**ZONING BOARD OF ADJUSTMENT JANUARY 22, 2015**

**MINUTES**

Meeting was advertised according to the NJ State Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Lankry, Mr. Ribiat, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Mund, Mr. Naftali, Mr. Halvorsen

Also present: Attorney – Jerry Dasti

Terry Vogt, Engineer/Planner

Jackie Wahler, Court Stenographer

Fran Siegel, Secretary

Salute to the flag.

Motion to go into closed session to discuss contract issues – Mr. Lankry

Second – Mr. Gelley

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

Mr. Halberstam

Mr. Ribiat had to leave so there will only be 5 members for the meeting and it will be the

applicants decision if they want to go forward or table until the February 2nd meeting.

Motion to nominate Abe Halberstam as Chairman – Mr. Gelley

Second – Mr. Gonzalez

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

Motion to nominate Obi Gonzalez as Vice Chair – Mr. Ingber

Second – Mr. Gelley

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

Motion to nominate Jackie Wahler as court reporter for the Board – Mr. Gonzalez

Second – Mr. Lankry

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

Motion for Jerry Dasti as Attorney for Board – Mr. Gelley

Second – Mr. Lankry

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

Motion for Terry Vogt, Remington-Vernick for engineer/planner for the Board – Mr. Lankry

Second – Mr. Gelley

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

Motion to nominate Fran Siegel as secretary for the Board – Mr. Lankry

Second – Mr. Ingber

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

Approval of calendar – Mr. Gonzalez

Second - Mr. Gelley

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

Approval of annual report – Mr. Lankry

Second – Mr. Gelley

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

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Secretary read a letter from Mr. Penzer requesting that **Appeal # 3881B**, Prospect Real Estate,

Block 96 Lots 8 & 9be carried to the February 2nd agenda. They will re-notice.

Motion to carry – Mr. Lankry

Second – Mr. Ingber

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

Brian Flannery requested that since there is not a full board they are requesting that **Appeal # 3875 – Uri Meir Kanarek**, 311 8th Street, be carried to the February 2nd meeting.

Secretary announced that there will still be 2 members not available at the February meeting. Applicant agreed to the March 2nd agenda, will re-notice and waive the time.

Motion to carry – Mr. Ingber

Second – Mr. Gelley

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

Mr. Chairman announced again that there were only 5 members available and if anyone wants to carry their application.

**Appeal # 3885 – John Lombardi,** 203 River Avenue, Block 768 Lot 1, B-3 zone. To erect a

steel building to be used for an automotive facility.

Secretary read report.

**From: Terry Vogt, November 3, 2014**

The applicant is requesting Minor Site Plan and Use Variance relief to construct a metal accessory building on the existing property which houses an automotive sales center. The proposed metal building will have a footprint of 40 x 60 and a height of approximately 17 feet. The site plan indicates that the proposed building will be used for “vehicle Maintenance and Storage.

Milton Bouhoutsos, Attorney for applicant.

John Mele, engineer, planner for applicant, sworn.

Board accepted his credentials

The site is located in the HD-6 zone. Applicant intends to add a 40 x 60 maintenance building on the site. There are no variances being requested. This is an expansion of a non-conforming use.

It has been operating as an automobile repair facility since 1945. The new building will sit in the rear yard in the parking lot. They will agree to get a letter from the fire marshall as requested by

the Board engineer. The site and use has been proven to be particularly suited to the site. There will be no detriment to the public good. There will be 8 vehicles in the building.

Mr. Halberstam – what do you want to use this building for? Concerned that this will be a mechanic shop and will create more junk cars on the property. Asked for screening.

John Lombardi, owner of property, sworn. Do not allow any junk cars on the property. Has fencing on the east side, south side and west side. You cannot see the building from Route 9.

Will be using the building for his own personal use, very light mechanical. Yes there will be lifts in the building. There will be no changes to the original building. Right now there are 2 tenants and possibly a 3rd.

Mr. Lankry – Auto repairs bring junk cars, hub caps, tires, etc. and could become an eyesore.

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Mr. Lombardi - right now it will be for storage and repairs, maybe another one or 2 units. He has plenty of lighting for security reasons. His yard is kept immaculate.

Mr. Mele – there has always been ample parking on the site. Asking for a waiver with the required parking by the UDO.

Mr. Vogt - Required parking 53 spaces and there are existing 48 spaces.

Mr. Mele - There is more than adequate parking on the site and they will add some down lighting. There will be no glare or spillage off the property.

Mr. Lombardi - Have 10 JCP& L lights plus his own lighting. Will do a lighting plan. There are about 10 employees now – would probably have 14. Hours of operation now are Monday thru Saturday 8 to 7.

Mr. Lankry – repair part is the issue – he is not concerned with sales or storage

Open to Public. Closed to Public.

Mr. Bouhoutsos agreed to a condition that there will be no junk cars on the property.

Mr. Gelley – Thought that this was a maintenance storage shop. Concerned about the car repairs. It will be open to the public for car repairs.

Mr. Lankry - We know that you have a good reputation but concerned about an expansion for car repairs.

Mr. Halberstam – have the same concerns about the repair part of it. No concerns about storage.

Mr. Lombardi – will have 4 lifts in there. Right now it will only be for himself and storage. Wants the approval to be able to rent. This building will not be for another mechanic. It will be for detailing, installing radios, accessories, etc.

Mr. Dasti – applicant testified that there will be light mechanical work and repairs.

Mr. Mele - If he decides to lease it would not be another mechanical shop.

Mr. Halberstam suggested that the resolution state that it would be for only an ancillary use – no repairs.

Mr. Lankry - The back building is either for him or a tenant?

Mr. Lombardi – no it will be for him and a tenant.

Mr. Dasti – he is asking for 3 tenants and himself.

Mr. Lankry - The back will only be used for non-mechanical things car radios electronics, etc.

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Motion to approve – 4 occupants and 2 in the back building one of which will be Mr. Lombardi that will be used for non mechanical repairs – Mr. Lankry

Mr. Gonzalez - Not in favor of 2 garages. Have a problem with the expansion of the use.

Second – Mr. Ingber

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

Nayes: Mr. Gelley, Mr. Gonzalez

Motion approved – majority vote.

Mr. Brown requested to carry **Appeal # 3710B, Arm Land Group** to the February 2nd meeting.

Motion to carry until February 2, 2015 – Mr. Lankry

Second – Mr. Gonzalez

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

No further notice and agree to waive time.

**Appeal # 3890 – Shlomo Sidenfeld**, Ridge Avenue, Block 238 Lot 14 R-7.5 zone. Duplex on a

8,517 square foot lot where 10,000 is required.

Secretary read report.

**From: Terry Vogt, Engineer/Planner - June 25, 2014**

The property is located in the R-7.5. Zero lot line residential dwellings are permitted in the

R-7.5 zoning district. However, the property’s lot area is less than the 10,000 square foot minimum and lot width is slightly less than the 60 feet minimum required per the UDO for a

duplex. As such a use (density) variance is required.

# Brian Flannery, sworn. Engineer for applicant.

# A-1 200 foot radius of properties with townhouses

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Mr. Flannery – this is an area needing redevelopment - Lot is 60 feet wide and they are lacking in depth. This is an R-7.5 zone near the B-2 and B-4 where townhouses are permitted. This property that should be redeveloped and a duplex is appropriate. They are here because they do not have the 10,000 square foot lot that is required. Reviewed Terry Vogt’s report. Combined side yard setback required is 15 feet and they are requesting 14.5. Units are 22 ½ feet wide and have 5 bedrooms. Irrigation is proposed and the façade will be 1/3 brick or a suitable upgrade. There will be no adverse impact on the neighborhood.

Mr. Halberstam stated that he was not in favor of a duplex on a 8,500 square foot lot. To cramped for the neighborhood.

Open to public – Closed to public.

Dov Margulies, affirmed. Lives in townhouse across the street. In favor of the application.

Shulem Reichenberg, affirmed. Lives behind this proposal in a townhouse. In favor of this application.

Moshe Steiner, affirmed. In favor of the duplex.

Solomon Ginsberg, 171 Ridge Ave, affirmed. Live next door and is in favor the duplex.

Mr. Halberstam suggested that they consider a regular 2 family house.

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Mr. Gelley also feel that it is too crowded for a duplex.

Mr. Lankry – this area is screaming for re-development. The existing house is an eye-sore.

Mr. Gonzalez – in favor of the duplex.

Mr. Flannery requested to carry since there were only 5 members voting.

Motion to carry until February 2nd meeting – Mr. Gelley

Second – Mr. Lankry

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

Request from Brian Flannery to carry **Appeal # 3891, Yehoshua Frankel,** 66 & 68 Henry Street

to the February 2nd meeting.

Motion to carry until February 2nd meeting – Mr. Gelley

Second – Mr. Lankry

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

**Resolutions.**

**Appeal #3889 – Osher Eisemann** – East Harvard Street, Block 226 Lots 11, 12, 13 & 14 R-10 zone. Resolution to approve the subdivision of 4 existing lots into 6 lots containing 3 duplex structures.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Appeal #3736C – Prospect Acquisition –** 569 Cross Street, Block 490 Lots 10.113 & 10.115 M-1 zone. Resolution to approve final Major Subdivision for Phase III.

Motion to approve – Mr. Lankry

Second – Mr. Gonzalez

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

**Appeal # 3736D – Prospect Acquisition –** 569 Cross Street, Block 490 Lots 10.113 & 10.115 M-1 zone. Resolution to approve final Major Subdivision for Phase IV.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Appeal # 3881A – Prospect Real Estate,** Block 96 Lots 8 & 97th Street & Madison Avenue R-OP zone. Resolution to deny the maximum building height allowed and the number of parking

spaces for the proposed building.

Motion to approve – Mr. Gonzalez

Second – Mr. Lankry

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary