**ZONING BOARD OF ADJUSTMENT APRIL 3, 2017**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Ingber, Mr. Gross,

 Mr. Gonzalez, Mr. Halberstam

 Absent: Mr. Halvorsen

 Attorney: Jerry Dasti

 Engineer: Terry Vogt

 Court Reporter: Jackie Wahler

 Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of March 6, 2017 – Mr. Ribiat

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Ribiat, Mr. Ingber,

 Mr. Gross, Mr. Gonzalez, Mr. Halberstam

Request from Josh Schmuckler, **Appeal # 4020, Chani Halpern** to carry until May 1st – working out buffering andother issues with the neighbors.

Motion to carry until May 1, 2017 – Mr. Lankry

Second – Mr. Gonzalez

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

 Mr. Gonzalez, Mr. Halberstam

No further notice and waiver of time.

**Correspondence**

Letter from **Lakewood Municipal Utilities Authority** requesting courtesy review of site plan for 390 New Hampshire Avenue, Block 563 lot to develop a solar field.

Justin Flancbaum, affirmed. Proposing an addition to their administration building of 2,

500 square feet on each floor. Just asking for a building on a slab. Office space on first floor and then will finish the second floor. Plenty of room on site for parking spaces. 2nd proof is the solar field on top of the 2 ½ acres. The total site is about 8 acres. They have applied to CAFRA for approval.

Terry Vogt – it is a permitted use – no variances created.

Motion that it is compliant with our Master Plan – Mr. Lankry

Second – Mr. Naftali

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3952A – Lakewood Investments, LLC.** James Street, Block 344 Lots 1.01 & 1.02,

 R-12 zone. Preliminary and final major subdivision requested for the

 construction of duplex housing units.

Secretary read report.

**From: Terry Vogt, February 16, 2017**

The applicant is requesting preliminary and final major subdivision approval to construct a major subdivision including 8 duplex units. The application was bifurcated at the public hearing and a use variance was granted in resolution # 3952. The project will be constructed on the north side of James Street. The tract is proposed to be subdivided into new lots 1.03-1.10 in Block 344.

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Adam Pfeffer represented applicant.

William Stevens, Engineer/Planner, sworn. This is adjacent to the Bais Yaakov high School. They received a use variance for duplexes on this lot. The original plan had a cul-de-sac and the neighbors were concerned an asked that the plan be changed. They changed the plans and eliminate the cul-de-sac and they put in a court yard in the front. The project does conform to the R10B requirements except for side yard setbacks. They are asking for side yards of 5 ½ feet.

These lots are all oversized and very deep.

Terry Vogt – they are seeking side yard setbacks only.

A-1 elevation

Mr. Stevens - They will need a Home Owners Association. They had to make the courtyard in front and they will now have common area.

Mr. Pfeffer – They will now have 5 parking spaces per unit.

Mr. Stevens – HVAC units will be either in the side or the rear.

The Board was concerned with the side yard setbacks proposed for safety issues.

Mr. Stevens – the original application was a different plan but the neighbors did not like that plan so the board asked the applicant to revised the plan and face the duplexes on James Street. They did not want the rear yard facing their house.

Mr. Naftali - This is too dangerous at 5 ½ feet.

Mr. Stevens - they will revise to 6 feet.

Mordechai Eichorn, applicant, affirmed. If they have 7 foot setbacks they could build a 24 ¼ foot wide unit. Buyers are not happy with the narrow width. Other developments have been built with 6 foot side setbacks. They can restrict any fencing.

The board asked for 7 foot on the outside units and 5 feet between the houses and no fencing in the middle.

Open to Public.

Shloime Klein, affirmed. Number of units were not confirmed at the use variance approval. Also asked about a waiver of the paper streets.

Mr. Stevens - The paper streets are in freshwater wetlands and cannot be disturbed.

Mr. Klein – the cul-de-sac plan would have been much safer. Also the applicant’s name has not been declared.

Mr. Pfeffer – One lot is owned by Lakewood Investments, LLC and the other lot is owned by PD Credit Trust. Lakewood Investments, LLC is owned by Mordechai Eichorn.

Mr. Klein – he did not file the affidavit. The applicant has to identify himself. He is disclosing it now at the meeting.

Mr. Dasti - The application is incomplete without the applicant’s affidavit with who owns more than 10% filed 10 days prior to the meeting. The application is defective.

Mr. Pfeffer – it was an oversight. It should have been brought up at the tech meeting.

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Mr. Dasti – the correct ownership for the applicant should be on file 10 days prior to the meeting. Suggested that the applicant come back and be put on old business.

William Hovday, sworn – this is an incomplete application.

Closed to Public.

Motion to carry to May 1, 2017 to revise plans, and the affidavit of ownership be submitted –

Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Inger,

 Mr. Gonzalez, Mr. Halberstam

Mr. Dasti - The plans and the affidavit have to be filed in the office 10 days prior to the meeting.

**Correspondence** – Letter from Mr. William Stevens, Professional Design Services with a request to modify the proposed parking area behind building 4-3 and 4-14 in West Gate. Abraham Penzer represented the applicant. They will be losing 25 parking spaces but would like to keep the berm facing the road. The units are existing – The County made Central Avenue wider – where there should have been a parking lot there is a high berm that blocks it. They will replace it with an overflow lot and making Sanztown road one- way. They worked out their differences with the objector.

Objector was represented by Christopher Shea, attorney.

Mr. Shea – they worked out some conditions with the applicant. They will pave roads and stripe them, they have agreed to pave road and allow township police officers to patrol that area.

Mr. Stevens - There is an isolated lot off site for overflow parking area. There is an excess of 630 parking spots. The overflow lot has not been paved yet but it will be paved and striped. They will protect the intersections.

Mr. Penzer - Until the roads are dedicated to the town they are owned by us. The berm will allow the backs of the houses not to be seen from 528.

Motion to approve a change to allow the berm to remain even though they will lose 25 parking spaces – Mr. Naftali

Second – Mr. Lankry

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

 Mr. Gonzalez, Mr. Halberstam

Recess.

Chairman announced that Moshe Lankry had to leave and that Mr. Gross will be seated.

**Appeal # 4004 – Mark Properties**, Block 429 Lot 2, Pine Blvd. R-12 zone. Single family

 house w/variance requested for side yard setbacks.

Secretary read report.

**From: Terry Vogt, January 26, 2016**

The property is located in the R-12 single family residential zone. Single family dwellings are permitted. The existing property is non-conforming with respect to minimum lot area (7,500 square feet existing, 12,000 square feet required) and minimum lot width (50 feet existing, 90 feet required. Applicant is requesting bulk variance relief for aggregate side yard setback 10/20 feet proposed, 10/25 feet required.

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John Doyle represented applicant. They were heard in January. This is an isolated, undersized lot. They do not own adjacent property and they have offered to buy and sell adjoining property. The lot is undersized. They revised their footprint.

Brian Flannery, engineer/planner, sworn.

A-1 map submitted where 7 foot setbacks were proposed. They are also showing a by right house. 25 feet wide and 90 foot deep.

A-2 map of area

Mr. Flannery – the houses in the area are wider than 24 feet. Reduced the house size by 300 square feet. Asking for a side yard setback of 20 feet combined so they can build a 30 foot wide house. Lot coverage is only 22% where 30% is permitted.

Mr. Halberstam - So the whole area is woods. Seeking an approval for a lot in the woods. We have no idea what the future holds for this area. All the lots in the area are 50 feet wide. He can build himself a 25 foot wide house. Concerned that there are no houses around.

Mr. Flannery – the benefits outweigh the detriments. This area was recommended that this area be R-7.5 in the Master Plan. A-3 shows a nicer house than A-1. They cannot obtain more area or more width. Wider houses are more consistent with the houses in the neighborhood. Also asking for a 22% lot coverage where 30% is allowed. Some of the lots in the area may be deeper, but most of them are 50 feet wide. Hearthstone lots are approximately 8,000 square feet.

They will be extending the sewer.

Mr. Dasti - Mark Properties never owned either one of the adjacent properties.

Mr. Halberstam – he owns the lots 2 down.

Open to Public.

Shlomo Klein, affirmed. This applicant is asking the board to do spot zoning. He can build a 25 foot wide house.

William Hovday, sworn. This is spot zoning.

Yisroel Sommers, 117 Clairmont Court, affirmed. Please do not grant this variance.

David Teichman, 879 Hearthstone Drive, affirmed. Not in favor of this application.

Aaron Hirsch, 146 Mountainview Drive, affirmed. Asked about the ownership of the property.

Mr. Doyle - Mark Properties LLC is the owner of the property.

Chaim Dovid Tillin, 109 Clairmont Court, affirmed. Asked for this application be denied.

Closed to Public.

Mr. Doyle - Under C2 a 30 foot wide house is a better alternative than a 25 foot wide house.

Mr. Flannery - Most of the lots were created in the 1920’s. Zoning laws were not in effect.

Mr. Naftali - Would much rather have a 30 foot wide house than the long and narrow one. Suggested that the house bd 27 ½ feet wide and the 10 feet on the side of the township property and 12 ½ feet on the other side.

Mr. Doyle – agreed.

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Mr. Halberstam – still don’t know about the future

Motion to approve with the house being 27 ½ feet wide, 10 feet on the township property side and 12 ½ feet on the other side – Mr. Naftali

There was no second.

Motion died – lack of second.

Motion to deny – Mr. Gross

Second – Mr. Gelley

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

 Mr. Halberstam

 Nayes: Mr. Naftali

Brian Flannery requested that **Appeal # 4019 – Bentzion Weitzner,** 617 Ocean Avenue, Block 189 Lot 133, R-10 zone. Had to leave and requested to be carried until the May 1st meeting.

Motion to carry until May 1 – Mr. Ribiat

Second – Mr. Gonzalez

All in favor.

No further notice and a waiver of time.

**Appeal # 4015 – Jodi Gelb**, 302 & 306 Dewey Avenue, Block 247 Lots 17 & 18, R-7.5 zone.

 Use variance for 2 duplexes on undersized lots.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – February 15, 2017**

The applicant proposes to subdivide the existing tract into 4 separate zero lot line properties on which 2 duplexes are proposed. Both pairs of new duplex lots are proposed fronting on Dewey Avenue. Variance relief (minimum lot width, side yard setback) is required for the project.

Joseph Kociuba, KBA Engineering, sworn. The lot is 22,020 fronting on Dewey Avenue. The area is surrounded by duplexes. Proposing 2 duplex building 4 units. The lots are oversized. They require a lot width variance for the south lot. Odd shaped property, narrow in the front and wider in the rear. Use variance is needed. Over the 10,000 square foot lot requirement. The units are 24 feet wide. The hardship is based upon the shape of the lot. The trash enclosures will be in an enclosed fence in the front. The outside lots they could put the a/c units on the side. The inside units they would put the a/c units in the rear.

Mr. Halberstam – 5 feet is not enough.

Mr. Kociuba – Asked to carry until May 1st meeting. They will provide an amended plan with further spacing between the units.

Motion to table – Mr. Gelley

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Naftali, Mr. Ribiat, Mr. Ingber, Mr. Gross,

 Mr. Gonzalez, Mr. Halberstam

Agreed to extension of time.

Adam Pfeffer asked to carry **Appeal # 4018 – Zichron Chaim,** to the May 1st meeting.

Agreed to extension of time and no further notice.

Motion to carry – Mr. Gelley

Second – Mr. Ribiat

All in favor.

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**Appeal # 4017 – Harold Kaufman –**1494 Canterbury Road, Block 25 Lot 19, R-12 zone. To

 construct a single family home with bulk variances requested.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – February 17, 2017**

The applicant is seeking approval to remove an existing one-story dwelling and appurtenances and construct a larger, two-story single family dwelling. The applicant appears to be seeking (new) bulk variance relief for side and aggregate side yard setbacks, rear yard setback (for a deck) and impervious coverage. An existing shed in the northwest corner of the site will remain.

Miriam Weinstein represented applicant. The full time resident of the applicant will be the children of the applicant. He would like a guest suite so when they come to Lakewood they have a comfortable place to stay.

Brian Flannery

A-1 plans submitted

A-2 subject property and lots within 200 feet.

Mr. Flannery - Out of 22 homes there are 16 lots that do not conform to the R-12 zone. They could center the house and then have the 10 and 10 setbacks. Asking for 35.4% lot coverage where 30% is permitted.

Mr. Halberstam – have a problem with the guest suite.

Mr. Flannery – open from the inside.

Ms. Weinstein - There is a house behind this lot owned my Mr. Markowitz. .

Mr. Flannery - There is an existing shed 2 feet from the property line. If the Board wants they will remove the shed.

Mr. Ribiat - why does the guest suite have steps to the basement?

Mr. Flannery – they will remove the steps from the guest suite to the basement.

Mr. Dasti – There are two separate exterior steps to the basement,

Ms. Weinstein – there will only be one outside steps to the basement. Applicant agreed to 10 feet on each side. Applicant is building a house and his daughter is going to live in it.

Open to Public – Closed to Public.

Mr. Flannery - The applicant will cut the lot coverage to 32½ %. There is enough room to add 2 more parking spots.

Motion to approve with 32 ½ % lot coverage, 1 exterior entrance to the basement, remove the interior steps from the guest suite to the basement, side yard setbacks 12 feet and 8 feet, 4 parking spaces – Mr. Gelley

Second – Mr. Gonzalez

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

 Nayes: Mr. Halberstam

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**Resolutions.**

**Appeal #3921, 645-647 Stirling Avenue**, Block 189 Lots 137.01 & 137.02 approved request to amend conditions of the resolution.

All in favor.

**Appeal # 3948 – Esther Gluck,** 516 Ashley Avenue – revised resolution.

All in favor.

**Appeal # 3990 – Shlomo Kanarek**, West County Line Road, Block 2 Lots 2, 3, 24, 51 & 58,

R-12 zone. Resolution to deny use variance for townhomes.

All in favor.

**Appeal # 4013 – David Birnbaum** – 255-269 Ocean Avenue, Block 249 Lots 9, 10, 11 & 12,

R-7.5 zone. Resolution to deny a use variance for 4 duplexes on undersized lots.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:15 P. M.

Respectfully submitted,

Fran Siegel, Secretary