

**ZONING BOARD OF ADJUSTMENT
MINUTES**

JUNE 28, 2010

Meeting was called to order at 7:30 P.M.

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

Roll call: Attending: Mr. Gelley, Mr. Naftali, Mr. Zaks,
Ms. Goralski, Mr. Halberstam

Absent: Mr. Gonzalez, Mr. Lankry, Mr. Mund

Also present: Attorney – Chris Koutsouris
Terry Vogt, Engineer/Planner
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of June 7, 2010 with a waiver to read: Mr. Zaks

Second – Mr. Naftali

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

Chairman announced that there were only 5 members present.

Appeal # 3726 – T-Mobile Northeast, 612 Cross Street, Block 524 Lot 4, M-1 zone.
Wireless telecommunications compound.

Warren Stilwell, attorney for applicant requested to adjourn to July 12, 2010

Motion to carry, no further notice, and a waiver of time – Mr. Zaks

Second – Ms Goralski

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

Appeal # 3732 – Isadore Fisher, 351 Ridge Avenue, Block 224 Lots 11.01, 11.02 &
11.03, R-10 zone. To subdivide the existing lots in to 2 undersized duplex lot.

Samuel Brown, attorney for applicant requested an adjournment

Motion to adjourn until 7/12, no further notice and a waiver of time – Ms. Goralski

Second – Mr. Gelley

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

Appeal # 3724 – Simon Kaufman- East 5th Street, Block 243 Lots 2 & 3, R-7.5 zone. To
construct a duplex and a 3 unit multi family dwelling which requires a use variance. All
units will be zero lot line units.

Request from Adam Pfeffer to carry until July 12, 2010 – agreed to waive time

Motion to carry until July 12, 2010, no further notice and a waiver of time – Mr. Gelley

Second – Ms. Goralski

Roll call vote: Mr. Gelley, Mr. Naftali, Mr. Zaks, Ms. Goralski, Mr. Halberstam

Appeal # 3737 – Sterling Forest HO Assoc. Block 423 Lots 78 & 78.01, HD-7 zone.

Use variance for a proposed basketball court, minor subdivision, minor site plan
approval.

Secretary read reports.

From Terry Vogt, Engineer/Planner – June 10, 2010

The existing multi-family residential subdivision includes 69 units and a synagogue, and was approved under conditions stipulated in Zoning Board resolutions # 3289, dated December 3, 2001.

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The applicant is seeking approval for a proposed basketball court and designated "Play Area" within a portion of existing Block 423 Lot 78, to be owned and utilized for use by and through the Homeowners Association. Minor subdivision and minor site plan approval are requested.

Miriam Weinstein represented Sterling Place Homeowners Association, applicant. This application was approved by the Zoning Board in 2001. The single family house that is presently located on the property was granted a "life estate". Upon his death the property would revert back to the homeowners association. Mr. Finn has passed away and now the property is owned by the Homeowners Association. The developer said that the property would be used for recreational purposes. There are many teen age children residing in this development. There is no form of recreation for them. The Rabbi of the synagogue has expressed interest in purchasing the lot.

Ray Carpenter, engineer/planner, sworn.
Board accepted credentials.

Mr. Carpenter – The Homeowners Association would like to use this property to subdivide this lot into 2 lots both fronting on route 9. The residential lot would have access to Route 9. They have enhanced the buffering between the Townhouse use and the recreational lot. The recreational lot will be totally fenced in. There will be a 10 foot fence to the adjacent homeowner. Proposing a retaining wall along one side of the retention basin.

Ms. Weinstein – there will be a gate for emergency access to the basketball court.

Mr. Carpenter – tried to minimize any impact to the adjacent property owners, there is a need for this recreation for the older children.

Ms. Weinstein – lighting will be in compliance with towns standards.

Mr. Carpenter – they will provide a lighting plan for review. There is an existing 4 foot fence along the westerly border with adding buffering. Proposing a 10 foot vinyl fence around the entire recreational area. They need a minor site plan for the basketball court and they need a subdivision for the residential dwelling.

Ms. Weinstein – the easement belongs to the homeowner of Lot 78.61. They are keeping the existing driveway so they do not have to go back to the DOT. There is a pedestrian easement across lot from Sterling Place which is the project next door. Across lot 78.02 and the detention basin there is a walkway.

Mr. Koutsouris - The easement prevents the construction of a fence or a blockade.

Efraim Nussbaum, affirmed. There is a 20 foot buffer zone for Sterling Place therefore if they would close it up the children would not be able to go through.

Open to Public. Closed to Public.

Ms. Goralski asked about the utilities to the new single family house.

Mr. Carpenter – sewer and water are already there.

Ms Goralski – concerned about the driveway to the house – does not want it to be a public parking lot for the basketball court. From Route 9 in it is 75 feet.

Ms. Weinstein – they have to keep the opening where it is on Route 9 – they could narrow the road and curve it to only to the house.

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Ms. Weinstein – the homeowners association will maintain the easement and the basketball court.

Motion to approve subject to a 15 foot wide driveway off lot 78.60, 78.61 will be a single family house, a 10 foot vinyl fence around entire recreation area with the exception of a 6 foot white vinyl fence along the property line of Lots 78.60 and 78.61, design of the driveway being approved by the Board Engineer, lighting plan to be submitted – Mr. Zaks.

Second – Mr. Gelley

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

Resolutions

Appeal # 3698A – Robert Kirschner, New Hampshire Avenue & Locust Street, Block 1243 Lot 8, R-20 zone. Resolution to approve a use variance for an office and an upstairs apartment. Site plan approved.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

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

Appeal # 3645A – Ocean Avenue Development, Block 189 Lots 105, 106 & 107, Ocean Avenue, R-20 Zone. Resolution to approve the construction of 33 townhouses with one tot lot. Preliminary & final major subdivision and site plan approved.

Motion to approve – Mr. Gelley

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Gelley, Mr. Zaks, Ms. Goralski, Mr. Halberstam

Appeal # 3736 – Lakewood Cheder School, 569 Cross Street, Block 490 Lot 10 M-1 zone. Resolution to approve a use variance for townhouses.

Motion to approve – Mr. Zaks

Second – Ms. Goralski

Roll call vote: affirmative: Mr. Zaks, Ms. Goralski, Mr. Halberstam

Appeal # 3735 – K & F Townhomes, 805 & 809 Clifton Avenue, Block 114 Lots 6 & 7, RM zone. Resolution to approve the construction of 3 townhouses.

Motion to approve – Ms. Goralski

Second – Mr. Gelley

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

Motion to pay bills.
All in favor.

Motion to adjourn.
All in favor.

Meeting adjourned at 8:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary