**ZONING** **BOARD JULY 13, 2015**

**MINUTES**

Meeting properly advertised as per sunshine law.

Roll call: attending: Mr Havorsen, Mr Mund, Mr. Naftali, Mr. Ingber, Mr. Gonzalez,

Mr. Halberstam

Arrived late: Mr. Gelley, Mr. Lankry

Absent: Mr. Ribiat

Also attending: Terry Vogt, Engineer/Planner

Jerry Dasti, Board Attorney

JackieWahler, Court Reporter

Fran Siegel, Secretary

Salute to the Flag.

Correspondence

Mr. Gelley arrived and was seated.

Letter from Mr. Stevens, re: Nitto Denko Automotive

Mr. Dasti – the issue is whether glue as processed is a permitted use.

Mr. Penzer read letter from Harold Hensel, Township Attorney.

Mr. Penzer - Glue is one of the processes in order to make adhesives.

Mr. Halberstam – the ordinance will stay intact.

The Board discussed the issue and determined that this process would be a permitted use.

Terry Vogt - He is making adhesives as part of the process for other end products.

Mr. Dasti - The ordinance prohibits the manufacturing of glue.

The Board discussed the issue and determined that this process would be a permitted use.

Motion to approve use Mr. Naftali,

Second – Mr. Gelley

Roll Call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Mund, Mr. Naftali, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3897 – NAPCO Const.** 415, 419 & 421 Manetta Avenue, Block 243 Lots 34, 35, 36 &

38, R-7.5 zone. Proposed 4 duplex units.

This is a continuation of a previous meeting.

Mr. Halberstam stepped down,

Secretary read report.

**From: Terry Vogt, Engineer/Planner**

The applicant proposes to construct 4 duplex dwellings on 8 zero lot line lots. The proposed lots will be known as lot 34.01 - 34.08. Three existing dwellings and appurtances will be removed. A use variance is required as duplexes in the R-7.5 zone requires a minimum of 10,000 square feet where 9,100 – 9,125 square feet is provided for each duplex. Front yard setback variances from the proposed private internal access drive are required as a result of plan changes. Variances originally required for building coverage appeared to have been eliminated because of design changes.

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John P. Doyle, attorney for applicant. Prepared to start this application from the beginning. Design changes have significantly be changed so members that were not here can hear this new application. There was re-notice.

Mr. Halberstam returned to the board.

Brian Flannery, sworn.

A-1 rendering of plans submitted

A-2 tax map

A-3 architectural rendering

A-4 photos of the 4 existing houses to be removed.

Mr. Flannery – Application for 4 duplexes, 8 units on a 36,500 square foot property. This is an area in need of redevelopment. Two of the lots are 9,150 square feet and two are 9,100 square feet. They are 9% under the density permitted by ordinance. 8.71 units per acre are permitted and they have 9 units per acre. The units are only 2,700 square feet. Variance also required for front yard setback inside the private drive. There will be 4 parking spaces per unit. There are 32 parking spaces. There will be a 4 foot fence all around and an 8 foot fence on the northern part of the property adjoining lot 4 & 5. They are taking 3 lots that are in need of re-development on a land locked property and making the property useable. They will satisfy the comments in Mr. Vogts report. They will meet with Public works and will provide trash as directed by Public Works. There will be sidewalks on Manetta Avenue.

Mr. Gonzalez – this is a very tight project.

Mr. Lankry – this is a little crowded. Concerned about safety.

Open to Public.

39Yosef Wachs, 180 Ridge Avenue, affirmed. In favor of the project, taking away bad people and bringing in good people.

Solomon Weinberger, 416 Manetta Avenue, affirmed. In favor of the project, will greatly enhance the quality of the neighborhood.

Samuel I. Neumann, 408 Manetta Avenue, affirmed. In favor of the project. This will make the neighborhood safer.

Yaakov Dreyfuss, 416 Manetta Avenue, affirmed. Agree with his neighbors that this is a good project.

Closed to Public.

Mr. Naftali – this plan does not fit properly. The neighborhood does need this project.

Mr. Doyle – this is good for the neighborhood.

Mr. Halberstam – the place needs to be revitalized. Concerned about the safety and the cars parking.

Mr. Flannery – if use is granted they will come back for site.

Mr. Gonzalez – would like to see a triplex on each side.

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Motion to approve use for up to 7 units – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Naftali,

Mr. Halberstam

Nayes: Mr. Gonzalez

**Appeal # 3905 – 5 Oak Street,** Block 782.01 Lots 5 & 11, Oak Street, HD-7 zone. A use

variance to construct 10 duplexes on 20 zero lot line lots with lot area

deficiency.

**From: Terry Vogt, Engineer/Planner – May 20, 2015**

The applicant requests a use variance and other relief necessary to construct 10 duplex buildings on 20 zero lot lines on 2.348 acre property. A use variance is required due to an exceedance in the proposed density. Approximately 8.5 units per acre proposed 8 units per acre allowed. Bulk variances are also sought for lot size.

Miriam Weinstein, attorney for applicant. In the HD-7 & zone duplexes are permitted if all the conditions are met on 8,500 square feet.

Brian Flannery, sworn. The application is for developing a property with duplexes. They have 8,471 square feet. The relief that is requested is de minimus.

Mr. Gonzalez – take one house down and go to the planning board.

A-1

Mr. Flannery – the blacktop will be 32 feet wide with 4 feet of pavement on each side. They will meet with Public Works to determine if they will maintain it or it will be a private road.

Mr. Vogt - Normally there is a 50 foot right of way and a 30 foot cartway.

Mr. Lankry – think that you need to lose a unit to make the cul-de-sac and parking on the sides.

Mr. Flannery – they made the front lot bigger to set them further back from Oak Street.

Open to Public. Closed to Public

Motion to approve with the last 2 units not being built and until then it will be a cul-de-sac, the width of the road will be right of way will be 40 feet and the pavement is 32 feet - Mr. Gelley

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr.Gelley, Mr. Halvorsen, Mr. Mund, Mr. Halberstam

abstained: Mr. Lankry

nayes: Mr. Naftali, Mr. Gonzalez

Mr. Dasti – abstain is a no.

Motion denied.

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**Appeal # 3910 – NJ American Water,** 8 Teaberry Court, Block 27 Lot 29, R-12 zone. Use

variance to construct a below grade sanitary sewer pump station.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 24, 2015**

The applicant proposes to demolish an existing single-family residential dwelling and a swimming pool on the property and construct a pump station, including a below grade wet well and submersible pump system, a new valve vault, and a controls building that will also house an emergency generator. The project will also include site piping, new fencing, a new driveway and other related improvements. The proposed new pump station is intended to replace two existing pump stations in the area that are described as near the end of their useful life. The project also includes the installation of approximately 3,650 linear feet of new sanitary sewer service to a number of surrounding streets in the area, which includes the removal of some existing sanitary lines and the abandonment in place of some other lines.

Neill Obrien, attorney for applicant. This is not new service to the homes. This is replacement sewer service and will improve the sewer service. They met with neighboring property owners to try and alleviate some of their concerns. They have revised their plans. They had an approval in 2012 for a station on County Line Road but could not obtain County approval for the site.

Adam Kane, project manager

Brian Dougherty, civil engineer

Andrew Thomas, professional planner

Professionals were sworn in.

Ron Gasioroski, represented objector Izzy Bleir, adjacent property owner. Has an objection in regard to the notice.

A-1 area map

A-2 photo of Teaberry Court with grades

A-3 revised site plan

A-4 landscape plan

A-5 elevation of proposed building

A-6 rendered 3D elevation

Board accepted Brian Dougherty’s qualifications

Mr. Dougherty – this project will benefit the neighborhood. There are two primary feeders going to this station. The existing stations are at their end of their life expectancy. Neither station has standby emergency power. If there was a loss of power for a period of time, it would be very difficult to get sanitary sewer service to this area. Buckwald and Teaberry would be affected first. This particular site is proper because the depth of the sewers. The control building is a 22 x 22 square foot structure which will house an emergency generator. There will be one water company vehicle a day checking the operations. No need for fuel deliveries, natural gas. Comply with residential noise ordinances. There is a carbon filter cartridge on the ventilation pipe which will ensure no odor issues.

A-7 comparison submission and revised plan.

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Mr. Dougherty – There are plantings and fencing. The fence will be 8 foot high for security purposes. To consider the concerns of the neighbors they moved most of the site closer to Teaberry Court. Along the side property lines they will provide landscaping to provide year round screening.

Mr. Mund has the county seen this proposal

Mr. Dougherty - Ocean County has not seen this proposal because they are not doing work in the County road.

Mr. Obrien - The depth of 35 feet is achieved on Teaberry not on County Line Road.

Mr. Dougherty - they did try to upgrade the existing pump stations. Would not provide for the generator. The existing lift stations could not handle the technology of the new stations.

Mr. Naftali - How many houses will this serve?

Mr. Dougherty - The existing pump stations are working. They are maintenance problems. The noise is minimal, the pumps are located in the wet well. The generators are only used when there is a power outage.

Mr. Kane, project manager for the NJ American Water Co. – Building one behind the Louisberg Square complex. That station is replacing an existing station inside the Louisberg Square complex.

Andrew Thomas, professional planner.

Board accepted his qualifications.

Mr. Thomas – reviewed the zoning ordinance, the plan, visited the site, review letter from Mr. Vogt. The sanitary sewer station would replace a dilapidated residence. Will provide improved service in the neighborhood. Public utilities are permitted along the HD-6 zone, DA -1 and the M-1 & M-2 zone. Public utilities and pump stations are not a permitted use in the R-12 zone.

Located precisely where a force main is necessary. NJ American water is upgrading its infrastructure in connection with provision of sanitary sewer service. The lift station would improve and maintain the effectiveness and safety and reliability of sewer service.

Mr. Gasiorski represents Mr. Bleir, adjacent property owner.

Mr. Gasiorski cross examined Mr. Dougherty.

Mr. Dougherty – the area that the Teaberry lift station would serve is West Kennedy Blvd, Teaberry Court, some properties on the other side of West Kennedy Blvd and the other side of Teaberry also down to the existing lift station. They are not expanding area of service only replacing an existing area with a new lift station. Any work done in the roadway will be restored to the Townships specifications. Any work done in the roadway will be require a road opening permit. They build the lift station first. The length of time for the roadwork to be done would be 4-6 weeks. The road work will be done from curb to curb. At the completion of the project the system itself will be more reliable.

Mr. Gasioroski - Could the existing system be upgraded?

Mr. Dougherty – they did a study to upgrade the system and it is not feasible. There are outside lights only will be turned on during an emergency to maintain service.

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Chairman announced that his application will be carried until August 31st so that they continue the agenda.

Motion to carry with no new notice required – Mr. Gonzalez

Second - Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Naftali,

Mr. Gonzalez, Mr. Halberstam

**Appeal #3913** – **Congregation Tiferes Shulem**, 415 Monmouth Avenue, Block 159 Lots 18 &

19 Proposed building addition

Mr. Halberstam recused himself.

Secretary read report.

**From: Terry Vogt, Engineer/Planner**

The applicant is requesting site plan and variance relief for a 3,225 square foot first floor and partial second story addition to build an existing synagogue building located on the subject proper. An existing 2 story dwelling will remain on the northwest corner of the property. Another existing dwelling will be removed for the construction of the building addition. Other than building addition access and draining improvements no additional site improvements are proposed.

Abraham Penzer, attorney for applicant.

Sam Brown, attorney for **Appeal # 3917**, Primeland Holdings, James Street requested to be carried until August 31st

Motion to carry - Mr. Gelley

Second - Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Naftali,

Mr. Gonzalez

Mr. Penzer - Doing a building addition of about 3,000 square feet with drainage improvements. There is a dual use a synagogue and the rabbi lives in the residence. Will comply with all conditions of Mr. Vogts letter.

Open to Public. Closed to Public.

Motion to approve – Mr. Mund

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Naftali,

Mr. Gonzalez

**Appeal # 3912 – 126 Forest Developers,** 1255 Prospect Street, Block 396 Lot 1, M-1 zone.

Use variance for a retail/office building.

Secreatry read report.

**From: Terry Vogt, Engineer/Planner – June 15, 2015**

The applicant is requesting use variance approval necessary for the redevelopment of the existing self-storage facility into a new multi-use facility. Proposed facilities as identified on the variance plan and the zoning application include a 30,000 square foot supermarket with lower level

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inventory storage area and a two story 72,000 square foot office building. As depicted on the variance plan 508 off street parking spaces are proposed to service the facility.

Brian Flannery, planner/engineer. The application is for a use variance,

A-1 tax map

A-2 rendering of plan submitted

A-3 colored rendering

A-4 variation of A-2 showing a bank

Mr. Flannery - Not asking for any site, only use. Asking for multi-use commercial type

development.

Mr. Flannery read some of the permitted uses in the M-1 zone.

Ron Gasiorski, attorney representing Excel business park adjacent property. The new plans show a bank and all the previous plans did not show a bank. Questioned the notice that does not refer to the bank. In his opinion the notice is defective.

Mr. Penzer – will withdraw the part with the bank and will just ask for retail.

Mr. Dasti – the plans with the bank had to have been in Ms. Siegels office 10 days prior to the meeting,

Mr. Penzer – this is for a use variance only, office and retail establishment only. This is a bifurcated application.

A-4 is irrelevant.

Mr. Dasti – application is a for a use variance for up to a 30,000 square foot supermarket with lower level inventory storage area, 2,000 square foot office building and 508 parking spaces. He can bifurcate this application.

Mr. Flannery – this application is to allow a multi-use facility which consists of a supermarket and an office building. A-2 shows a building with a 30,000 square foot supermarket and a 72,000 retail office/building. Retail on the bottom and office on top. They do need CAFRA approval. Mr. Flannery described the area and the existing uses. This facility will accommodate the residential in the area.

Mr. Flannery read the permitted and conditional uses permitted in the M-1 zone but they do not serve the surrounding area and are much more intense. This proposal has a tax rateable. There will be approximately 2,000 residential units in the area and this will service them. Traffic will be discussed at site plan and they will have to get approval from the County because Prospect Street is a County road.

Chairman announced that it was 11:00 P.M. and this application will be continued on August 31, 2015.

Motion to carry - Mr. Naftali

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Naftali,

Mr. Gonzalez, Mr. Halberstam

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Resolution

**Appeal # 3911- Avi Locker,** 1281 Central Avenue, Block 12.04 Lot 50, R-12 zone. Resolution to approve a front yard setback of 16 feet where 30 feet is required.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Naftali,

Mr. Gonzalez, Mr. Halberstam

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary