along the front of the building should be widened to 6 feet.
 - d. The handicap parking stall should be designed in accordance with current ADA requirements. This will result in the loss of one (1) parking space.
 - e. A loading area should be provided. The employee parking area should be converted to a loading zone.
 - f. The hatched area on the southeast corner should be identified.
 - g. New sidewalk should be proposed along the entire frontage.
8. The following comments should be addressed with regards to the Grading, Drainage & Utility Plan and Stormwater Management:
 - a. The water line crosses over the underground recharge system. The water line should be shown on the profile to ensure that there are no conflicts.
 - b. The site layout on the grading and drainage plan does not reflect the revisions to the building footprint and parking layout. The drainage may need to be re-designed.
9. The following comments should be addressed with regards to the Landscape and Lighting Plan:
 - a. The Norway spruce trees to be utilized as a buffer should be increased in size to 8'-10' along the rear and 6'-8' along the northern side.
 - b. Additional lighting should be provided within the parking area. The seven (7) spots along Route 9 have no lights provided.
 - c. A fence was to be proposed around the perimeter of the building.
10. A detail of the trash enclosure should be provided.
11. Revised architectural plans should be submitted for review.
12. All signature blocks should reference the Lakewood Township Zoning Board.
13. A NJDOT Access Permit will be required for the driveway. A copy of the permit should be submitted for review.
14. Ocean County Planning Board approval should be shown on the plans.
15. The applicant should apply to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

It still appears to me that this lot is too small for this building. The underground drainage system sits in an area where the state highway widening will occur.

Abe Penzer represented applicant. They met with the adjacent neighbor, Family Planning. The building will now be two stories. They reduced the size of the building. They were 57 feet from the right of way and they are now 69 feet from the right of way. They will agree to #8 through 15 of Mr. Priolo's report. They will increase the parking spaces from 6 to 17. There will be no trucks. It will be a showroom only so they will not need a loading zone. In the event that the highway is widened they 7 spaces in the front will go away and they will still have 10 spaces and an island. The upstairs will be offices and for storage.

Ray Carpenter, engineer, sworn. Reviewed Mr. Priolo's report. They will widen the driveway from 5 to 6 feet if the Board wants. A 5 foot sidewalk is more than adequate. They will shift the drainage system out of the area. The approval can be conditioned with the drainage being revised.

The Board accepted Mr. Carpenters credentials.

Mr. Sernotti – the Township Committee has asked to abide by the required setbacks requested by the DOT.

Mr. Priolo – If you stick to the strict requirements of the ordinance you would render this lot unbuildable because its depth is only 125 feet. They reduced the square footage of the building by approximately 500 square feet. It was approximately 4,600 square feet and they are down to near 4,000 square feet.

Mr. Carpenter – the building would have to be reduced at least 18 feet to change the parking availability. The second floor will be offices. The first floor will be primarily showroom.

Mr. Sernotti – we need to see the floor plan and architectural for the second floor.

Mr. Penzer offered to wipe out the second floor and put in a basement instead.

Mr. Priolo – even if they put the offices in the basement it could change the square footage and could change the parking calculations.

Mr. Sernotti – can't vote on something they cannot see – suggested revised plans and carry until January 9th.

Mr. Zaks – a second floor might work but they need to see it.

Sarah Stavsky, 220 Central Avenue, affirmed. Will still have 10 parking spaces even if they widen Route 9. Would like to make the plans the right way and would like to know if they want a basement or a second floor.

Mr. Gonzalez – would prefer a two-story building.

Mr. Sernotti suggested that she talk to the professionals. Have Mr. Carpenter meet with Mr. Priolo.

Motion to carry until January 9th with new plans, no further notice, waiver of time and a new drainage plan – Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks, Mr. LeCompte,

Mr. Lieberman, Mr. Sernotti

RECESS

Appeal # 3587 – OmniPoint Communication, Block 2 Lot 5.01, OS zone. Use variance to construct a 152 foot telecommunications monopole.

Secretary read reports.

From: Jim Priolo, Engineer/Planner –Revised

1. The Applicant is proposing to construct a new 150 ft. high telecommunication monopole on Lot 5.01, Block 22 which is located on the corner of County Line Road West and Country Club Road. Additional improvements include the construction of three (3) unmanned equipment cabinets, a power/telco cabinet and a 10' x 20' concrete slab. The entire 50' x 50' compound will be enclosed by a six-foot (6') high chain link fence.
2. In accordance with Ordinance No. 2000-31, Section 3, wireless communication facilities on private property are not permitted in the OS Zone. Therefore, use variance and site plan approval is required for this non-conforming use.
3. The Applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use.
4. In accordance with Ordinance No. 2000-31, Section 3, the maximum height for a single user is 90 feet, whereas the Applicant is proposing a height of 150 feet.
5. In accordance with Ordinance No. 2000-31, Section 3, the required tower setback is 100% of the height of the tower from any adjoining lot line. Bulk variances will be required for the setback distances of the proposed antenna panels as follows:

	Required	Proposed
Minimum Side Yard Setback (east)	150 feet	22.91 feet
Minimum Side Yard Setback (south)	150 feet	77.12 feet
6. Access to the equipment compound should be shown. The access driveway from County Club Road appears to be located on adjacent Lot 6.
7. The monopole is located 28± ft. to the side yard. The Applicant should discuss if this distance provides for sufficient fall zone area in the instance of monopole failure.
8. The plans do not indicate a stable surface to the entrance of the compound. The Applicant should provide details for any driveway extension to service the compound.
9. The Applicant should discuss the necessary utility service requirements for the

equipment and the proposed locations of connections to existing utilities. Trench details for utility installations should also be provided.

10. The Applicant should provide scales for the propagation studies included in letter report to verify extent of coverage limits.
11. The study lists this site as an "infill" site. The applicant should provide percentage or frequency of dropped calls/no connection within the proposed coverage area.
12. The Applicant should discuss the typical coverage radius for 1900 MHz GSM service.
13. The Applicant should provide the separation distance from the proposed site to existing site NJ08087B.
14. The Applicant should provide the height and propagation study for future site NJ08176 to review the intended design for the complete network along County Line Road and Route 9. The heights for existing sites NJ08066A and NJ08087B should also be provided.
15. Approval by the Board should be subject to approvals from all other Local, State and Federal agencies having jurisdiction over this project.

From: Ed Mack, Zoning Officer

Although it is getting harder to find sites for these structures I think that this antenna could be located further back and still be positioned to be at least 150 feet back from any property line.

Warren Stilwell representing Omni Point Communications. They also noticed for Lot 6, the adjacent lot has the access easement to Lot 5.01. They need a use variance as well as preliminary and final site plan. The only area that wireless telephone facilities use to be permitted is in the M-1 zone. The new ordinance does not refer to wireless telephone facilities. The zone was changed from A-1 where 2 acres were required for lot area to OS where 3 acres are required. Lot 5.01 is undersized and if it would be combined with Lot 6 there would be in excess of three acres. Lot 6 is the entire Lakewood Country Club lot. The only bulk variance they require is lot size.

Mr. Priolo – A height variance is needed, 30 feet is required and 152 feet is proposed.

Mr. Stilwell – they have special reasons criteria that they have to meet. They will show that this site is particularly suited for the use.

Mr. Jackson – asked if there was an attorney for the objectors? If not every member of the public will have the opportunity to question the applicants witness.

Huppert, MD.

Daniel J. Colins, sworn. Expert with the transmissions of radio frequency, they have to comply with the FCC standards.

Board accepted credentials

A-1 report – September 6, 2005

The Board members did not have a copy of the report. The report has not been reviewed by Birdsell Engineering or its staff.

Mr. Jackson recommended that the Board should have somebody take a look at the report. He stated that somebody handed him a note saying that they would like to hire an attorney and would like to have this application carried.

Mr. LeCompte said that the application should be tabled so that the objectors have time to hire an attorney.

Mr. Sernotti agreed.

Motion to carry to a special meeting on January 23, 2006 with a waiver of time and no further notice. – Ms. Goralski

Second – Mr. LeCompte

Roll call vote: affirmative: Mr. Gonzalez, Ms. Goralski, Mr. Naftali, Mr. Zaks,
Mr. LeCompte, Mr. Lieberman, Mr. Sernotti

MOTION TO APPROVE BILLS – Mr. Gonzalez

Second – Mr. Naftali

All in favor

MOTION TO ADJOURN –Mr. Gonzalez

Second – Mr. Zaks

All in favor.

Meeting adjourned at 10: 30 P.M.

Respectfully submitted,

Fran Siegel, Secretary
Zoning Board of Adjustment