

**ZONING BOARD OF ADJUSTMENT
MINUTES**

APRIL 12, 2021

Meeting advertised according to the Sunshine Law.

Roll call: Attending: Meir Gelley, Hal Halvorsen, Avraham Naftali, Judah Ribiat,
Moshe Ingber, Abe Halberstam

Absent: Mordy Gross

Arrived Late: Moshe Lankry

Also present: Jerry Dasti, Attorney
Terry Vogt, Engineer/Planner
Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of March 1, 2021 – Mr. Gelley

Second – Mr. Ingber

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

Letter from Brian Flannery, re: **Appeal # 3874A - Rishon Associates**, Block 490 Lots 6, 9 & 41

Brian Flannery, sworn. Confirmation on this application for duplex unit, There are 4 units that are corner lots.

Mr. Dasti – question about side yard setback - looks like the plan we approved shows setbacks of 14 feet on these corner lots.

Motion to approve 14 foot minimum setbacks on the corner lots – Mr. Ingber

Second – Mr. Lankry

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

Appeal # 4144 – Ari Tessler, 1225 J Scott Court Block 186.12 Lot 25, R-15 zone. To remove the restriction of an external entrance to the basement from the resolution.

Glenn Lines, engineer, sworn. Originally the stairs were going to be internal. The basement will not be rented out. Applicant has his office in the basement. Side setbacks will be the same. The steps will not make the house wider.

Ari Tessler, affirmed. For safety reasons they want an outside entrance. This will not be a rental unit.

Open to Public. Closed to Public,

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

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

Mr. Lankry did not hear this application last month and will not vote on **Appeal # 4167**.

Appeal # 4167 – Jeffrey Jerman, Turin Avenue, Block 1042 Lot 7, B-3 zone. To construct a single family home on an undersized lot.

Secretary announced that this application is from last month and was carried for revised plans.

From: Terry Vogt, Engineer/Planner

The application was revised as follows:

The proposed dwelling was reduced in width from 30 feet to 29 feet

The resultant side yard setbacks were revised to be 5 feet and 6 feet respectfully Proposed building coverage was reduced to 39% from 39.3%.

The previously proposed rear deck has been removed from the application. Window wells were removed from the application.

Jeffrey Jerman, sworn.

William Stevens, sworn. The Board was concerned about the window wells on the side – they were removed and will only be in the rear, They removed the rear deck to eliminate a rear yard setback variance. They reduced the width of the house from 30 feet to 29 feet. Side yard setbacks will be 5 and 6 feet. The a/c units will be in the rear. This is a proposed 3,100 square foot house. Typical to have a basement apartment. The homes in the area are about 2,900 square feet to 3, 200 square feet. The adjoining lot is oversized and will allow for a duplex. Both adjacent lots are vacant. Granting these variances would have very little impact on the neighborhood.

Mr. Jerman – a very narrow house will look out of place - offered to move the house back 2 or 3 feet.

Mr. Halberstam – there is no front lawn.

Mr. Stevens – water and sewer will be brought into the property.

Open to Public.

Laurie Leeds, owns adjacent property - objected to this proposal. Concerned about water run off on her property.

Mr. Vogt – Plans show sidewalk along frontage. The lot is not buildable without water and sewer.

Morris Salamon, 26 Turin Avenue, objected to this application.

Closed to Public.

Mr. Naftali -this proposal is too aggressive.

Motion to deny – Mr. Gelley

Second – Mr. Ribiat

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

Appeal # 4171 – County Line Development, Block 104.02 Various lots

Adam Pfeffer requested that they carry this application to meet with the objectors.

Stuart Lieberman, and the attorney for Coventry Square and oppose the application and oppose to carry the application. They hired a planner. They very much oppose this application and there is no reason to meet.

Mr. Pfeffer just ask to have the conversation and maybe they would revise their plans.

Mr. Naftali – public is ready and application is ready we should move forward Mr. Gelley – should carry and discuss the issues.
Mr. Ribiat – agree with Mr. Gelley
Mr. Halvorsen – let them work it out

Motion to carry with no date and renote – Mr. Gelley
Second – Mr. Ingber
Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ribiat, Mr. Ingber, Mr. Halverson
Nays: Mr. Naftali, Mr. Halberstam

Appeal # 4158 – 1364 River, LLC, Block 534 Lots 7.02 -7.08, HD-7 zone. Use variance, Preliminary and final major site plan approval to construct a warehouse with office and storage space.

Secretary read report from Mr. Vogt dated January 14, 2021

Mr. Vogt said that he needs to review previous approvals. There is a cul-de-sac that was approved for duplexes. Are they vacating the old approvals?

Adam Pfeffer represented applicant.

Brian Flannery, sworn. The application has had prior approvals. In 2016 approved for 2 commercial sites and 12 duplex units. In 2019 one of the duplexes was consolidated with one of the front lots for the auto zone and has Planning Board approval for auto zone. Auto Zone has not been constructed yet. This approval will be subject to vacating the cul-de-sac. The property behind this would also have to agree to vacate the cul-de-sac. The applicant is confident that they will agree to vacate the cul-de-sac. Auto zone is on lot 7.15 originally approved it was lots 7.02- 7.14. The gas station is coming down and will be replaced by commercial use by somebody else.

Mr. Halberstam said that this is very confusing. Would like to table this application and get clarity on it.

Mr. Flannery - Duplexes were approved on the right side of Blueberry.

Glen Lines, sworn. Duplex plan has been vacated and merged into 4 separate lots. There was a site plan approved and has been vacated by that applicant. Mr. Flannery is proposing a warehouse on one of those 4 lots.

Mr. Vogt – 2 planning board approvals are they being vacating if this application is approved.

Mr. Flannery – The cul-de-sac has been vacated. SP 2118A created Auto Zone. The Auto zone lot will not be vacated.

Mr. Vogt - His recommendation would be that they return to the planning board to discuss the changes.

Mr. Halberstam - they should go to Planning Board and then come back to us.

Mr. Flannery – the tax map has not been revised yet.

Mr. Lines – the cul-de-sac has been vacated and the map has been filed.

Motion to carry to May 3 with new review letter – Mr. Lankry

Second – Mr. Ribiat

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

Moshe Ingber had to leave the meeting.

Appeal # 4178 – Marc Lubet – 75 Cedar Row, Block 24.01 Lot 20. Variance requested for side yard setback of 8.2 feet where 10 feet is required. Also seeking variance for shed.

Marc Lubet, affirmed- built an addition on the first floor on the original survey. The as built shows that the property line is not straight and the addition was built at 8.2 feet where 10 is required. T

Glenn Lines, sworn. The addition is complete. The architect used a 1997 plan of the survey. He assumed that the lot was perfectly square. The addition was built 10 feet off the front property corner but the rear corner wound up at 8.2 feet. There is an existing shed that backs up to the rear property line. Buts up to the neighbors shed. The shed is 6 x 10.

Mr. Lubet – they put the shed in. Didn't know that they needed a permit.

Open to Public. Closed to Public.

Motion to approve side yard setback and the shed – Mr. Lankry

Second – Mr. Halvorsen

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

Appeal # 4169 – Cellco Partnership, Locust Street, Block 1077 Lot 60. Resolution to approve a use variance to install a temporary wireless communication facility.

Motion to approve – All in favor

Appeal # 4170 – Jacob Miller, Gudz Road, Block 11.30 Lot 13.01, R-12 zone. Resolution to approve the construction of a single family home. Variances approved for combined side yard setback of 20 feet where 25 feet is required and lot coverage of 3 where 30% is required.

Motion to approve – All in favor.

Appeal # 4172 – Simchas Kallah, Inc. 1798 West County Line Road, Block 2.05, Lot 8, R-12 zone. Resolution to approve a use variance to construct a 2 story building including a warehouse, office space and retail/showroom.

Motion to approve – all in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Respectfully submitted,

Fran Siegel, Secretary

