

**ZONING BOARD OF ADJUSTMENT
MINUTES**

JANUARY 6, 2020

Meeting was advertised in accordance with the NJ Sunshine Law

Roll call: attending: Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gross,
Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Naftali, Mr. Gross

Arrived late: Mr. Lankry

Attorney: Jerry Dasti

Engineer: Terry Vogt

Secretary: Fran Siegel

Salute to the flag.

Board members went into closed session.

Motion for Abe Halberstam for Chairman for 2020 – Mr. Halvorsen

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gonzalez,
Mr. Halberstam

Motion for Obi Gonzalez for Vice Chairman – Mr. Halvorsen

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gonzalez
Mr. Halberstam

Motion for Board Secretary Fran Siegel – Mr. Gelley

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gonzalez
Mr. Halberstam

Motion for Attorney, Jerry Dasti – Mr. Ingber

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gonzalez,
Mr. Halberstam

Mr. Lankry arrived.

Motion for Engineer/Planner, Terry Vogt – Mr. Ribiat

Second- Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Motion to approve Calendar for 2020 – Mr. Halvorsen

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Motion to approve the Annual report – Mr. Gonzalez

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Motion to approve minutes of December 2, 2019 – Mr. Ribiat

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Request from Sean Gertner, attorney for **Appeal 3980A – Joseph Sebbag** to carry until the next zoning Board meeting.

Motion to carry until February 3, 2020 – Mr. Gelley

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

No further notice.

Mr. Gertner – will get a transcript so members that were not available can vote.

Request from Adam Pfeffer, attorney for **Appeal # 4137 - Madison Ave Realty, LLC** to carry until they can have a meeting with the neighbors to work out their issues.

Motion to carry without a date and re-notice – Mr. Gelley

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Agreed to waive time.

Appeal # 4133 – Robert Kirschner, Florence & Stratford Street, Block 1077.04 Lots 10.01, 11.01, 12.01, 14.01 & 21, B-5 zone. Use variance to build 6 duplex units.

Brian Flannery, engineer/planner, sworn. This area is currently developing.

A-1 variance map of subject property

A-2 tax map

A-3 aerial view

A-4 proposed land use plan from the 2017 master plan that shows this area to be rezoned to B5 which states that the rezoning should not go into effect until the roads to Vermont Avenue is improved.

Mr. Flannery – The B-5A allows duplexes on 8,500 square foot lots and these lots are all over 11,000 square feet. This is a bifurcated application – asking for use only. Will come back with site plan. Described the area. D variance. Do not meet the conditions of the B-5 zone which allows duplexes on 12,000 square feet and need a 10 acre site. They will agree to the conditions. They will comply with the RSIS standards and will have all engineering detail. They will provide engineering and environment detail to show that there are no wetlands issues. There are wetlands away from the site. This is conforming to the B-5A zone.

Open to Public.

Moshe Zeines, affirmed. Asked about the driveway from the self-storage property.

Mr. Flannery – that driveway will go away after the construction of the self storage property.

Closed to Public.

Motion to approve use of duplexes up to 6 duplexes – Mr. Gelley

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Appeal # 4107 – High Point at Lakewood Condominium Assoc. RM zone. Block 423
Lot 156. Massachusetts Avenue & Prospect Street. Minor subdivision of the
existing lot into 2 separate lots.

Scott Penick, Attorney for applicant. They re-noticed for tonight since the zone was wrong.
Applying to subdivide the property. There is no application on the table for redevelopment.

Brian Flannery, sworn. This is now a RM zone and will remain an RM zone. In 2017 this was
an R-12 zone. This will have to be developed as an RM zone.

Mr. Halberstam – concerned about the neighbors.

Mr. Flannery – the Phantom units cannot be built, because they exceed the density.

Scott Pernick was retained by the High Point Association board.

Mr. Flannery – the upgrades will be cameras and lighting as a condition of the approval. There
will be upgrades to the existing High Point. The area in the back is where the problems occur.
They will work with the Police and Public Works for the details. The problem in that area is
crime and the cameras and lights will help. The association will own and maintain the cameras
and the lights.

Mr. Halberstam - Trying to make it easier for the police and trying to make this neighborhood
sound.

Mr. Flannery – they agree for the Police to be an outside agency and they will get their input.

Mr. Dasti - These improvements will take place before the auction takes place.

Mr. Halberstam asked about repaving the driveways, etc.

Open to Public.

Samuel Zucker, 1132 E. 26th Street, Brooklyn, NY, affirmed. He is the owner of some units in
High Point. Most of the problems are from outside people – not the little kids.

Naftoly Weber, Brooklyn, NY, affirmed. Owner of units in High Point. The new cameras will
be better and connected to the police department and will be recorded. The lights will be LED.

Mr. Penick – they will come back with a plan and a report from the police.

Closed to Public.

Mr. Penick – it is a legal obligation of the condominium association for maintenance.

Chairman also asked that they re-notice and be clearer that the objectors know that this is not an
R-12 zone and it is an RM zone.

Applicant agreed to waive time, re-notice and asked to carry until the March 2nd meeting.

Motion to carry with a comprehensive safety plan and a report from the police, roads,
landscaping and nighttime security, parking, Terry Vogt reviewing any engineering issues, etc. to
the March 2nd meeting – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Appeal # 4140 – Mendel Tress, Oberlin Avenue South & Vassar Avenue, Block 1601 Lot 2,
M-1 zone. Minor subdivision to create 3 new lots from the existing one lot.
Use variance for parking lot on lot 2.02

Adam Pfeffer represented applicant. To subdivide one lot into 3. There is one existing building.

Brian Flannery, engineer/planner, sworn. Here for minor subdivision to create 3 lots, all conforming with the 3 acre lots requirement in the M-1 zone. Existing building will be on a 4 acre lot and the other 2 lots will be on 3 ½ acres. This will provide more rateables. Nothing is being proposed. Some of the parking for the existing building is on an adjoining lot. Asking for a use variance for the lot to be a parking lot.

A-1 tax map

Mr. Flannery reviewed Terry Vogts report. Parking is not permitted. They need the use variance for the parking lot. There are existing conditions. Not proposing any construction at this time. They will come back for the development of the 2 lots. Trash pick-up is by private collection. There is an existing building with existing parking.

Mr. Halberstam – Taking a parking lot and putting it on another lot. We don't know what is going on the other lots.

Mr. Dasti - when they come in for site plan for lot 2.02 they will have to show sufficient parking for a stand along.

Mr. Halberstam – the parking is working now – not comfortable with this.

Mr. Flannery – applicant want to sell 2.01 and development 2.02 and 2.03 at a later time.

Mr. Gelley – when he know what he wants to do with it he should come back.

Mr. Lankry - keep 2.02 and 2.03 together until he knows what he wants to do with it.
Lot 2.01 has no parking on its own –

Mr. Flannery – it has 56 parking spaces now.

The applicant does have an interested buyer – hey would like to carry and come back.

Just taking a piece of land and dividing it and not showing what is going to be on it, not in favor

Open to Public. Closed to Public.

Motion to deny – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam

Appeal # 4130 – Fairways at Lake Ridge, Block 524 Lots 2.03 & 77.02. Block 524.23 Lot 1, R-40 zone. Interpretation.

Mr. Halvorsen and Mr. Gonzalez left the dais and there were 5 members present.

Ms. Donato asked if there were alternates that can be called?

No.

Mr. Dasti advised that there will not be a vote tonight.

Michelle Donato represented applicant. Presented the testimony of her planner, and requested reports. Her planner is sick and could not be there tonight. Did not get all the documents that she needs.

Geoffrey M. Goll, civil engineer, sworn.

Board accepted his qualifications.

Mr. Goll – attended planning board meetings for the Park at Lakewood for the development of the Eagle Ridge Golf Course. Asked to review the definition of structure and how it relates to the 75 foot perimeter boundary setback. The definition of structure in the Unified Development Ordinance, is a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

A-29 – overall layout of The Park at Lakewood -This exhibit shows specific locations of retaining walls and detention basins.

Mr. Goll – In his opinion a retaining wall is a structure. A pergola is a structure. All the detention basins are surrounded by a retaining wall. A wall is a structure. Asphalt paving is also a structure. Do not believe that only a building is a structure.

Mr. Gelley – If there was any case law on structures?

Ms. Donato – will get you case law.

Michael Vitiello, attorney with Giordano, Halleran & Ciesla. Cross examined Mr. Goll.

Mr. Goll - Walls and fences are similar structures.

Ms. Donato - Wants the zoning officers opinion on what constitutes a structure.

Mr. Vitiello – No objection to carry until the March 2nd meeting.

Ms. Donato - Will not request another adjournment.

Motion to adjourn until March 2nd Zoning Board meeting – Mr. Gelley

Second – Mr. Ribiat

Roll call vote: affirmative – Mr. Gelley, Mr. Lankry, Mr. Ribiat, Mr. Ingber, Mr. Halberstam

No further notice.

Agreed to waive time.

Resolutions

Appeal # 3966C - Newport Estates, LLC, Newport & Bellevue Avenue, Block 498 Lots 1 & 10, Block 501 Lot 1.01, R-40 zone. Resolution to amend the previously approved subdivision to eliminate one lot and divide the project into 2 phases.

Motion to approve

All in favor

Appeal # 4131 – 910 Park Lkwd, LLC, Park Avenue, Block 232 Lots 2-5 B-4 zone.

Resolution to approve preliminary and final major subdivision approval for creating 18 duplex lots.

Motion to approve

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary