**ZONING BOARD OF ADJUSTMENT JANUARY, 4, 2016**

**MINUTES**

Meeting properly advertised in accordance with the NJ State Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Mund, Mr. Ribiat

Also attending: Christopher Dasti, Board Attorney

Terry Vogt, Engineer/Planner

Fran Siegel, Secretary

Salute to the flag.

Board members went into closed session to discuss the proposals for the attorney, engineer and planner.

Mr. Gelley made a motion for the firm of Dasti, Murphy, etc for the year 2016

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

Mr. Lankry made a motion for the firm of Remington & Vernick for the Board engineer for the year 2016.

Second – Mr. Naftali

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

Mr. Gonzalez, Mr. Halberstam

Mr. Lankry made a motion for the firm of Remington & Vernick for the Board planner for the year 2016.

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

Motion was made by Mr. Gelley for Fran Siegel for Board Secretary for the year 2016.

Second – Mr. Ingber

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

Mr. Gonzalez, Mr. Halberstam

Motion for Abe Halberstam as Chairman for the year 2016 – Mr. Gonzalez

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

Motion from Mr. Ingber for Obi Gonzalez for Vice Chair.

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

Motion to accept the minutes of December 7, 2015 – Mr. Gonzalez

Second – Mr. Ingber

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

Motion to accept the Calendar for 2016 – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

**ZONING BOARD OF ADJUSTMENT JANUARY, 4, 2016**

**MINUTES PAGE 2.**

Motion to accept the Annual Report for 2015 – Mr. Halvorsen

Second – Mr. Ingber

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

Mr. Gonzalez, Mr. Halberstam

Secretary announced that **Appeal # 3928, Leah Strulovics** was not noticed and would not be heard.

Adam Pfeffer requested that **Appeal # 3925, Kochav, LLC,** be carried until the February 2nd,

The traffic report was not finished.

Motion to carry to February 1st with re-notice – Mr. Halvorsen

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

Agreed to waive time and will re-notice

Correspondence from Glen Lines re**: Appeal # 3856, Aryeh Weinstein,** Block 232 Lots 11 & 14 – requesting HVAC units on the side instead of the rear of the building.

Glen Lines, engineer, was sworn. One of the conditions of the resolution was that the HVAC units be located in the rear of the property. Mr. Lines testified that they couldn’t put the a/c units in the rear of the building. There was nowhere else to put them but on the side.

Mr. Lankry – a/c units are more efficient on the side.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3931 – Eli Lerner – 20-12th Street**, Block 150.04 Lot 19, R-10 zone. To construct a duplex on an undersized lot. Required 12,000 – proposed 9,125.

**Secretary read report from: Terry Vogt, Engineer/Planner – October 6, 2015**

The applicant is seeking conditional use variance relief to construct a duplex as illustrated on the variance map. Existing development abutting the property appears to be primarily residential in nature. A two-story single family home exists on site which will be removed. As illustrated on the Variance plan the applicant proposes installing a head-in paved parking area to provide four off street parking spaces per each duplex unit (8 spaces total) No architectural plans have been submitted. Duplex housing is permitted provided that a minimum lot area of 12,000 sf and a minimum lot width of 75 feet is provided. Lot 19 is 9,125 sf. and 73 feet wide.

Adam Pfeffer, represented applicant.

Brian Flannery, engineer/planner, sworn.

A-1 rendering of surrounding area.

A-2 tax map with zone line designation

Mr. Flannery testified that the property abuts the R-7.5 zone line.

Chairman – there is not enough lot area for a duplex in the R-7.5 zone.

Open to Public.

Closed to Public.

**ZONING BOARD OF ADJUSTMENT JANUARY, 4, 2016**

**MINUTES PAGE 3.**

Motion to deny – Mr. Gonzalez

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3922 – 1500 Prospect Street, LLC,** 1500 Prospect Street, block 490 Lot 43, M-1 zone. Use variance for 10 duplexes.

Secretary read report from: **Terry Vogt, Engineer/Planner – December 21, 2015**

A use variance was granted for the construction of a townhouse development and amenities (Appeal # 3768) in 2011. The applicant is seeking amended use and preliminary and final major subdivision approval and necessary variances to construct duplexes on the property. The subdivision plan depicts 10 duplexes (20 residential units). The duplex lots are based on the 8,500 sf lot minimum and 40% maximum building coverage allowed per 2014 UDO amendments to section 18-2014 (duplexes) for zones in which townhouses are a permitted condition use. Since townhouses are not a permitted, nor conditionally-permitted use in the M-1 zone, relief is also necessary for use of the 8,500 sf duplex lot standard and the 40% lot coverage standard.

Letter submitted from Mr. Liston who was representing the objectors that an agreement was made between the applicant and the association.

Aryeh Follman, 11 Chardonnay Court, affirmed.

Yaakov Jundef, 9 Cabernet Court, affirmed

Mr. Follman and Mr. Jundef testified that the applicant will build a shul to accommodate 80 people and they will build a tot lot around the property and will spend a minimum of $25,000 on playground and equipment.

Sam Brown represented applicant. Sit was approved for townhouses. This is a better plan. They have now included a shul. There will be 10 building, 20 homes.

Brian Flannery, engineer/planner, sworn. The plan was revised for 9,000 square foot lots and 40% maximum building coverage.

A-1 rendering of tax map

A-2 proposed development

A-3 copy of plan showing 9,000 square foot lots.

A-4 – architectural plan

Motion to approve with the following conditions: Mr. Lankry

1. The lots will be 36 feet x 120 feet minimum
2. The lots will be 9,000 square feet minimum
3. There will be a 32 foot cartway and a 50 foot right-of-way
4. They will add 5 or 6 parking spaces
5. Kiddush room will be in the basement
6. There will be no mikvah
7. No a/c units within 5 feet of the property line
8. Garbage will be in the front of the units and screened
9. Internal staircase to attic
10. Entrance to basement will be in the front

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

**ZONING BOARD OF ADJUSTMENT JANUARY 4, 2016**

**MINUTES PAGE 4**

**Appeal # 3936, Mordechai Zafrani** – requested to carry until February 1st meeting.

Motion – Mr. Gelley

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3935 – Ketan Mehta,** 1267 Route 70, Block 1160.01 Lot 256, B-5 zone. Minor subdivision – existing lot with a car wash (non-conforming) to be subdivided.

**Secretary read report from: Terry Vogt, Engineer/Planner – December 22, 2015**

The applicant seeks variance relief and minor subdivision approval to subdivide and existing 160,000 square foot property into 2 new commercial lots. The property is located within the B-5 zone. The applicant’s engineer indicates that the existing car wash has previously received a “d” variance. By reducing the lot size where the car wash use will remain, it will intensify the existing (permitted) use, thereby creating the need for use variance relief for the expansion of a pre-existing, non-conforming use.

Adam Pfeffer, represented applicant.

A-1 Aerial photo

A-2 copy of subdivision map

Ian Borden, engineer/planner, sworn.

Mr. Borden – This is a 3.7 acre parcel. There is a “auto spa” (car wash) on the property that was granted a use variance in 2003. They are not changing the existing car wash parking. They will build a permitted use on the subdivide lot.

Mr. Pfeffer – There is no plan for the property now.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3899A – Dov Kaufman,** 1122 E. County Line Road, Block 193 Lots 1, 2, 3 & 5, R-12 & R-15 zone. Use variance granted – site plan.

**From: Terry Vogt, Engineer/Planner – December 22, 2015**

The applicant has previously requested and obtained a use variance for the retail-office building in a residential zone. The applicant is now requesting preliminary and final site plan approval to construct the two-story retail/office building. A front yard setback to Yates Street Hs been requested. A setback of 16 feet is proposed where 30 feet is required.

Sam Brown represented applicant.

Nicholas Graviano, planner, sworn.

William Vogt, Jr. Engineer, L2A land Design, sworn.

Scott Kennel, traffic engineer, sworn

**ZONING BOARD OF ADJUSTMENT JANUARY 4, 2016 MINUTES PAGE 5.**

Mr. Graviano – retail and office use variance approved – they conform to the resolution. There will be 12,000 of retail, second floor will be medical/office. There are 127 parking spaces. It will be a 2 story building. They will conform to signage requirements. The HVAC units will be located on the roof of the building.

A-1 Plans submitted 12 pages

A-2 color rendering of site plan

A-3 Aerial of the property

A-4 site plan with truck and garbage circulation

Chairman had concerns with regard to increased traffic flow for deliveries to the property.

Mr. Vogt – there will be parking in the front and rear of the building. They are requesting no variances. Variance was previously granted for front yard setback. The proposed building will have access to County Line Road. The property is bordered on its remaining 3 sides by paper streets. The applicant does not propose to improve any of these 3 unimproved right-of-ways. They are subject to Ocean County Engineer reviews. The applicant agree that the property would be used for a multi-tenant use. Office use parking would be in the front of the property and the retail use parking will be in the rear of the property. All deliveries for the retail will be directed to the rear of the property. The property to the west which abuts an existing school, will have a 6 foot high fence run along the property line. The applicant will be contacting the Township to request for a vacation of the paper street which will increase the buffering to the school. There will be no retail food operation on the property greater than 4,000 square feet.

Open to Public.

Avraham Mandel, 1155 Carolina Street, affirmed. Concerned about people using his street as a turn-around.

Applicant agreed to explore signage for Kalie Street such as no u-turn signs.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

Motion to carry - **Appeal # 3937 – Somerset Assets**, 306 Chestnut Street – carried until February 1st – Mr. Lankry

Second – Mr. Halvorsen

All in favor.

**Resolutions**

**Appeal # 3481A, Eli Schwab,** Block 2.05 Lots 6 & 18 – Resolution approving a change in the proposed use of the building to allow for mixed office and medical office. 27 additional parking spaces have been added to accommodate the medical use.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

**Appeal # 3694AA, Stamford Hills,** Block 1159, Lots 19, 41, 43, 44 & 85 – Resolution approving an increase in the size in the community building.

Motion to approve – Mr. Gonzalez

Second – Mr. Ingber

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

**Appeal # 3934 – 363 Chestnut Street**, Chestnut Street, Block 1096 Lot 2, R-20 zone. Resolution to approve a use a use variance to allow the construction of 6, 10,000 square foot lots where 20,000 is required.

Motion to approve –Mr. Gelley

Second – Mr. Ingber

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

Motion to adjourn.

All in favor.

Meeting adjourned at 11:05 P.M.

Respectfully submitted,

Fran Siegel, Secretary