

**BOROUGH OF LAKEHURST LAND USE BOARD  
REGULAR MEETING  
MAY 23, 2022  
MINUTES**

MEETING OPENED AT 7:30 P.M. BY CHAIRMAN DAVID BURTON.

ALL STOOD FOR THE PLEDGE OF ALLEGIANCE.

PUBLIC MEETINGS STATEMENT READ INTO RECORD BY BOARD SECRETARY MARYANNE CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO THE NEWSPAPER AND POSTED ON THE BOROUGH WEBSITE, THAT THE REGULAR MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-THIRD DAY OF MAY 2022 AT THE HOUR OF 7:30 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

ROLL CALL:

\*Alternate Member

MAYOR ROBBINS: PRESENT  
COUNCILMAN OGLESBY: PRESENT  
KORI BRENNAN: PRESENT  
DAVID BURTON: PRESENT  
ANDREW HODGES: PRESENT

SIDNEY HOOPER: PRESENT  
ERIC ROBBINS: ABSENT  
MARANDA SALAS: PRESENT  
DAVID SUMNER: PRESENT  
\*#1 JEFF EMMONS: ABSENT

APPROVAL OF MINUTES:

Motion by: Maranda Salas  
Seconded by: Mayor Robbins\_  
To approve minutes of April 25, 2022 Regular meeting. Roll call vote held. All votes affirmative with the exception of Councilman Oglesby who abstained due to his absence at the April 25<sup>th</sup> Regular meeting.

NEW BUSINESS:

APPLICATION OF 117 UNION RD, LLC FOR A USE VARIANCE APPROVAL TO CONSTRUCT A TWO-STORY BUILDING, 8 RESIDENTIAL APARTMENT DWELLING WITH ASSOCIATED PARKING IN THE B-1 ZONE FOR THE PROPERTY DESIGNATED AS BLOCK 63, LOT 6:

Mayor Robbins and Councilman Oglesby recuse themselves from the hearing of the Use Variance application.

Salvatore Alfieri, attorney for the applicant, stated the application being heard today is a Special Reason Use Variance application. Mr. Alfieri added there is no Site Plan being submitted adding if the Use Variance is approved, the applicant will come back in front of the Land Use Board with Site Plan and address all concerns the board may have.

Richard Stanzione, Land Use Board Attorney, explained a Special Reason Use Variance application can be approved with the stipulation that the applicant will come back to the board for Site Plan approval along with Bulk Variance approvals.

Mr. Alfieri agreed to the stipulation.

Brian Flannery, license professional engineer and professional planner for the applicant, was sworn to give testimony at 7:34 p.m. by Land Use Board Attorney Richard Stanzione.

Mr. Flannery identified the property being located at 117 Union Avenue in the B-1 Zone.

A photo of the proposed building with parking was introduced as Exhibit A-1

A Tax Map showing the location of the property was introduced as Exhibit A-2

Mr. Flannery stated the applicant is proposing a two-story building, 3,000 square feet, for 8 residential apartment units, 4 units per floor adding 6 of the 8 units will be a 1-bedroom apartment with 600 square feet of living space and 2 of the 8 units will be a 2-bedroom apartment with 800 square feet of living space. Mr. Flannery further stated the applicant is targeting “empty-nesters” with the 1-bedroom units and the 2-bedroom units are for someone who wants an extra room for visitors. Mr. Flannery went on to say the applicant will provide architect specs that shows the building is compatible with the area, something that looks like it belongs there, to the board for review if the board should act favorably. Mr. Flannery explained the building is to provide 8 housing opportunities for residents that would like to be in a transit, friendly area and help the businesses that are there. Mr. Flannery further explained the applicant will meet the zoning criteria and will ask for relief for the buffer criteria but will have a buffer that makes sense. Mr. Flannery pointed out the proposed building will be located between a funeral home and laundromat and added the building would bring business to the area. Mr. Flannery commented that it is in his professional opinion that the businesses that are located in the area will be adversely impacted, and this proposal will bring 8 additional residents to the area. Mr. Flannery further commented the fact that the proposed building has 6 one-bedroom units, no school age children will impact the borough adding it would be a ratable for the borough.

Mr. Flannery stated the proposed two-way driveway indicates that there will be no activities in regard to parking besides parking. Mr. Flannery also stated that there will be one dedicated garbage location adding garbage pick-up will be privatized so that it will not be a burden on the borough. Mr. Flannery further stated the ordinance requires parking be 20 feet away from the building whereas the applicant is proposing 5 feet

adding the intended use of the building, 5 feet is appropriate. Mr. Flannery also stated that the ordinance requires no parking space should be located in the buffer area adding the applicant is proposing the parking space in the buffer area due to limited size of the lot.

Mr. Flannery addressed the Land Use Board engineer's report stating review comment number one states that the proposed building should not be out of character with the neighbor adding there are residential homes behind the proposed building and an apartment building across the street. Mr. Flannery stated the ordinance allows apartments on the second floor adding the proposed building would be conforming if there were a retail use on the first floor. Mr. Flannery went on to say the applicant feels the retail business on the first floor would have an adverse impact on the residents on the second floor. Mr. Flannery stated review comment number two, proposed use, has been addressed. Mr. Flannery also stated review comment number three, provide architectural floor plans and elevations for review, will be provided if the board acts favorably. Mr. Flannery addressed comment number four, the applicant's intentions to provide affordable housing, adding the applicant will comply and will have details for the board if the board acts favorably. Mr. Flannery addressed comment number five, identification signage, stating no signage is being proposed adding there will be a number on the building to identify it. Mr. Flannery addressed comment number six, proposed site drainage, the applicant will follow all regulations and will provide all drainage calculations for water run off if the board acts favorably on this request. Mr. Flannery stated comment number seven, 10-foot-wide buffer requirement, is not necessary with respect to the apartments on the second floor and further added if the board acts favorably to the use, the applicant will come back with a design plan. Mr. Flannery went on to say with respect to comments number eight and nine, the applicant will do more research in regard to parking and provide plans. Mr. Flannery address comments ten and eleven adding street trees and landscaping will be provided so that the proposed building fits in with the character of the neighborhood. Mr. Flannery stated in regard to comment number twelve, lighting will be provided for security and will be shielded so that it does not affect the neighbors and added the lighting details will be provided if the board acts favorably to this application. Mr. Flannery addressed comment number thirteen and added the applicant will comply with the ADA accessibility. Mr. Flannery also addressed comment number fourteen stating the parking lot surface will be porous pavement surface adding the applicant will provide details that are satisfactory to board engineer. Mr. Flannery stated if the board acts favorably tonight, the applicant will provide details to proposed parking as described in comment number fifteen. Mr. Flannery addressed comment number sixteen stating the applicant anticipates Amazon and UPS deliveries adding the applicant will provide parking details that include an oversize space for deliveries to the board if the board acts favorably. Mr. Flannery also address comments seventeen and eighteen in regard to garbage and recycling pickup adding garbage pickup will be privatized and tenants will be responsible of separating the recyclables. Mr. Flannery stated in regard to comment number nineteen, site maintenance, the owner will be responsible for site maintenance. Mr. Flannery addressed comment number nineteen, the application submitted is a concept plan, stating the information requested will be provided. Mr. Flannery stated with respect to the request for a variance relief, the

applicant is asking for a Use Variance, D-1 Variance, and added that this proposed site is well suited for residential use whereas there is residential use across the street and residential use is permitted on the second floor. Mr. Flannery added there is no hardship and there is no inherently beneficial use; however, it promotes the general welfare. Mr. Flannery cited the Master Plan to indicate how he feels the proposed use promotes the general welfare and the Municipal Land Use Law with respect to this purpose. Mr. Flannery stated it is in his professional opinion that the proposed use for this particular location fits in the B-1 Zone permitted uses as a service establishment that directly deals with customers.

Board Member Sid Hooper indicated Mr. Flannery repeats the words “in my opinion” adding what about the opinion of the Land Use Board.

Mr. Flannery responded that he is giving his opinion as a professional that represents the applicant.

Mr. Alfieri asked Mr. Flannery to demonstrate the Negative Criteria.

Mr. Flannery responded Negative Criteria relates to how the proposed use will impact the joining properties and traffic. Mr. Flannery stated 8 apartment units, mainly “empty nesters”, is something that will not have any significant impact on traffic. Mr. Flannery also stated the applicant is not asking for relief from buffering tonight and added that if the board should act favorably, the applicant will provide a Site Plan with buffering that will work for the proposed site. Mr. Flannery further stated that his testimony is that a “D” Variance can be granted as a substantial public benefit, will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. Mr. Flannery went on to say the proposed use is of a business nature and added the proposed property is small, it would serve in the best interest of the borough to develop.

Mr. Stanzione stated just as the Land Use Board has professionals, attorney and engineer, the applicant has professionals such as Mr. Flannery who happens to be a license engineer and planner. Mr. Stanzione also stated Mr. Flannery is here tonight to give his professional opinion and then the board will weight the opinion.

Mr. Hooper responded Mr. Flannery’s opinion fits the applicant.

Mr. Stanzione answered Mr. Flannery has the right to give his opinion on behalf of his client.

Board Chairman David Burton stated Lakehurst is very limited to the businesses in the B-1 Zone adding the proposed use will eliminate a potential business. Mr. Burton further stated if the board were to approve the use, this will allow someone else to change their business as well.

Mr. Stanzione responded every application is to stand on its own. Mr. Stanzione stated the board has the right to ask the applicant how will the proposed business impact the

zoning ordinance and the Master Plan and it will be the boards determination if it will be a negative impact or a positive.

Mr. Burton responded this proposed business will be a negative impact because the borough is losing a business. Mr. Burton stated businesses are leaving the borough, if they decide to come back, there will be no place to go.

Mr. Burton asked if the applicant is willing to have a business on the bottom floor.

Mr. Flannery answered the applicant is looking for a Use Variance to have apartments.

Mr. Burton stated the proposed property for the 8-unit apartment building has a business on both sides adding in five years the residents will be complaining about the noise.

Mr. Flannery responded anyone moving in will know there are businesses on both sides and added the purpose of having small units is to target empty nesters composed to families that will negatively impact the area.

Land Use Board Engineer Pamela Hilla asked about the character of the B-1 Zone and about the apartments across the street from the proposed property.

Mr. Flannery answered the apartment building is caddy cornered from the proposed property and it appears that there are residents on both floors and added there are also buildings with businesses on the bottom floor and residents on the top floor.

Ms. Hill referred to exhibit A-1 stating it appears that the applicant is exceeding the required parking spaces.

Mr. Flannery responded he felt that it would be best to have extra parking spaces for deliveries.

Ms. Hilla questioned the layout as far as buffering, parking lot circulation, setbacks asking if they are locking themselves into 8-units or the just the use.

Mr. Flannery answered the applicant is not looking to lock-in to density or size adding the applicant is looking for use approval.

Mr. Stanzione questioned the businesses in the area.

Mr. Flannery answered a hardware store and food establishments.

PUBLIC COMMENTS ON APPLICATION OF 117 UNION RD, LLC:

Time opened: 8:09 p.m.

Karen McPartlin, 17 Lake Shore Drive, was sworn to give testimony.

Ms. McPartlin commented the downtown area of Lakehurst is what Lakehurst is known for and to lose that business spot is detrimental to Lakehurst. Ms. McPartlin stated that it would be best to have a business on the bottom floor adding it would bring more people in to the downtown area. Ms. McPartlin stated that the 2-bedroom unit can have two adults and two children adding those children will grow up and add two more vehicles to the parking lot. Ms. McPartlin expressed she like to see the downtown area stay the way it was meant to be, business on the bottom and apartments on top adding it would be great for Lakehurst.

Ingrid Seduikis, 100 Pine Street Unit 10, was sworn to give testimony.

Ms. Seduikis stated the B-1 Zone ordinance lists seven permitted uses, not one is an apartment use adding it states that there is to be a business on the bottom floor and residents on the top floor. Ms. Seduikis also stated the ordinance states that the apartments on the second floor is not less than 600 square feet. Ms. Seduikis stated her concern is if the garbage receptacle is located in the rear of the building, it be too close to the residents living behind the building and if it is in front of the building, it would be unsightly to the downtown area. Ms. Seduikis also stated the applicant did not mention the location of the garbage.

Mr. Burton responded the applicant is here tonight for a Use Variance, if approved, then they will have to come back in front of the board with a Site Plan.

Mr. Stanzione questioned the building behind the proposed building.

Ms. Seduikis answered there is a 12-unit condo building.

Ms. Seduikis stated the 2-bedroom unit would possibly have teenagers that are driving who then would be taking up more parking spaces.

Mr. Stanzione responded the Land Use Board is approving whether apartments can be on the first floor. Mr. Stanzione stated if the board was to grant the bottom floor apartments, the applicant would have to come to the board with a Site plan that shows the location of the building, the size of the apartments, and parking.

Patrick McPartlin, 410 Pine Street, was sworn to give testimony.

Mr. McPartlin commented that it is nice to have someone interested in the vacant lot and looking to develop; however, it is the wrong use for this particular lot. Mr. McPartlin stated the borough needs businesses on the first floor adding this proposed use sounds

like a hotel, something Lakehurst does not need. Mr. McPartlin went on to say this building is for potential empty nesters coming into Lakehurst, we all can agree it will bring other potential residents.

Rita Hansen-Treadway, 213 Church Street, was sworn to give testimony.

Ms. Hansen-Treadway asked for the definition of “empty nesters” further asking is that seniors and added will the apartments only be rented to seniors.

Mr. Flannery responded the applicant is targeting empty nesters; however, the applicant cannot control who will rent. Mr. Flannery stated 6-units out of the 8-units are single bedrooms adding it is planned for a young couple or seniors.

Ms. Hansen-Treadway stated years ago when she was going up, people would have three to four kids in one bedroom adding this is her concern for this proposed building. Ms. Hansen-Treadway went on to say that this proposed use is something that Lakehurst does not need.

Time closed: 8:21 p.m.

Motion by: Maranda Salas

Seconded by: David Sumner

To close Public Hearing on application of 117 Union RD LLC. Roll call vote held. All votes affirmative.

Mr. Alfieri stated after hearing comments from the board and the public, he would ask that the application be carried.

Mr. Stanzione stated the applicant has the right to carry adding the public needs to know the specific date or the applicant will have to renounce.

Mr. Alfieri responded the applicant will renounce.

Mr. Stanzione stated it is up to the board if they want to grant the continuation.

Mr. Burton responded he will grant the application to be carried adding the applicant now has an idea of what the board is looking for. Mr. Burton asked what date the applicant would come back in front of the board.

Mr. Alfieri answered July 25<sup>th</sup>.

Mr. Stanzione stated a motion is needed by the board to carry the application to July 25<sup>th</sup> meeting. Mr. Stanzione stated the applicant is required to renounce the public and to present any plans to the board at least 10 days in advance to the meeting.

Mr. Alfieri agreed.

Motion by: Sid Hooper

Seconded by: Kori Brennan

To carry application of 117 Union RD, LLC for a Use Variance approval for the property designated as Block 63, Lot 6 to the July 25<sup>th</sup> meeting. Roll call vote held. All votes affirmative.

Mr. Stanzione addressed the public stating that no decision was made on the application and that it is being carried to the July 25<sup>th</sup> meeting. Mr. Stanzione went on to say that the public will be noticed by mail and in the newspaper.

PUBLIC COMMENTS:

Time opened: 8:28 p.m.

NO PUBLIC COMMENTS

Time closed: 8:28 p.m.

ADJOURNMENT:

Motion by: Maranda Salas

Seconded by: Andrew Hodges

To adjourn meeting. Roll call vote held. All votes affirmative. Time: 8:28 p.m.

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Maryanne Capasso, Secretary  
Lakehurst Land Use Board