

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**SEPTEMBER 11, 2017**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross  
Mr. Gonzalez, Mr. Halberstam  
Absent: Mr. Lankry, Mr. Naftali  
Arrived late: Mr. Ribiat  
Attorney: Christopher Dasti  
Engineer: Terry Vogt  
Court Reporter: Jackie Wahler  
Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of July 24, 2017 – Mr. Halvorsen  
Second – Mr. Gelley  
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber,  
Mr. Gonzalez, Mr. Halberstam

Correspondence

**Appeal # 4039 – Melvin Feigenbaum** – request from Miriam Weinstein to carry until the October 2<sup>nd</sup> meeting. They did not send buy/sell letters.  
Motion to carry to October 2<sup>nd</sup> – Mr. Gelley  
Second – Mr. Ingber  
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross, Mr. Gonzalez,  
Mr. Halberstam  
No further notice. Ms Weinstein agreed to waive any time.

**Appeal # 4010 – Congregation Meoros Nosson**, - request from Ron Gasiorowski to carry until the October 2<sup>nd</sup> meeting. They are waiting for a Judge's decision before coming to us.  
Motion to carry to October 2<sup>nd</sup> – Mr. Ingber  
Second – Mr. Gonzalez  
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross, Mr. Gonzalez,  
Mr. Halberstam

**Appeal # 4036 - County Line Alliance** was omitted from the agenda they - did not submit wetlands and buffer documentations and will not be heard tonight.  
Motion to carry – Mr. Gelley  
Second – Mr. Gross  
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross, Mr. Gonzalez,  
Mr. Halberstam  
Mr. Halberstam - Will be placed under old business – documentation must be in the office 10 days prior to the meeting.  
No further notice. Mr. Pfeffer agreed to waive any time.

**Appeal # 4042 – Mark Tress** – request to carry to October 2<sup>nd</sup>. They are last on the agenda and do not think that they will get heard.  
Brian Flannery – they need to submit plans for the basement.  
Motion to carry – Mr. Ingber  
Second – Mr. Gelley  
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross, Mr. Gonzalez,  
Mr. Halberstam

**Appeal # 3940A – Yosef Weiss**, Clover Street, Block 536 Lot 181, request for amended building layout.

Brian Flannery, sworn testified that the County did not accept the Boards approval. They wanted a different configuration. The housing is not changing.

A-1 plan approved  
A-2 County requirement

Mr. Flannery – The County wanted something different than the approval. It is the same 3 buildings staggered. The Board approved 3 individual driveways. The difference is that all the cars come out at the same point. There is still 12 parking spots. It will be a Homeowners Association easement. This is right next to the Housing Authority.

Mr. Halberstam – there is no front yard. It looks like a parking lot. It is all paved.

Mr. Flannery - they can put some low shrubbery along the sidewalk line, subject to the approval of the board engineer. There were 3 approvals, use, site and request for an extension. Not asking for any more variances.

Open to Public.

Shloime Klein, affirmed. Asked if there were any new variances. There are no sidewalks in front of the houses and this is dangerous.

Terry Vogt – No new variances because these are staggered – there is a patio and not a deck. Previously approved plans had decks on two of the lots. They all now have patios and not decks. Patios do not need variances.

Closed to Public.

Mr. Flannery – there will be steps going down to the patio. There will be curb around the parking lot.

Mr. Ingber – want some shrubbery but not to block the site line. The patio and the steps have to be in by the builder.

Mr. Flannery – these houses are 28 x 60.

Mr. Halberstam suggested that they take a few feet off the house.

Mr. Flannery said that he had to check with the applicant who was not there yet.

To be continued later in the evening.

**Appeal # 4037A – Zalmy Rosenberg**, 4 Honey Court, Block 177 Lot 4.03 R-7.5 zone. To construct a 14x 15 deck, 18 inches high in the rear yard setback. Required 20 feet proposed 6 feet. Will not be in the easement.

Brian Flannery, sworn. This application is for a deck. In July they proposed a larger and higher deck and it was denied. The applicant was misled by the builder. The new deck will now be 18 inches above grade. The benefit is that the family will enjoy the benefits of the yard.

Mr. Dasti – the applicant has changed the application from the size and there is no res judicata issue.

A-1 tax map

A-2 plan showing the unit and deck

Mr. Flannery - The Succah structure will be taken down. The height of the railing would have to be below the height of the fence.

Open to Public.

Shloime Klein, affirmed. The developer was very wrong and the end user is suffering.

Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

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

**Appeal # 4043 – Chaim Jacobs, 306 Forest Drive, Block 51 Lot 1.15, R-OP zone. To construct an addition on an end unit townhouse.**

**From: Terry Vogt, Engineer/Planner – August 14, 2017**

The applicant is seeking approval to construct a two-story addition (including basement) including a bedroom and kitchenette onto an existing two-story attached single family townhome dwelling with existing basement.

Miriam Weinstein, esq. represented applicant. The Jacobs have taken in Mr. Jacobs parents and Mrs. Jacobs mother is now living in the existing basement area. Asking for side yard setback of 5.9 feet. Addition will have a chair lift. There will be no tenants in the house. They have 10 children of their own without the addition of their parents. This setback abuts a basketball court.

Brian Flannery, sworn.

A-1 approved site plan for the development

A-2 tax map

A-3 aerial exhibit

A-4 plan submitted

Mr. Flannery submitted a second floor plan to the board members.

Ms. Weinstein - basement and first floor is the addition – second floor not being touched at all. There is an addition to the basement.

Mr. Flannery – this site plan was approved in the 90's 1 ½ spaces per unit was approved. The original approval was not based on bedrooms. The addition would comply with the existing approval. The existing dwelling is first floor is 1,161 square feet and the second floor is 1,124 square feet. The new addition is 924 square feet. There is no room for an additional parking space.

Mr. Dasti suggested that a parking variance be included if approved.

Aryeh Kotler, affirmed – 221 Private Way, affirmed. He is lot 7.02. He has a basketball court and has no objection to this addition.

Chaim Jacobs, 306 Forest Avenue, affirmed. Before undertaking this project he spoke to all his neighbors and they were okay with the addition.

Mr. Flannery – there is a concrete slab on the side the door opens and there is a chairlift there to go up or down.

Mr. Jacobs - His parents are living there about 4 years his mother shares a bedroom with his 12 year old. There is no space. They are trying to give them a little dignity. They may need to have an aid for his father in the future.

Ms. Weinstein - There is a kitchenette and a bedroom in the basement. It is not rentable as a separate unit. There are no separate meters. There is an extra room in the basement for children or grandchildren to visit.

Mr. Flannery - The access to the basement has steps or a chairlift up or down. The benefits outweigh the detriments.

Aryeh Kalter, 221 Private Way, affirmed. He has no problem with the addition.

Mr. Jacobs – he spoke to all his neighbors before starting this project. He wants his parents to have a little space to call their own.

Ms. Weinstein – there are no rentals in this house. The new addition is for Mr. Jacobs parents.

Open to Public.

Shloime Klein, affirmed. He supports this application.

Motion to approve including parking variance – Mr. Ribiat

Second – Mr. Gelley

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

**Appeal # 4028 – Bernard Warman** would like to carry until October 2<sup>nd</sup> meeting. They will try to work issues with the neighbor.

Motion to carry - Mr. Gelley

Second – Mr. Ingber

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

Agreed to waive time and no further notice.

**Appeal # 4029 – Congregation Maalos Hatorah** – Block 1159 Lots 31, 32, 33 & 48, Block 1159.04 Lots 29 & 30, Gates Avenue, R-20 zone. To construct 12 duplex housing units and 1 single family.

Ms. Weinstein, attorney for applicant. Gave all of the testimony at the July 10<sup>th</sup> meeting. The applicant has already received use variance to construct duplexes on this site. This application is for subdivision and site plan only. Asking now for 12 duplex units plus one vacant 10,000 square foot lot and one single family lot. This area is slated to be rezoned to R-10A and would permit either single family or a duplex on the 10,000 square foot lot. If and when the zone gets changed at that point they can either put a single family home or a duplex that would be permissible. The board requested a traffic study.

Scott Kennel, McDonough and Rea associates, – Traffic engineer, sworn. At Route 9 & Chestnut Street the NJDOT have recommended additional improvements. Chestnut Street and New Hampshire Avenue is under design for an improvement in 2020. The Stamford Hills Road and Chestnut Street intersection will be at level C with the additional 12 units. This applicant will support and help funds for improvements in the area.

Mr. Vogt - Based upon testimony the report is within standards. They included basement apartments.

Mr. Gonzalez - Looking forward to Vermont opening up. They will be putting sidewalks on Chestnut.

Ms. Weinstein – that lot cannot be built on. Asking to leave it as a 10,000 square foot lot. It is not buildable as of now. The lot is part of the application but does not have a use variance associated with it. This piece was added after the approval. Unless and until the zone gets changed they cannot build on this lot.

Mr. Ingber – would like to see that lot to remain as open space.

Open to Public.

Laurie Leeds, affirmed. This is an impact in zoning to allow duplex. They move the impactions to build. The board only address wetlands, did not address the impactions. The Kettle Creek land was impacted and it was omitted from their application. They only made an application for freshwater wetlands. Did not address the flood hazard area. They need a permit for the flood hazard area before they can build. Have property adjacent to this and they will flood her property.

Dovid Bender, 160 Colonial Drive, affirmed. Talked about the heavy traffic. Don't think that this application should be approved.

Mr. Gelley – this has been approved already.

Shloime Klein, affirmed. Questioned Mr. Kennel about the traffic.

Zalman Sorotzkin, 100 Stratford Place, affirmed. Do not see neighbors from the Chestnut area coming to object. There is a traffic problem in this town but they need space to live.

Closed to Public.

Recess.

Graham Macfarlane, engineer. They have obtained a letter of interpretation from the DEP. They have not yet filed for any activities. They will get flood zone permits, etc. Aware of all the issues and they are working on them. All of Ms. Leeds concerns will be addressed.

Mr, Vogt - Will be reviewed by the NJDEP as part of the flood hazard permit as a matter of procedure. The original use variance was approved on 7/15.

Reopened to public.

Laurie Leeds – her property is not in this application but it is part of this area and was in the prior application. She was told that her property would be impacted. This will flood her property and should have been addressed before.

Shloime Klein – asked about vacating the streets.

Mr. Macfarlane – they will provide a 6 foot chain link fence with smaller mesh opening.

Motion to approve – Mr. Gelley

Second – Mr. Ribiat

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

Nays: Mr. Halvorsen, Mr. Gross

**Appeal # 4033 – NJ American Water Co., Oak Street, Block 1157 Lot 1 R-10A zone. Oak Street & Vine Avenue. Use variance, Preliminary and final site plan.**

Neaal O'Brien, attorney for applicant – Provides water and sewer service to the area. Existing is a well station and water treatment station. Proposed is a second water treatment building. Public utilities are not permitted in the zone. The new antenna will have a height of 65 feet where 35 feet is permitted in that zone. Need a new use variance for expansion of a non- conforming use.

A-1 aerial photograph

A-2 rendered site plan

A-3 overall project aerial photograph

Carol Zebrowski, project manager for the site, sworn.

Board accepted qualifications.

Ms. Zebrowski – the site is buffered by existing trees. There should be very little impact on the area. There is a new building proposed to be constructed – the existing building will remain in service while the new building is constructed. Proposing to install a larger generator that will provide back-up power. The new building and is approximately 100 feet from the nearest property line. They will comply with all regulations. Will not increase water production. They received a CAFRA, safe drinking water, and soil erosion permits. Construction should start about December 2017.

Andrew Thomas, planner, sworn. Asking for a use and height variance. This is an inherently beneficial use. The benefits outweigh the detriments. The property is 4.1 acres in size.

Ms. Zebrowski - All 4 sites have chain link fences. Everything is secure. The only lighting proposed will be on the building that can be turned on and off.

Open to Public.

Shloime Klein, affirmed. Asked about sidewalks and if other companies will go on the antennas.

Ms. Zebrowski – only for NJ American Water.

Mr. Dasti – not proposing a development

Mr. Klein – the sidewalks are a safety issue. There are a lot of schools in the area.

Mr. Dasti – This is not new development. They are proposing to help clean the water. Sidewalks are not a requirement of the ordinance.

Mr. Vogt - If there is no development that they are proposing, they are not required to install sidewalks.

Mr. O'Brien - Not proposing sidewalks.

Closed to Public.

Motion to approve – Mr. Gonzalez

Second – Mr. Halvorsen

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

**Appeal # 4035 – Aharon Mansour**, carry until October 2<sup>nd</sup>

Motion – Mr. Gross

Second - Mr. Ribiat

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

No further notice – agreed to waive time

**Appeal # 4041 – Mordechai Finkelstein**, carry until October 2<sup>nd</sup>.

Motion – Mr. Gross

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen Ribiat Ingber, gross gonzaela Halberstam  
No further notice – agreed to waive time.

**Appeal # 3940A, Yosef Weiss** - continuation

Mr. Flannery – taking 4 feet off the buildings, 3 foot sidewalk along the curb and they will have a sliding door, steps and a patio. There will be low shrubs along the sidewalk. There will be 14 feet from the front door to the sidewalk.

Mr. Ingber - Before the CO is issued the patio and steps should be in.

Motion to approve – Mr. Gross

Second – Mr. Ingber

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

**Appeal # 4038 – Meyer Seeve**, 1858 Attaya Road, Block 11.04 Lot 5.03, R-12 zone. Corner of deck is 4 feet in rear setback. Required 20 feet - proposed 16 feet.

**From: Terry Vogt, Engineer/Planner – August 9, 2017**

The applicant is requesting bulk variance relief for rear yard setback for deck.

Brian Flannery, sworn. The triangular portion of the deck is in the rear yard setback. Applied for building permit and did not realize that the corner of the deck is 4 feet in the 20 foot setback.

Secretary explained that the plot plan did not show the deck – the architectural plans showed the deck. One corner of the deck is in the setback.

Open to Public.

Shloime Klein, affirmed.

Motion to approve – Mr. Ribiat

Second – Mr. Gelley

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

### Resolutions

**Appeal # 4024 – Zissel Morris**, 5 James Street, Block 415 Lot 16, R-10 and HD-6 zone.  
Resolution to approve a duplex with side yard setback variances.

Brian Flannery – the Board wanted to see options for the driveway area.

Option A - made the turn around part 15 feet wide

Option B – provides stacked vehicles

Mr. Halberstam – I see 13 parking spaces.

Mr. Dasti - The existing fence will be maintained and repaired.

The Board reviewed and approved Option A on plans that were shown –  
All in favor.

**Appeal # 3954A – Belz Center of Lakewood**, Block 1081 Lot 12.42. Resolution to approve a subdivision for the synagogue to be on a separate lot.

**Appeal # 3934A – 363 Chestnut Street**, Block 1096 Lot 2. Resolution to approve a one year extension to file the map.

**Appeal # 3743A – David Seebag**, 52-68 Madison Avenue. Resolution to construct an addition to an existing retirement living facility.

**Appeal # 4037 –Zalmy Rosenberg**, 4 Honey Court, Block 171 Lot 4.03, R-7.5 zone.

Resolution to deny the construction of a deck in the rear yard setback.

**Appeal # 4034 – Bashy Frenkel**, 6 Honey Court, Block 171 Lot 4.02 R-7.5 zone. Resolution to approve the construction of an 18 inch high deck in the rear yard setback.

Motion to approve the above resolutions.

All in favor.

Above resolutions were adopted.

Motion to pay bills.

All in favor

Motion to adjourn.

All in favor.

Meeting adjourned at 11:15.

Respectfully submitted,

Fran Siegel  
Zoning Secretary



