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

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law

Roll call: attending: Mr. Halvorsen, Mr. Ingber, Mr. Lankry, Mr. Gonzalez,

Mr. Halberstam

Absent: Mr. Gelley, Mr. Naftali, Mr. Mund, Mr. Ribiat

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Salute to the flag.

Motion to approve minutes of March 7, 2016 – Mr. Halvorsen

Second – Mr. Gonzalez

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

Request from Brian Flannery for 2 one year extensions for **Appeal # 3758, Lakewood Realty,**

Permit extension act expires June 30, 2016. He would like to have two one year extensions until June 30, 2018.

Motion to approve extensions – Mr. Lankry

Second – Mr. Halvorsen

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

Mr. Halberstam

Mr. Chairman announced that there were only 5 members and any use variance would

require 5 affirmative votes.

**Appeal # 3936, Mordechai Zafrani**, request to carry to May 9th

**Motion to carry – Mr. Lankry**

**Second – Mr. Ingber**

**Roll call vote: affirmative: Mr. Halvoresen, Mr. Lankry, Mr. Ingber, Mr. Gonzalez,**

**Mr. Halberstam**

**No re notice and a waiver of time.**

Request from Brian Flannery to carry **Appeal # 3917, Primeland Holdings**

Motion to carry to May 9, 2016 – Mr. Lankry

Second – Mr. Gonzalez

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

Mr. Halberstam

No renotice and agreed to waive time.

**Appeal # 3955, Obed Gonzalez** – requested to carry until May 9, 2016

Motion to carry – Mr. Ingber

Second – Mr. Halvorsen

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

No re-notice and a waiver of time.

Request from Brian Flannery to carry **Appeal # 3958 – Success Homes Capital** until May 9th.They will meet with neighbors to work out issues.

Motion to carry Mr. Lankry

Second – Mr. Ingber

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

Mr. Halberstam

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**MINUTES PAGE 2.**

**3940 – Yosef Weiss,** 236 Clover Street, Block 536 Lot 181, R-40 zone. Use variance for a

triplex.

Heard February 1, 2016 – board suggested that he meet with adjoining property owner

**From: Terry Vogt, Engineer/Planner – January 4, 2016**

The applicant proposes to redevelop an existing single-family property by constructing a triplex at the site. The applicant requests use and bulk variance relief necessary for the construction of the triplex.

Brian Flannery, engineer/planner sworn. – Applicant would like to construct a three unit townhouse. Meeting with the neighbor did not work out. There are no single family homes in the area. This lot is surrounded by public housing.

Mr. Dasti – this proposal is to demolish an existing single family home. There is only this one and one other home in the R-40 zone in the area. Much of the area is township owned. It is near public housing, much open space and a cemetery. He provided testimony at the last meeting as to the positive and negative criteria for the use variance. Requesting 7 foot side yard setbacks.

The side yard requirement for the R-40 zone is 15 foot minimum and 40 combined.

A-1 tax map

A-2 variance map.

Chairman asked for a narrower building and more of a side yard.

Mr. Flannery - applicant agreed to taking 4 feet off the 30 foot units and will have 10 foot side yards.

Open to Public. Closed to public.

Motion to approve a triplex with 10 feet on each side – Mr. Gonzalez

Second – Mr. Halvorsen

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

Mr. Halberstam

Adam Pfeffer, attorney for **Appeal # 3947, Elad Gebus,** requested to carry until May 9th.

Motion to carry to May 9th – Mr. Ingber

Second – Mr. Gonzalez

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

Mr. Halberstam

No further notice.

Agreed to waive time.

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

variance for duplex housing.

Motion to carry until May 9th – Mr. Gonzalez

Second – Mr. Halvorsen

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

Mr. Halberstam

No further notice –Agreed to waive time.

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**MINUTES PAGE 3.**

Chairman announced that **Appeal # 3949 and Appeal # 3950** will be taken as one application but will have two separate votes.

**Appeal # 3949 – Moshe Blech**, Forest Drive, Block 12.01 Lot 8. Variance requested for

side yard setbacks.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – February 16, 2016**

The applicant is proposing to construct a single family dwelling on the property and requires bulk variance relief for: side yard setback – 5 feet proposed – 10 feet required and aggregate side yard setback – 15 feet proposed – 25 feet required.

Roberta Burcz, Attorney for objectors.

Notice is defective. The notice does not say what kind of variances they are going for.

Application is defective. Does not identify all variances required. It says has a previous application has been filed and it is checked no. This is the 5th and 6th application on these lots and was denied by the Zoning Board. There are no architecturals filed.

Mr. Dasti – he read the statute and determined that the notice is sufficient and includes all requirements. There is no use variance requested. The application is satisfactory.

Mr. Vogt – Lakewood ordinance does not require architecturals for purpose of a variance request.

Brian Flannery, sworn. This applications is different than the other applications. On this lot they are allowed by right to build a 25 foot wide house.

Mr. Dasti - There were variance applications on these lots. The Township has amended the ordinance and do not need a lot width and lot area variance.

**A-1 Variance map**

**A-2 tax map**

**A-3 copy of A-1 – proposed dwelling**

**A-4 Ordinance 2009-28**

**A-5 Zoning permit**

**Mr. Dasti determined that the application is satisfactory. This may be the same property but they are asking for different relief. The applicant has to provide evidence that this application is different and then the board can decide if it is res judicata.**

**Ms. Burcz said that she had no objection to both applications being heard together.**

**Mr. Flannery – copy of ordinance 2009-28 which says that a single family residential dwelling may be constructed on a vacant non-conforming lot as long as it meets all the setbacks and height requirements for the zone. They are entitled to build a 25 foot wide house. Now asking for**

**bulk variances for side yard setback. Will amend the application and request lot area and lot width variances. Not requesting lot coverage variance.**

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**MINUTES PAGE 4.**

**Motion to carry to May 9 to revise application and re-notice – Mr. Lankry**

**Second – Mr. Gonzalez**

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

**Mr. Halberstam**

**Appeal # 3950 – Yechezkal Eider,** 54 Forest Drive, Block 12.01 Lot 24, R-12 zone. To construct a single family home with variance requested for side yard setback of 5 feet where 10 is required.

**From: Terry Vogt, Engineer/Planner – February 18, 2016**

The applicant is proposing to construct a single family dwelling on the property and requires bulk variance relief. The applicant is requesting bulk variance relief for; side yard setback, 5 feet proposed and 10 feet required and aggregate side yard setback, 15 feet proposed – 25 feet required.

**Motion to carry to May 9 to revise application and re-notice – Mr. Halversen**

**Second – Mr. Ingber**

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

**Mr. Halberstam**

**Appeal # 3951 – 525 Chestnut LLC,** 525 Chestnut Street, Block 1159 Lot 41.01, R-20 zone.

Use variance for 2 duplexes.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – February 18, 2016**

The applicant is proposing to construct 2 duplex buildings on the property and requires use and bulk variance relief. Duplexes are not permitted in the zone.

Miriam Weinstein, attorney for applicant. This is for a use variance for 2 duplex structures in the R-20 zone. The property is between Andrews Corner apartment complex and Stamford Meadows, a townhouse project. Directly across the street is an office building. This site would not be appropriate for a single family home.

Brian Flannery, sworn – this use fits in the neighborhood. He described the neighborhood which includes an apartment complex, a townhouse project and commercial use. The wetlands corridor in not near this project.

A-1 copy of plan

A-2 tax map showing subject property and properties in the area.

Mr. Flannery asking for lot area for duplex. Will come back for subdivision. Chestnut Street is a County Road. There will be no backing out onto the street. Applicant agreed to revise the plan to 10 foot side yard setbacks.

Mr. Halberstam asked that the house be made narrower to have a 10 foot side yard setbacks.

Applicant agreed to side yard setbacks of 10 and 10. The units will be made smaller. Will come back with a subdivision map. This is a County Road.

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Open to Public. Closed to Public.

Motion to approve use to construct 2 duplexes with no backing out – Mr. Lankry

Second – Mr. Ingber

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

Mr. Halberstam

Recess.

**Appeal # 3954 – Belz Center of Lakewood,** Grove Springs Court & Grove Drive. Block 1081

Lot 12.01. To construct a 4,200 square foot clubhouse building.

Secretary read report

**From: Terry Vogt, Engineer/Planner – February 18, 2016**

Resolution # 3816 granted the construction of 40 townhouse units including a 40 x 75 foot clubhouse, one floor with a mezzanine and an unfinished basement. As part of the current application the applicant is requesting amended Board approval to permit a 50 foot x 84 foot clubhouse. The basement would be finished and contain various amenities. The first floor of the building will contain a 2,503 sf Bais Medrash room as well as a secondary Bais Medrash. The second floor has an elevated (open) ceiling over the first floor Bais Medrash, an office and other facilities.

Miriam Weinstein, attorney for applicant. This application is for the expansion of the Belz Shul. The original application including a clubhouse was approved by this board. Harmony Park is completed and the Vine Park development is under construction. The shul that services the Harmony Park development is already too small to accommodate the needs of that neighborhood. The two developments would like to share a single shul as the residents would like to have single rabbi. The existing shul in the harmony Park development would likely be used as a Mikvah for women. There are no variances requested with this application. The applicant has agreed to an 8 foot fence for extra privacy to the Harmony Park development.

Brian Flannery, engineer/planner, sworn.

A-1 rendered copy of plan

A-2

A-3 Harmony Park

Ms. Weinstein – There will be 50 houses in Harmony Park and 40 houses in Vine Park.

Chairman – there could be over 100 cars. Need more parking. Outside shuls will be coming here also.

Ms. Weinstein - There are several other shuls in the area.

Mr. Flannery – They can connect the two parking lots for better flow. They are not adding any extra units.

Moshe Resdner, affirmed. The Locust Grove development is getting their own shul and the Meadows is getting their own shul. There will be two shuls and a promise that one will be for Belz. There will be one rabbi for the Belz shul.

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Chairman – this shul will become the center. Do not want it to become a parking lot.

Ms. Weinstein - This will be a bigger shul to make more space. They started planting the trees last week for Harrogate.

Mr. Resdner testified that 90% of the people do not drive. The women in this community do not drive.

Mr. Vogt – making the connection between the two developments is a good idea.

Chairman asked for a bus stop on Locust Street so they don’t have to come into the development.

Mr. Flannery – Locust Street is a County Road. The bus can stop on Locust Street.

Chairman asked for a loading and unloading zone.

Ms. Weinstein - All the kids will go to one boys school and the girls will go to one girls school. The times are staggered.

Mr. Flannery – they each have 2 parking spaces and they only have one car, so they can handle any overflow of parking.

Mr. Resdner – there are units that do not have their basements rented. The other shuls in the neighborhood will also have their own mikvah.

Open to Public.

Benjamin Gross, 4 Harmony Drive, affirmed. Not concerned about the parking, 60 – 70% of the parking spaces are empty. There are about 50-100 parking spots in the entrance to Harmony Park and about 90% of them are open. Live right behind the shul. He and his neighbors would like an 8 foot fence and 2 rows of trees to fill up the space in between the shul and the property line. The windows on the shul should be frosted.

Ms. Weinstein - The fence they already agreed to – there are 13 trees are already shown on the plan.

Efraim Feder, 22 Harmony Drive. All units are occupied. There is no traffic at all.

Closed to Public.

Mr. Flannery – there is about 20 feet from the building to the property line. There is no room to add additional trees.

Motion to approve with opening up the road between the two communities, an 8 foot fence – Mr. Ingber

Second – Mr. Lankry

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

Mr. Halberstam

**Appeal # 3897A – Napco Construction, LLC** – Manetta Avenue, Block 243 Lots 34, 35 36 &

38, R-7.5 zone. Use variance approved. Subdivision requested.

Secretary read report.

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**From: Terry Vogt, Engineer/Planner – March 21, 2016**

The applicant proposes to construct 3 duplex dwelling on 6 zero lot line lots and a single family dwelling. Three existing dwellings and appurtenances will be removed. The applicant previously came before the Board seeking preliminary and final major subdivision approval with use and bulk variances. The applicant bifurcated the application the hearing and received a use/density variance approval to construct duplexes on new lots with 9,100 – 9,125 square feet.

Adam Pfeffer, represented applicant. The use variance was approved for 7 units and they are now back for the subdivision. There is 3 duplexes and a single family.

Jeffrey Spalt, engineer/planner, sworn.

Board accepted credentials.

Mr. Spalt – Manetta Avenue, between East 4th & E. 5th Street. There will be 4 parking spaces per unit and they have 4 additional parking spaces. The variance requested is for lot size - the single family is 7,689 which is over the 7,500 required. Two of the duplexes are 9,900 square feet where 10,000 is required. The other duplex is 9,011 square feet. They meet the other setbacks. The road will be private. Pick up for garbage will be along Manetta Avenue. There will be a homeowners association.

A-1 subdivision plan

Mr. Spalt – there is a 5 foot walkway on the front of the units.

Mr. Vogt - The decks are within the setback.

Mr. Pfeffer offered a 10 foot x 16 foot deck and they will request a 5 foot rear yard setback variance.

It was agreed to move the house forward and request a 7 foot rear yard setback.

Open to Public. Closed to Public

Motion to approve with a 7 foot rear yard setback – Mr. Gonzalez

Second

– Mr. Halvorsen

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

Mr. Halberstam

**Appeal # 3953 – Mordechai Eichorn,** 1515 Buttell Avenue, Block 420.02 Lot 4, R-7.5 zone.

To construct a duplex on an undersized lot; required 10,000 – proposed 9,733

square feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 21, 2016**

The applicant seeks a use variance and a zero lot line subdivision. Zero lot line residential dwellings are permitted in the R-7.5 zone provided that the existing lot size is at least 10,000 square feet. The existing lot is 9,733 square feet. As such a (condition) use variance is required.

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Adam Pfeffer represented applicant.

Brian Flannery, engineer/planner, sworn. This application is for a duplex on a 9,333 square foot lot where 10,000 is required. They are also asking for a front yard setback to Rose Place which is a paper street in the Hospital Support Zone.

Open to Public. Closed to Public.

Motion to approve - Mr. Halvorsen

Second - Mr. Lankry

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

Mr. Halberstam

**Appeal # 3956 – Chanoch Herskowitz**, 850 Morris Avenue, Block 426 Lot 8, R-12 Zone.

Requesting variance for side yard setback for new single family home.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 2, 2016**

The property is located in the R-12 single family residential zone where residential housing is a permitted use. Requesting side yard setback variance.

Chanoch Herskowitz, 850 Morris Avenue, affirmed. Like to make a side entrance with a side porch. This is an entrance to the mudroom.

Mr. Halberstam asked him to shift the house over so that one side will be 10 feet and the other 9 ½ feet.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

Mr. Halberstam

**Appeal # 3957 – Tiferes Chaim *–*** 924 New Hampshire Avenue, Block 1159 Lots 1 & 57, R-20

zone. To allow an existing office building to remain on the same lot as the

approved school.

Secretary read report

**From: Terry Vogt, Engineer/Planner – March 21, 2016**

The applicant obtained Planning Board approve to construct a new two-story school facility with a basement and convert an existing building to a school office and dormitory, along with site improvements on the subject premises. The applicant is seeking zoning board approval to use the existing structure as an office building as part of the expanded school project. The approved site plan application depicts this building to be converted to a “School Office and Dormitory”.

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Miriam Weinstein, attorney for applicant. Recently received approval from the Planning Board to construct a new high school building on this site and to convert the existing office building to

a dormitory and some offices that will be used by the school. All the applicant wants to do is they want to be able to continue to operate the office building until the dormitory is put in. This is in the R-20 zone and the office building is not a permitted use therefor they are at the Zoning Board.

Secretary said that the office building was approved in 1986.

Ms. Weinstein – the planning board felt that it was an expansion of a non-conforming use. Eventually the office building will be turned into a dorm.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

Mr. Halberstam

Motion to carry **Appeal # 3959 – Moshe Lankry**, to the May 9th meeting – Mr. Ingber

Second – Mr. Gonzalez

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

# 

Resolutions

**Appeal # 3942 – Lazar Kaplan**, 792 Vine Ave, Block 1015, Lot 1.06, R-10A zone. Resolution to approve deck in rear yard setback, required 20 feet – approved 14.53 ft.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

**Appeal # 3943 – Shimon Pines**, 794 Vine Avenue, Block 1015 Lot 1.07, R-10A zone. Resolution to approve deck in rear yard setback, required 20 feet – proposed 14.53 feet.

Motion to approve –Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

**Appeal # 3944 – Menachem Gutfreund**, 796 Vine Avenue, Block 1015 Lot 1.08, R-10A zone.

Resolution to approve deck in rear yard setback, required 20 feet – approved 8 ft.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

**Appeal # 3945 – Eliezer Herskowitz**, 798 Vine Avenue, Block 1015 Lot l.09, R-10A zone.

Resolution to approve deck in rear yard setback, required 20 feet – approved 8 feet.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

**Appeal # 3946 – Shaul Kuperwasser,** 3 Remon Lane, Block 190.03 Lot 29, R-15 zone.

Resolution to deny side yard setback variances for the construction of a single family home.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

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**Appeal # 3948 – Esther Gluck,** 516 Ashley Avenue, Block 774.04 Lot 5, R-7.5 zone. Resolution to approve bulk variances for single family home.

Motion to approve – Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Gonzalez, Mr. Halberstam

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:40 P.M.

Respectfully submitted,

Fran Siegel, Secretary

Zoning Board of Adjustment