

**ZONING BOARD OF ADJUSTMENT
MINUTES**

FEBRUARY 14, 2011

Meeting properly advertised according to the New Jersey State Sunshine Law.

Roll call: Attending: Mr. Gelley, Mr. Naftali, Mr. Schwartz, Mr. Zaks, Mr. Halberstam

Absent: Mr. Mund, Mr. Ribiat, Mr. Gonzalez

Arrived late: Mr. Lankry

Also present: Attorney – Russ Cherkos

Terry Vogt, Engineer/Planner

Jackie Wahler, Court Stenographer

Fran Siegel, Secretary

Salute to flag.

Motion to approve minutes of January 10, 2011 with a waiver to read – Mr. Naftali

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Naftali, Mr. Schwartz, Mr. Halberstam

Request from Mr. Penzer to carry **Appeal # 3743**, David Seebag, Lakewood Courtyard.

Chairman said that we cannot table this application again. We will carry until the application is ready to be heard. Mr. Penzer agreed to waive time. Will re-notice when they are ready to be heard.

Motion to carry without a date and applicant will re-notice – Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

Request from Mr. Penzer to carry **Appeal # 3755**, MTR Ventures

Motion to carry until the March 7th meeting – Mr. Gelley

Second – Mr. Schwartz

Roll call vote: affirmative: Mr. Gelley, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

Mr. Penzer agreed to waive the time.

Letter from Miriam Weinstein, Attorney for applicant.

Appeal # 3725, Mordechai Zafrani, to amend the condition of approval for stamped asphalt driveways to concrete driveways.

Ms. Weinstein stated as a condition of approval the board required a stamped asphalt driveway. Applicant would like to provide concrete driveways.

A-1 the sidewalk color will be gray and they will use a colored concrete for the driveway.

Motion to approve colored concrete as per rendering – Mr. Zaks

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

Mr. Cherkos requested that they have a short executive session at 10:45 to discuss litigation.

Mr. Chairman announced that the meeting will end at 10:45.

Appeal # 3761 – Nissen Steger, New York Avenue, R-10 Zone, Block 223 Lots 1.01,
1.02 & 2. Subdivision

Secretary read reports.

From: Terry Vogt, Engineer/Planner – December 22, 2010

The applicant has previously obtained a use variance and bulk variances associated with a zero lot line subdivision (Appeal #3728) granted at the Board meeting on May 3, 2010. One of the resulting lots (Lot 1.01) is shaped in a flag configuration, with the flag aligned behind Lot 2, the neighboring property. The applicant proposes to further subdivide Lot 1.01 to convey the flag portion, which is 527.9 square feet, to the owner of the existing

Lot 2. Existing Lot 1.01 is proposed to become Lot 1.03 and existing Lot 2 is proposed to become Lot 2.01. Due to the reduction in size of the existing Lot 1.01 a number of the variances previously granted will have to be re-obtained, including the use variance for the duplex being on an undersized lot.

Abraham Penzer, attorney for applicant.

Mr. Penzer – they could build a small house as is but they would like a larger house.

Christopher Rosati, FWH Associates, engineer/planner.

Board accepted credentials.

Mr. Rosati – This lot was approved for a duplex. They want to make the single family house bigger. Asking for the bulk requirements of the R-7.5 zone. There are no elevations because the house has not been decided yet. Side yard will be combined 15 feet. The footprint of the house is about 1,400 square feet. The house is approximately 35 feet x 32 feet.

Chairman asked that they come back with a final site showing 4 parking spaces and elevations for the house.

Open to Public. Closed to Public

Motion to carry until the March 7th meeting – Mr. Zaks

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

No further notice.

Appeal # 3765 – Avraham Rozsansky, 431 Ridge Avenue, Block 223 Lot 82, R-10 zone. To construct a single family home on an undersized, irregularly shaped lot.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – January 31, 2011

The applicant requests use variance for construction of a single-family dwelling on an undersized, irregularly-shaped 5,586 square foot lot within the R-10 (single family residential) zone on 431 Ridge Avenue. Single-family development exists in the vicinity.

Miriam Weinstein attorney for applicant. This is an existing non-conforming lot. This is an undersized lot and is a triangular shaped lot. Ms. Weinstein handed out elevations and a floor plan.

Glenn Lines, sworn. Engineer for applicant. This lot is in the R-10 zone. The lot is 5,586 square feet where 10,000 is required. Proposing 22 foot front yard setback where 30 is required and they are in line with the house next door to the east. They are asking for 7 ½ foot side yard setbacks which is the bulk requirements for an R-7.5 zone. Reviewed Mr. Vogt's report.

Avraham Rozsansky, affirmed.

A-2 – copy of notice that was served notice to purchase.

Mr. Rozsansky – neither homeowner was interested in purchasing or selling

property. There will be a basement. They are proposing 4 parking spaces. Agreed to put decorative stone 1/3 up and also window shutters. Steps will be concrete.

Mr. Naftali - the plan is too aggressive.

Ms. Weinstein – the steps to the basement will have to go in the back. The applicant said that he is going to live there. These are not the final plans. This is a bare boned elevation. This was just to give a basic idea.

Mr. Cherkos – the board has the right to ask for clear elevations.

Mr. Lines – the house is about 1,450 square feet per floor.

Mr. Halberstam – I see 6 bedrooms.

Open to Public. Closed to Public.

Motion to approve subject to the facade being upgraded, stone veneer 1/3 up satisfying the engineer - the façade should not look like a bungalow - Mr. Zaks

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz, Mr. Halberstam

**Appeal # 3175A – Bais Medrash of Central Park, Shonny Court Block 11 Lot 1.36,
Amended site plan to construct a synagogue.**

Secretary read reports.

From: Terry Vogt, Engineer/Planner – January 13, 2011

The applicant is requesting Preliminary and Final Major Site Plan approval to construct a synagogue with parking facilities on the referenced property. The property in question (Block 11, Lot 1.36) was created as a result of a major subdivision approval by the Zoning Board (Appeal # 3175), approve in February, 2000. The lot in question was designed for an existing detention basin/pond. The Township attorney has determined that a use variance is necessary for the synagogue as a result of a deed restriction on this lot which only permits recreational and storm water management uses on the property. The building will be served by public water and sewer.

Abraham Penzer represented applicant. This development was started in 2004. This lot has been empty for 8 years. The original plan was for a playground and/or drainage. The Board that takes care of Central Park has kept it empty. They desperately need a synagogue. They do not need a play area.

Glenn Lines, Engineer, sworn. Reviewed Mr. Vogt's report. On Shonny Court there is a lot that contains the existing detention basin and it is probably 15 feet lower than the road. Access to the basin is from Hope Chapel Road. They require 10 parking spaces for the 2,300 square foot main sanctuary. They have a total of 19 spaces leaving 9 green banks. Most of the congregants will walk. They have 9 regular spaces and one handicap.

Mr. Zaks asked if they were going to buffer the sides by the neighbors. Would like to see some greenery on both sides of the synagogue.

Applicant agreed.

Mr. Zaks – would also like to see the parking lot for the nine spaces finished. This will be a beautiful shul and the surrounding neighborhoods will be there.

Mr. Penzer - The basement is only for a Kiddush room for the homeowners – there will be no outside catering.

Mr. Lines – there is an existing fence around the detention basin.

Open to Public. Closed to Public.

Mr. Penzer – they cannot afford to finish the parking – they do not want to encourage any other people to be there. They have overflow parking. They will have 10 parking spaces.

Mr. Lines - They have an option to build another 9 in the future if they are necessary.

Mr. Zaks argued that they should finish the other 9 parking spaces.

Rabbi Yaakov Bogart, affirmed. This is a neighborhood shul and everyone walks. They want to keep it a low-keyed shul that is a small residential shul. Not looking for it to become makom torah where the whole neighborhood will be using the shul.

Mr. Penzer – there is no intent for a bris during the week. Not asking for any variances.

Recess.

Mr. Penzer –The people that live there do not want the parking because it will bring more people.

Mr. Cherkos – 10 spaces are required and the 10 spaces are proposed.

Mr. Zaks – realistically this is not going to be a quiet shul.

Mr. Lines – the future 9 spaces will be grass and they do not have to come back to the board.

Mr. Penzer – the 9 spaces will be designated so they will not have to come back if they need it.

Motion to approve subject to 10 parking spaces and when the applicant wants to expand the other 9 parking spaces they may do so, 2 rows of trees on the side of lot 1.37 and one on the side of lot 1.35 between 5 and 10 feet, a fence in the back of the synagogue to block off the detention basin – Mr. Zaks

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry Mr. Naftali, Mr. Zaks, Mr. Schwartz
Mr. Halberstam

Appeal # 3763 – Fairmont Investments, 1965-1967 New Central Ave, Block 11 Lot 121.01, R-15 zone. To subdivide a lot with an existing duplex dwelling into two lots with zero lot lines.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – December 27, 2010

The applicant proposes a zero lot line subdivision of the existing lot with existing duplex. The property is located on the north side of Central Avenue approximately 116 feet east of the intersection of Central Avenue & Irene Court. Our office has no information on previous application(s), therefore our comments are strictly based on the currently submitted application. Duplexes are not a permitted use within the zone. Due to the

existing duplex on the property our office assumes that a use variance has previously been granted.

Elliot Zaks announced that he has a brother in-law within 200 feet of this property and left the dais.

Chairman announced that there were 5 members on the board.
Attorney agreed to continue.

Miriam Weinstein represented applicant. This duplex was constructed prior to the ordinance for zero lot line. They are condominiums and the buyers cannot obtain a mortgage. The duplex is not permitted in the R-15 zone. A use variance was not obtained, this was an existing 2 family and the zoning officer approved the construction of a duplex.

A-1 copy of zoning permit.

Mrs. Weinstein – requesting an expansion of a non-conforming use and a subdivision for a zero lot line. There is now one big lot with condominiums. Rabbi Halberstam will be purchasing the right property Lot 121.03.

Symcha Zylberberg, affirmed. Contract purchaser of Lot 121.02. Signed contract in June 2010. Applied to mortgage companies and they were all declined because the property is a duplex condominium. Mortgage companies advised him that if the property was fee simple they would approve a mortgage.

Glenn Lines, engineer, sworn. This is an existing duplex structure. The benefits of granting the variance outweigh the detriments.

Mr. Cherkos – there is nothing physically changing on this property. It is currently under condominium ownership.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Schwartz,
Mr. Halberstam

**Appeal # 3766 – Olskool Partners, Pinehurst & Bradhurst Ave, Block 1032 Lot 3, B-3
& R-12 Zones. To construct two duplexes.**

Secretary read reports.

From: Terry Vogt, Engineer/Planner – January 17, 2011

The applicant proposed to construct two duplexes on the referenced property which is bisected by the existing zoning boundary between the R-12 and B-3 zoning districts. Duplexes are a permitted use within the B-3 zoning district but not within the R-12 zoning district. A use variance is required. The applicant has bifurcated this application and is only seeking approval for the use variance at this time.

Abraham Penzer represented applicant. The zone line is split down the middle. The applicant can have townhouses in the B-3 zone. Asking for 2 duplexes. There will be 100 feet between each unit.

A-1 – proposed duplexes
A-2 – color rendering of variance map.

Christopher Rosati, FWH Engineering, sworn. This property is separated by the zone boundary of B-3 and R-12 zones. Existing is one lot that is split between the zones. Asking for an approximately 10,000 square foot lot in the B-3 for a duplex and approximately 10,000 square feet in the R-12. They could put up around 5 townhouses on the B-3 side without a variance. The B-3 portion is about 12,000 square feet. The Master plan does call for this area to be R-10 in the future which would allow a duplex on a 12,000 square foot lot.

Mr. Penzer – The planning board has been granting R-10's. Here only for use.

Mr. Rosati - This whole area is wooded and paper streets. Several developers are working with NJ American Water to get the infrastructures into the area. Once the sewer situation happens than that will open up this whole area. The area is slated to be rezoned to R-10 once the Smart growth plan goes through and then the town can then act upon the recommendations of the Master Plan.

Open to Public.

Gerry Ballwanz, sworn.

Mr. Cherkos asked Ms. Ballwanz not to contact any of the members at their homes.

Ms. Ballwanz – there is a tree protection ordinance that was adopted by the Township.

Closed to Public.

Mr. Penzer – They are governed by that ordinance and they will follow it.

Mr. Gelley – in the area has anything else been approved?

Mr. Penzer – all duplexes. Brian Flannery himself was approved in this area

Mr. Zaks – the hardship is the B-3 – this is a split lot - we do not put duplexes in an R-12 – because this is a split lot I would be in favor of it. We are approving 2 duplexes on 2 lots which will actually be 4 lots.

Motion to approve – Mr. Zaks

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam.

Appeal # 3767 – Lakewood Investment, LLC, Cedarbridge Ave, Block 762 Lot 9,
R-7.5 zone. To construct a duplex on a 9,835 square foot lot where
10,000 is required. Use (Density) variance and a zero lot line
subdivision.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – January 17, 2011

The applicant seeks a use (density) variance and a zero lot line subdivision approval in accordance with Section 18-911 of the UDO to subdivide an existing 9,835 square foot property known as Lot 9 in Block 762 into two (2) new residential lots, designated lots 9.01 and 9.02 on the subdivision plan. A two-story residential duplex building and paved off street parking areas (and aprons) serving each dwelling unit are proposed.

Miriam Weinstein represented applicant.

Charles Surmonte, sworn.

Board accepted credentials as expert engineer and land surveyor.

Mr. Surmonte – the property is 9,835 square feet where 10,000 square feet is needed, all other bulk requirements are met. Cedarbridge Avenue is a County Road, the 2 driveways will be connected. Lot 9.02 is not wide enough to put the k-turn separate so they have to back out onto lot 9.01.

Mr. Halberstam – from the front of the stairs to the street will be all blacktop.

Open to Public. Closed to Public.

Motion to approve subject to an island of greenery, (grass and shrubs) in between the 2 units, also a row of trees on both sides of the property – Mr. Zaks

Second –Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

Mr. Chairman announced that they will have an executive session at 10:45. The meeting will stop and the application will continue on March 7th.

Appeal # 3710A – Ford Land Equities, Lanes Mill Road, Block 189.04 Lots 68, 197 & 201, OT Zone. Use variance for multi family units approved 1/27/09. Preliminary and Final major subdivision, bulk variances.

Secretary read reports.

From: Terry Vogt, Engineer/Planner – February 1, 2011

The applicant is requesting Preliminary and final Major Subdivision and Major Site Plan approval to construct 28 townhouse units on the listed property, which will then be subdivision into 29 separate lots. The subdivision will provide each townhouse with its own lot and one common lot containing common space and drainage facilities. Each townhouse is depicted on the architectural plans with 5 bedrooms and an inhabitable basement.

The site is located on Lanes Mill Road. The property is located within the OT Office Transitional Zone. Townhouses are not a permitted use. The applicant has previously requested and obtained a use variance for the proposed townhouses. The proposed design at the time of the use variance approval was a mixed use of retail, office space and townhouses. The currently proposed design has no office space or retail uses. Per the resolution of approval, the applicant sought only the use variance at the hearing on July 6, 2009, and would return for final subdivision and site plan approval at a future date, which the applicant is seeking at this time.

Sam Brown represented applicant. This site was approved for multiple uses, commercial, office and townhouses. Neighbors said it was too intense. They decided to have townhouses on one side of the street and the north side would be commercial. They are not developing the north side at this time. The site will have 28 townhouses. There is freshwater wetlands on the property. The area was carefully studied by the DEP. The traffic in the area was also studied.

Chris Rosati, FWH Associates, engineer, sworn. This application received a use variance in 2009, also included was a lot to the north on the other side of Lanes Mills Road. In the future they may come back with the commercial use. Density allowed is 32 townhouses, They are proposing 28 townhouses, 26 x 47. There is also a recreation area playground.

The cul-de-sac will be owned by the homeowners association. The cartway is 32 feet wide and there will be 4 parking spaces per unit. They have extensive landscaping on the Lanes Mill Road frontage. Reviewed Mr. Vogt's report. They will comply with the current tree ordinance. The building will be moved over one foot and staggered. Lanes mill Road is a County road and they will satisfy the County when their plans are finalized. They did do a traffic study. They do have a wetlands letter of determination. There is no community building proposed. Garbage cans are in the front of the buildings and they will work with Public works to work out the collections. The intent is to have the cans covered and shielded. They will have an irrigation system.

Scott Kennel, traffic engineer, sworn. Used the County's traffic counts because they were greater than theirs. In Lakewood residential dwellings generate more traffic than the national standards. This area will be a level service B which means that there will be very little delay and will operate in an efficient manner. There are plans to widen 526 in this area.

Chairman announced that **Appeal # 3710A, Ford Land Equities** will continue on March 7th. The Public will be able to speak on March 7th.

Appeal # 3768, Prospect 1500 will be carried to the March 7th meeting.

Motion to carry, no further notice, agreed to extend time – Mr. Gelley

Second - Mr. Naftali,

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

Resolutions

Appeal # 3754A – Simon Kaufman, Park & Ridge Avenue, Block 238 Lots 29 & 30, B-2 zone, Resolution to approve site plan for a 6 unit multi family building.

Motion to approve – Mr. Naftali

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Halberstam

Appeal # 3757 – 325-323 Realty, 323 Second Street, Block 91 Lot 14, ROP zone.

Resolution to deny a use variance from office use to residential use in one of the units.

Motion to approve – Mr. Lankry

Second – Mr. Schwartz

Roll call vote: affirmative: Mr. Lankry, Mr. Schwartz, Mr. Halberstam

Appeal # 3752 – Florian Andrade, 262 Laurel Avenue, Block 536 Lot 22, R-7.5 zone.

Resolution to deny a use variance to allow commercial vehicles in an existing garage in a residential zone.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Lankry, Mr. Naftali, Mr. Halberstam

Appeal # 3758 – Lakewood Realty Assoc., 925 New Hampshire Avenue, Block 1160.03 Lots 44.01 & 44.02, M-1 zone. Resolution to approve a use variance to construct apartments.

Motion to approve – Mr. Naftali

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Halberstam

Appeal # 3666A – Stanley Rieder, 424 4th Street, Block 71 Lot 3, R-OP Zone.
Resolution to approve minor subdivision and site plan for multi-family units.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Halberstam

Mr. Cherkos - Resolution authorizing the board to enter into executive session to discuss pending litigation.

Motion – Mr. Lankry

Second - Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Zaks, Mr. Schwartz,
Mr. Halberstam

Board went into executive session.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel
Zoning Secretary