



A meeting was held with the applicant's engineer where our office suggested improving a portion of Wakefield Avenue. The concept was to improve it to a point where the applicant would have a secondary access to enhance circulation on site and to provide some parking along the Wakefield side of the existing building. Additionally, a driveway would be provided for the existing dwelling.

In accordance with the Residential Site Improvement Standards (RSIS), Wakefield Avenue qualifies as a minor collector street with a required cartway width (min.) of 28 feet and right-of-way width of 50 feet. The applicant is proposing to construct a 28 ft. roadway within an existing 50-foot right-of-way. The applicant will have at least two access driveways along this portion of Wakefield Avenue. The access to Wakefield Avenue will not be limited to the applicant, but will be accessible to the general public and the other property owners along its right-of-way. The roadway improvements will include curb, drainage and all other items required to meet roadway design standards.

Regarding the extent of improvements along Wakefield Avenue, it is our position that the road does not need to be improved to its terminus. In accordance with Section 18-501 of the Ordinance (improvements to be constructed at the sole expense of the developer), the Board has the discretion to require off-tract or other improvements it feels are necessary for the development of the site. Constructing the entire portion of Wakefield Avenue that fronts on the subject property is not necessary because the only lots that have frontage on Wakefield Avenue are already developed. These properties include the Congregation & Yeshiva Ohr Elchonon (Block 385, Lot 3) which has its main frontage and access on West Cross Street and MI Development (Block 366, Lot 1) which has its main frontage and access on James Street. Both of these sites function properly and do not require any additional access points.

Regarding the off-tract improvement requirements of the Ordinance (Section 18-500) and the Municipal Land Use Law (MLUL), these are based on necessity and where properties outside the development will also be specially benefited (by calculation) by the improvement. This does not apply to this development.

In summary, the application is still under review and the extent of improvements to Wakefield Avenue are not finalized. The discussion at the Board meeting will include possibly extending the roadway to a terminus point between the existing and proposed building. The roadway will be designed in accordance with applicable roadway design standards and Lot 1 directly across the street has all rights to access.

From: Ed Mack, Zoning Officer

I can see a need for this type of rental space as I often have small businesses inquiring as to where they can locate in the township.

Miriam Weinstein, attorney for applicant.

Brian Flannery, sworn.

A-1 rendered version of the site plan

Mr. Flannery – they will improve Wakefield Avenue an additional 160 feet.

Ms. Weinstein – the applicant will agree to post a bond for the additional 160 feet.

Mr. Flannery – the school is the property to the south of this property

A-2 aerial photograph.

Mr. Flannery – at some point in the future they will further develop their site and will connect to Wakefield Avenue then they will complete the roadway. The first time was the use, the second time they did come back with this site plan and the board again granted the use without the vacation of Wakefield Avenue.

Mr. Chairman announced that this application will be changed to Appeal # 3425AA

Mr. Flannery – the applicant submitted the application assuming that he will get the vacation of Wakefield Avenue.

The board was concerned about the turn-around for trucks.

Kathy Elliott – the secondary egress to the site to Wakefield Avenue was much more beneficial to the layout.

Mr. Flannery – at the very end of the property they have delineated an area on each side for turn-arounds. They have eliminated some of the building and made an access in between the buildings. Reviewed Mr. Priolo's report. Existing on site are two buildings, a residence and an auto mechanic. They want to build contractor warehouse buildings. Property is in the M-1 zone which permits a contractor's warehouse. The coverage allowed is 40% and they are covering only 22%. Primary access is the driveway on James Street. The units will have overhead doors. There is septic on premises.

Mr. Halberstam – do the turn-arounds work for trucks?

Mr. Flannery – Single unit trucks have the availability of turning. A tractor trailer will not work. The driveway is 30 feet wide. He could eliminate the parking spaces between the two buildings for access to Wakefield Avenue.

Mr. Sernotti - They are going to improve Wakefield with macadam.

Mr. Gonzalez - Why don't they improve all of Wakefield Avenue

Mr. Flannery - There is a significant grade change and in order to keep the road at the elevation with the adjoining property they have a retaining wall. If the property owner to the south wants to he will improve it.

Mr. Sernotti – regardless of the truck situation the board is concerned that deliveries will not be able to get to the two buildings.

Ms. Weinstein – they are requesting a variance for a front yard setback of 16 feet from Wakefield Avenue.

Mr. Sernotti - The building will be built on an unimproved road.

Mr. Flannery – they will make the back of that building and will have enhanced architectural like the front. The applicant will clean up the site. The auto repair business is remaining there.

David Nahum, 640 James Street, affirmed. Most of the vehicles on the premises are from Fisher Auto Body and all junk cars will be removed. There are two employees and the owner.

Mr. Flannery – parking calculations show that they need 36 parking spaces for the uses on site and they are showing 50 parking spaces.

Open to Public.

Gerri Ballwanz, Governors Road – asked about the new ordinance with reference to the grading.

Mr. Mack – that only applies to single family homes only.

William Hobday, 30 Schoolhouse Lane, sworn. Still don't know to what extent he is improving Wakefield Avenue. It should be improved or not improved but not partially improved. Concerned about noise next to a school.

Closed to Public.

Mr. Flannery – the school is to the south of this property. The distance between the school and the property is a few hundred feet. The principal of the school is in support of the application as long as Wakefield Avenue is improved to a point.

Ms. Elliot - The area at the bottom is about 40 x 65 feet and is quite a large area for turn around the depth of the units is approximately 2 parking stalls.

Mr. Flannery – before there is an occupant in any of the new buildings the road will be improved. If the school wanted access to their property they would have to pave all the way out to James Street. There is a retaining wall that is 3 feet high.

Mr. Sernotti – if the road is stopped half way up when the school is ready to pave they will just follow the grade.

Mr. Flannery – the first 330 feet will be done by this applicant – if the school wants to have access from the back they will build the rest of the road. Architecturally they will dress up the back of the new building and the existing building.

Mr. Mack – because of the drainage problems and the difference in elevation it would be difficult to do.

Ms. Elliott – suggested that one of the parking stalls at the end of the site be eliminated to increase the truck circulation. The whole system of the site does drain at the lower corner and a large portion would be affected if the second driveway would be constructed.

Mr. Sernotti - We would be disturbing the storm water run-off if we improve that end of the road but it wouldn't be disturbed if the whole road was going to be improved.

Mr. Flannery - Wakefield Avenue is 30 feet wide.

**Motion to approve, subject to the applicant paving 330 feet of Wakefield Avenue, upgrade façade for the rear of the existing and new building – Mr. Zaks**

Second – Mr. Gonzalez

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Zaks,  
Mr. Lankry, Mr. Sernotti  
Nays: Mr. Halberstam

## **RECESS.**

**Mr. Penzer requested that Appeal # 3638** be heard at the special meeting of April 30th.

**Motion to table** – Ms. Goralski

Second- Mr. Gonzalez

**Roll call vote:** Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Lankry,  
Mr. Halberstam, Mr. Sernotti

No further notice and a waiver of time.

**APPEAL # 3636 – CELLCO PARTNERSHIP**, 55 River Avenue, Block 88 Lot 11, B-4 zone.  
Add antennas

Secretary read reports.

From: Jim Priolo, Engineer/Planner – March 12, 2007

1. The subject property is located on Madison Avenue and Hurley Avenue and is within the B-3 (Highway Business) Zone. The applicant is proposing to install six (6) telecommunication panel antennas on an existing GPU Energy lattice tower. A 12' x 20' unmanned equipment shelter is also proposed. The addition of these proposed antennas will be the third carrier on this site.
2. Special Reasons Variances are require as follows:
  - a. In accordance with Section 1012, Section 3, wireless communication facilities on private property are not permitted in the B-3 Zone. The applicant is proposing to add a third carrier to the existing tower which constitutes an expansion of a non-conforming use. Therefore a Special Reasons 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 any expansion of a non-conforming use in a district restricted against such use.

3. In accordance with Section 903.C., bulk variances are required as follows:

	<b>Required</b>	<b>Provided</b>
Minimum Lot Width	100 ft.	±60 ft. (existing)
Maximum Height	45 ft.	±159 ft. (existing)
Minimum Front Setback	25 ft.	14.6 ft. (Hurley Ave.) (existing)

4. In accordance with Section 1012.D., variances will be required for the height of the proposed antenna panels as follows:

	<b>Required</b>	<b>Proposed</b>
Maximum Height	150 ft.	159 ft. (existing)

5. In accordance with Section 1012.D., the applicant shall provide the Township an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Lakewood Township, or within one (1) mile of the border thereof.
6. A Radio Frequency (RF) Exposure Analysis report has not been submitted for this facility. The Board should determine if a report should be submitted for review.
7. The following comments should be addressed with regards to the site plan:
  - a. A Board approval block should be provided on the plan.
  - b. The north arrow should have a reference meridian.
  - c. The pavement and right-of-way width for all streets should be shown on the plan.
  - d. The limits of the pavement/parking areas should be labeled on the plan.
  - e. The height of the existing fence should be shown on the plan.
  - f. The location of the proposed floodlight on the equipment shelter should be shown.
  - g. The title blocks should include the lot and block.
8. 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

I have no zoning issues with this application.

Warren Stilwell represented applicant. This is a use variance application. This is an existing tower on the roof. They will be the 3rd set of antennas. They are not changing the footprint and not changing anything on the ground. Asking for use and exiting bulk variances. This is an expansion of a non-conforming use.

Ron Igneri, Innovative Engineering, Hooper Avenue, Toms River, sworn.

Board accepted qualifications.

Mr. Igneri – there are currently two carriers on the rooftop. Proposing a 3rd installation of an equipment shelter on the roof.

Mr. Igneri – everything they are doing is on the rooftop.

Z0-2 partial roof plan

Mr. Igneri – the existing tower is a 3 foot triangular structure. They did a structural analysis of the structure itself and they meet the standards for today. The highest antenna is 174 feet. Existing now is Sprint antennas at 145 feet, at 125 feet is existing ATT antennas and at elevation 100 is the proposed antennas. Reviewed engineer's letter. One vehicle enters the site every 4 -6 weeks for maintenance check.

David Stern, 3 Cedarbrook Drive, Cranbury, NJ., sworn.

Board accepted qualifications.

A-1 emission study

Mr. Stern – the site is in compliance with FCC standards.

A-2 report

A-3 - overlay map with coverage

A-4

Open to Public. Closed to Public.

**Motion to approve** – Mr. Halberstam

Second – Mr. Zaks

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Ms. Goralski, Mr. Zaks,  
Mr. Lankry, Mr. Halberstam, Mr. Sernotti

**APPEAL # 3622 - PARK AVENUE LAND DEVELOPMENT, INC.**

160 & 164 East 4th Street,

Block 248 Lots 20 & 21, B-2 zone. To construct 5 townhouses with  
5 basement units and parking area.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - April 5, 2007

1. The subject property is located on East Fourth Street and is within the B-2 (Central Business) Zone. The existing site contains two 2-story two-family dwellings. The applicant is proposing a townhouse project that will subdivide the existing property into six (6) individual lots (5-residential lots, 1-Homeowners Assoc. lot). Each residential lot will contain a single-family unit. All units are attached in one structure.

It should be noted that the plans are entitled, "Subdivision/Preliminary & Final Site Plan". The plans should be titled, "Preliminary & Final Major Subdivision". All plans should show the proposed subdivision lines.

2. In accordance with Section 903 B.2. of the ordinance, a Special Reasons Variance will be required because the applicant is:
  - a. Deviating from a standard pertaining solely to a conditional use. In accordance with Section 1010 A. of the ordinance, townhouses are permitted subject to the following conditions:

	<b>Required</b>	<b>Provided</b>
Minimum Tract Boundary (Setback)	20 ft.	5 ft. (side decks) 15 ft. (buildings)
Maximum Density	8 un/acre	9.6 un/acre
Minimum Width	125 ft.	122.79 ft.

It appears that the setbacks were not measured to the decks.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit:

- a. A deviation from a standard pertaining solely to a conditional use.

Additionally, the applicant must demonstrate to the Board that the requested special reasons 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.

3. Should the Board approve the special reasons variance, variances will be required for the proposed townhouse project. In accordance with Section 1010 B. of the ordinance for townhouses on fee simple lots, variances are required as follows:
  - a. Bulk variances:

	<b>Required</b>	<b>Provided</b>	<b>Provided</b>	<b>Provided</b>	<b>Provided</b>	<b>Provided</b>
		<b>Lot 20.02</b>	<b>Lot 20.03</b>	<b>Lot 20.04</b>	<b>Lot 20.05</b>	<b>Lot 20.06</b>
Min. Front Setback	25 ft.	4 ft.	4 ft.	6 ft.	4 ft.	4 ft.
Min. Rear Setback	20 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5.3 ft.
Min. Side Setback	12 ft.	0 ft.	-	-	-	0 ft.
Max. Bldg. Height	35 ft./2.5 stories	3 stories	3 stories	3 stories	3 stories	3 stories

- b. All development shall provide a useable rear yard depth of at least 20 feet, and drainage swales are prohibited. The useable rear yard is less than 20 feet and a drainage swale is proposed in this area.
4. The following comments should be addressed with regards to the architectural plans provided:
  - a. The anticipated use of the basement should be discussed as finished floor is elevated 5 feet and many windows are proposed.
  - b. The front stair arrangements should match the site plan. As shown, the trash storage areas are not feasible. Also, verification from the DPW on the trash enclosure should be obtained.
  - c. The middle unit is shown as 48 ft. long on the site plan and 49 ft. long on the architectural plans.
  - d. The elevations show a front door for storage. Stairs to the basement are shown at the rear via a bilco door.

5. The following comments should be addressed with regards to the Improvement Plan and stormwater management:
  - a. The plan indicates a playground area in the rear of the lot. The applicant should discuss the type of playground equipment that will be installed.
  - b. Inverts for the proposed sanitary doghouse manhole should be provided.
  - c. The applicant should discuss circulation throughout the site for emergency vehicles. The fire hydrant is proposed at the rear end of the parking lot, making access to it difficult when the lot is full.
  - d. The 87 l.f. of 15" RCP should be shown connecting into the recharge basin.
  - e. Easements should be provided for the water and sanitary sewer lines.
  - f. The dimensions of the recharge basin used in the storage and infiltration calculations is incorrect and does not correlate with the plans and details. The calculations should be revised accordingly.
  - g. The applicant should discuss how the drainage swale located under the decks in the rear yards will be maintained. An easement dedicated to the Homeowner's Association should be provided.
  - h. If the drainage system were to fail, water would back up out of the yard inlet located in the southeastern corner of the site. The applicant should discuss the effects this would have on the property and adjacent properties.
  - i. East Fourth Street was recently paved with NJDOT Grant money and a five-year moratorium was issued for the road. The applicant shall appear before the Township Committee for approval to construct the proposed utilities within East Fourth Street if construction commences within 5 years.
6. The following comments should be addressed with regards to the Landscaping & Lighting Plan:
  - a. Additional landscaping and lighting should be provided within the playground area.
7. The following comments should be addressed with regards to the Construction Details:
  - a. A detail for the proposed sanitary doghouse manhole should be provided.
  - b. A detail for the 4 ft. vinyl decorative fence should be provided.
8. The applicant must submit a copy of the Homeowners Association documents to the Board Attorney for review, which shall include the following:
  - a. It should be noted that the responsibility of maintaining the stormwater system and all common areas should be the Homeowners Association and not the Township of Lakewood. A maintenance plan should be submitted for review.
  - b. A stipulation that the rear yard swale of Lots 20.02-20.06 should not be altered.
9. The following comments should be addressed with regards to the Subdivision Plan and Map Filing Law:
  - a. A note must be added to the plan indicating that the lot, block, and street addresses have been assigned by the Lakewood Township Tax Assessor's office.
  - b. All certifications should reference the Lakewood Township Zoning Board.
  - c. The 8.5 ft. R.O.W. easement should be shown as a road widening easement.
  - d. A certification that design of the site improvements associated with this subdivision is in compliance with the New Jersey Residential Site Improvement Standards with the minimum exceptions listed should be submitted to the Board for their records.
10. Ocean County Planning Board approval should be shown on the plans.
11. Any approval should include a condition that the applicant shall submit plans to the Township Public Safety Office and the NJDOT to allow for Title 39 enforcement.

12. The applicant should apply to, and appear before, all other Local, State and Federal agencies having jurisdiction over this project.
13. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I think that four 28 foot units would be more suitable than the five smaller units that are requested.

Steven Pfeffer represented applicant. This is to construct 5 single family townhouses not with basement units. No longer seeking 5 separate units for each basement. Now asking for 5 single family townhouses with basements.

Charles Surmonte, 1500 Allaire Avenue, Ocean Township, Engineer, sworn.

James Higgins, 901 Park Avenue, Ocean Township, sworn.

Board accepted qualifications.

A-1 Letter from architect

Mr. Surmonte – these are now 5 single family units –they eliminated the independent entrance at the front. They are now proposing 14 cars and an area at the rear which provides a turn around area. The area below each stoop will accommodate the Township receptacles. The only means of access to the basement is by a Bilco door proposed at the rear of each unit. Reviewed Mr. Priolo's report. Mr. Shreiber indicates that since the decks measure less than 3 feet in grade to the deck floor and they are not attached or part of the principal structure the setback is measured to the actual structure itself.

Mr. Mack - There are 3 steps down to the deck.

Mr. Pfeffer – these will be fee simple lots.

Ms. Elliott – The architectural depict a finished first floor and two stories above that.

Mr. Pfeffer - The maximum height will be 39 feet 2 inches.

Mr. Mack - Under the UCC if the attic area is less than 1/3 the floor area of the second floor it is not considered a 3rd floor.

Mr. Surmonte – this will be a 2 ½ story structure. There is no front entrance to the basement. There is enough room for a large swing set, a slide, 2 or 3 see-saws at the rear of the property.

Ms. Elliott – there are some concerns with the stormwater management design. The whole design does not fit very well with the improvements.

Mr. Higgins – Existing on the property is 2 two-family dwellings that will be demolished and replaced by 5 attached townhouse units. They are old and in very poor condition.

Mr. Higgins described the housing units in the neighborhood.

Mr. Higgins – The site is in the B-2 zone. This application requires variances from the conditional use. Asking for a density variance. The site can accommodate the use. The uses surrounding the site have substantially greater density than the applicant is proposing. The site exceeds the parking. This proposal is consistent with the types of buildings in the area. This proposal is a significant improvement to the site and the surrounding area.

Mr. Mack – concerned about the door in the front. There is a storage closet in the front.

Mr. Pfeffer – they will remove the bilco doors.

Mr. Zaks – do not see any change to the previous plan.

Mr. Pfeffer – they exceed RSIS as far as parking. They will accept any restrictions for the basement – they are not looking to rent the basement.

Mr. Gelley suggested 3 or 4 two- family units. You can upgrade the area with less units.

Mr. Pfeffer – asking for 5 units where 4.2 units would be permitted.

Open to Public.

Bill Hobday – not in favor of this application.

Gerri Ballwanz, Governors Road, sworn. Agree with Mr. Hobday. Not in favor of this application. Less units is better.

Closed to Public.

Mr. Pfeffer offered 4 2-family homes.

Mr. Sernotti – the application is for 5 single family homes.

Ms. Goralski – does not like the drainage – too dense – does not see any changes - not in favor.

Mr. Lankry – same application , different package – no changes were made.

Mr. Zaks – no changes were made – build on slab so that there would be no possibility of the basement being rented – concerned about drainage problem.

Mr. Pfeffer asked to table application.

**Motion to table for revised plans – Mr. Halberstam**

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley, Ms. Goralski, Mr. Lankry,  
Mr. Zaks, Mr. Halberstam,  
Nays: Mr. Gonzalez, Mr. Sernotti

## RESOLUTIONS

### **APPEAL # 3634 – AARON PECKER**

730 Ridge Avenue, Block 189 Lot 19, R-12 zone. Resolution to approve a use variance to construct a two-family home

**Motion to approve** – Mr. Zaks

Second – Mr. Gonzalez,

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

### **APPEAL #2861A – DANIEL ROTTENBERG**

Forest Haven, Central Avenue, Block 11.13 Lots 62 & 63, R-15 zone. Resolution to approve the construction of garages and amended Site Plan

**Motion to approve** – Mr. Zaks

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley , Mr. Gonzalez, Mr. Zaks, Mr. Sernotti

### **APPEAL #3642 – NJ AMERICAN WATER**

Block 174.01 Lot 13.66 R-15 zone. Resolution to approve an upgrade of existing sanitary sewer pump station and construction of 14 x 16 building to house emergency generator and electrical equipment.

**Motion to approve** – Mr. Zaks

Second - Mr. Gelley

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

### **APPEAL # 3617 – 294 DEWEY LLC, DEWEY AVENUE**

Block 247 Lot 20, 23 & 24, R-7.5.

Resolution to deny a use variance for 9-two-family homes on undersized lots.

**Motion to approve** – Mr. Gonzalez.

Second - Ms. Goralski

**Roll call vote:** affirmative: Mr. Gonzales, Ms. Goralski, Mr. Lankry

## **MOTION TO PAY BILLS.**

All in favor.

## **MOTION TO ADJOURN.**

All in favor.

Meeting adjourned at 10:20 P.M.

Respectfully submitted,  
Fran Siegel, Secretary