**ZONING BOARD OF ADJUSTMENT JULY 6, 2015**

**MINUTES**

Meeting was advertised according to the NJ State Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Mund, Mr. Naftali, Mr. Ingber, Mr. Ribiat,

Mr. Gonzalez, Mr. Halberstam

Arrived Late: Mr. Lankry

Also present: Attorney – Jerry Dasti

Terry Vogt, Engineer/Planner

Jackie Wahler, Court Reporter

Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of June 8, 2015 – Mr. Halvorsen

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Halvorsen, Mr. Naftali, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

Chairman announced that this agenda will not be completed tonight and asked if there were any applicants that would like to carry until the Special meeting next Monday July 13th.

Appeal # 3897, NAPCO, Construction will be heard Monday, July 13th.

Appeal # 3910, NJ American Water will be heard Monday, July 13th.

Appeal # 3917, Primeland Holdings, have not received a review yet.

Letter from Adam Pfeffer, requesting a clarification. Applicant has a post tenant, what they manufacturer involves ink. Township attorney wrote a letter stating that in his opinion Selective Coating is not a manufacturer of ink in a generic sense and therefore not prohibited. Applicant agreed to comply with all building codes.

William J. Zak – owner of Selective Coating, sworn. They manufacturer inks, coatings and adhesives for food packaging. It is water base material that is safe. Do not manufacture any poisonous ink.

The Board discussed the issue and determined that this ink is food grade ink.

Motion to approve zero tolerance for hazardous materials – Mr. Gonzalez

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Halvorsen, Mr. Mund, Mr. Naftali, Mr. Ingber, Mr. Ribiat,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3915 – Lerner –** 124 Spruce Street, Block 782.07 Lot 4, R-12 zone. Variance

requested for side yard setback, required 10 feet - proposed 9 feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 16, 2015**

A construction error on an addition being completed to the existing (occupied) home resulted in a bulk (side yard variance) condition in need of Board consideration as necessary to receive final building department approval for the addition.

Mr. Dasti - This home was built one foot too close. Supposed to be 10 foot side setback and it is now 9 feet.

Open to Public. Closed to Public.

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Motion to approve – Mr. Naftali

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Halvorsen, Mr, Mund, Mr. Naftali, Mr. Ribiat, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

Motion to approve resolution for Lerner – Mr. Naftali

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Halvorsen, Mr. Mund, Mr. Naftali, Mr. Ribiat, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3909 – Harriet Zitter**, 102 No. Oakland Street, Block 189.05 Lot 137, R-10 Zone.

Use variance to construct a duplex on 11,206 square foot lot where 12,000 is

required.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner**

Applicant proposes to redevelop an existing single family property by demolishing an existing single family dwelling, pool and appurtances and a duplex dwelling. The applicant requests bulk variances for the construction of the new dwelling.

Brian Flannery, engineer/planner, sworn. The application is for an existing single family lot in the R-10 zone and the applicant is requesting to construct a duplex on a 11,206 where 12,000 is required. The Master Plan suggests that this area be rezoned to an R-7.5 zone which would mean that they only need 10,000 square feet. Property is on the corner of Oakland route 88.

A-1 tax map

Mr. Flannery – this lot will fit in well with the neighborhood. This is a de minimous variance.

The duplex would be back 30 feet from Oakland. At the back corner it is 30 feet from Ocean Avenue. At the front corner it is only 25 feet.

A-2 plan that was approved next door for duplexes by the Planning board.

Mr. Flannery - the open space lot will be a tot lot. There will be window wells. There will be no basement entrance along Ocean Avenue they will be in the front.

Open to Public. Closed to Public.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Mund, Mr. Naftali, Mr. Ingber, Mr. Ribiat,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3884 – DRMY Holdings,** River Avenue, Block 534 Lot 7, HD-7 zone. Proposed 14

Duplex units, 1 mikvah/daycare, 1 commercial garage.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 24, 2015**

The applicant proposes to subdivide Lot 7 into 14 lots, resulting in 18 proposed zero lot line lots, with lot sizes ranging from 4,000 to 4,477 square feet. Duplexes are proposed to be constructed on Lots 7.01-7.12.

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There are 3 existing structures on site, including a former gas station/garage, a boarded up residential structure, and a former one-story masonry commercial building. The residential structure is proposed to be removed. Two existing structures are to remain on site. The canopy on the existing one story masonry building on proposed lot 7.16 is to be removed and the building renovated and converted in to a Mikvah. The existing one story masonry building on proposed lot 7.16 will remain a garage. A 60 x 40 tot lot is proposed and a private road is proposed to access the units.

Miriam Weinstein, attorney for applicant. Applicant was here a few months ago. They came here to replace an approval that was given for townhouses on this site in 2006. This board did not like the plan. They have revised the plan with duplexes on 8,050 square feet vs. the 7,000 on the earlier plan. Also eliminated the triplex plan and they now have a total of 14 units. The original approval was for 20 townhouse units. They shifted the location of the bus shop. The repair shop is a pre-existing structure. The other building will remain a day care center with a mikvah on the second floor. They relocated the tot lot. The structures on the property are in complete disrepair.

Graham Macfarlane, engineer/planner. The changes to the plan were based on imput from the board. There are now 14 duplexes. Described how the buses will get through the lot.

Mr. Halberstam - The zone allows 8,500 square feet and you are proposing 8,050.

Mr. Macfarlane - They meet the density requirements.

Mrs.Weinstein - There is an existing approval and build the 20 townhouses.

Mr. Macfarlane – the existing building used to be a gas station at one point and the tanks have been removed. The day care is on the south portion of the site.

Mr. Gonzalez - if he removed the buildings than they would have be required to have the 100 foot setbacks to Route 9. This fits the area.

Mr. Ingber – agree with Mr. Gonzalez.

Mr. Naftali - If the retail was a grocery store it would fit in much better.

A-4 previous plan with the townhouses.

Mr. Halberstam – Don’t approve of taking busses of children through an active garage with broken down cars, etc.

Scott Kennel, Traffic engineer, sworn. The plan eliminates the busses from stopping on Route 9.

The children will get on and off the busses through the sidewalk on the side of the garage.

Mr. Halberstam - Recommend to get rid of the service garage, make the duplexes closer to 8,500 square foot lots and a normal bus lane for discharge and pick up for the children.

Open to Public. Closed to Public.

Motion to deny – Mr. Mund

Second – Mr. Halvorsen

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

Nayes: Mr. Ingber, Mr. Gonzalez

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**MINUTES PAGE 4.**

**Appeal #** **3903 – Max Wosner,** Shelley Lane & Cedar Court, Block 423.01 Lots 17, 18 & 29

R-7.5 zone. To subdivide the properties to provide 3 duplexes on 6 zero lot

line lots with lot area deficiency.

Abe Penzer, attorney for applicant.

A-3 - Rabbinical court decision.

Mr. Lankry – this board is not bound by that decision.

Mr. Penzer – they made an agreement that duplexes cannot be stopped because they are permitted. They will install bushes and fences. Everyone that complained was at the arbitration except for one person.

Mr. Dasti - No bulk variances are need, use variance for 3 duplex lots where property is less than 10,000 square feet. Conforming would be 2 duplexes and a single.

Mr. Penzer – this is an R-7.5 zone where duplexes are permitted on 10,000 square foot lots and they have 9,060, 9,062 & 9,067. They meet all the other requirements.

Mr. Flannery – the applicant will meet with the neighbors to see if they should face the end duplexes off Shelley Lane. Will consider facing the units to West Spruce and Cedar. Shelley Lane is a cut through from the hospital. His opinion is to face one duplex on West Spruce and the other 2 to face Shelley Lane.

Motion to approve 3 duplexes – Mr. Naftali

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ingber, Mr. Gonzalez,

Mr. Halberstam

**Appeal # 3900 – Congregation Maalos Hatorah, Inc.** Gates Avenue off New Hampshire

Avenue, Block 1159, various lots, Block 1159.04, various lots, R-20 zone.

Use variance to construct duplexes

Miriam Weinstein represented applicant. There were objectors and they were told to go to a Rabbinical court. They have the decision of the Rabbi.

Mr. Dasti - Was advised by Mr. Gouin, who represented an objector that they will not be attending the meeting tonight.

Aaron Perlow, affirmed. They met with Rabbi Roth and all the parties agreed

A-8 Letter from Rabbinical Court

Ms. Weinstein read the letter from the court.

Graham MacFarlane, sworn. Referred to A-4 showing some of the conditions of the agreement.

20 foot strip to about 90 feet would be allocated for additional parking for the Stamford Hills Development. They will be removing one lot. The 3 unit building will be changed to a duplex. There will be 14 units instead of 15.

Ms. Weinstein - This is a bifurcated application use only.

Mr. Lankry asked that the units be near 10,000 square feet.

Open to Public.

Yeshaya Krauss, represented Stamford Meadows and they will not object to this project.

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Motion to approve use only not to exceed 14 units – Mr. Lankry

Second – Mr. Gonzlez

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3901 - 363 Chestnut Street,** Caldwell Avenue Block 1096 Lot 2, R-20 zone. Use

variance to allow the construction of duplex housing.

Mr. Gonzalez recused himself.

**From: Terry Vogt, Engineer/Planner**

The applicant is seeking a use variance relief and preliminary and final major subdivision approval to construct a major subdivision on a 61,752 square foot property. As referenced on the site plan the subdivision layout depicts 4 duplexes, 8 units. An existing single family dwelling and improvements on the property is proposed to be removed. The property is bordered by

undeveloped right of ways by Fulton Avenue and Caldwell Avenue to the north and east respectively. Both frontages are proposed to be curbed and paved with a 30 foot pavement width. The property is bordered by Chestnut Street to the South. The area is predominately wooded and undeveloped in its current condition.

Miriam Weinstein, attorney for applicant. Seeking use variance and major subdivision for duplexes on the subject property in the R-20 zone where duplexes are not permitted. This area has been recommended by Township planner to be rezoned to townhouse use.

Brian Flannery, engineer/planner sworn. Asking for 4 duplexes. Average duplex lot size is 15,400 square foot.

A-1 tax map.

A-2 aerial map

Mr. Flannery – this is a good transition. They will satisfy the comments in Terry Vogts report.

There is no reason to have a Homeowners Association.

Mr. Halberstam suggested for single family homes.

Ms. Weinstein – they can put singles on 7,500 square feet.

Open to Public.

Shmuel Steier, affirmed. This area is not designed for this project. His Yeshiva is next door. Wants the Board to know that when he applies for his yeshiva he was there first and they should not object to living next to a school. It is impossible to get out to New Hampshire Avenue.

Ms. Weinstein – this project will benefit his Yeshiva.

Mr. Lankry - Both sides of Chestnut Street are single family homes up until this point. Not thrilled with duplexes.

Mr. Flannery – they will be paving all around.

Motion to deny duplexes – Mr. Lankry

Second – Mr. Halvorsen

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

Mr. Ingber, Mr. Halberstam

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**MINUTES PAGE 6.**

**Appeal # 3911 – Avi Locker, 1281 Central Avenue**, Block12.04 Lot 50, R-12 zone.

Requesting front yard setback of 16 feet where 30 feet is required.

**From: Terry Vogt, Engineer/Planner – May 20, 2015**

The applicant proposes an addition and alterations to an existing two story single family residence with no basement. Property is located at 1281 Central Avenue approximately

180 feet west of its intersection with Circle Place. The property is located in the R-12 single family zone. The applicant is requesting bulk variance relief of front yard setback to a secondary unimproved right of way, 16 feet proposed 30 feet required.

Miriam Weinstein represented applicant. – Asking for a front yard setback to a paper street so that they can construct an addition to their home to fit the needs of their growing family. The applicant is not increasing the amount of bedrooms in the house. There is ample parking with a circular driveway.

A-1 variance plan

Glen Lines, sworn. - There is no detriment to anybody. This paper street is like a driveway. Proposing a 21 x 38 foot addition. First floor will be a home gym and the second floor master bedroom and a family room. There is no basement. No possibility of a basement apartment. The addition will also be on a slab.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3908 – Yehoshua Frenkel**, 612 Cross Street, Block 524 Lot 4, M-1 zone. Use

variance for duplexes in the M-1 zone.

Secretary read report.

**From: Terry Vogt, Engineer/Planner**

The applicant is seeking use variance approval to construct a major subdivision. The use variance plan depicts 14 duplexes, 18 dwelling units, 2 single family dwellings and a shul

proposed on the referenced property which is located in the M-1 industrial zone. Duplexes are not a permitted use within the zoning district. Applicant has bifurcated this application and is only seeking approval for the use variance at this time.

Brian Flannery, engineer/planner, sworn. This is a bifurcated application asking for duplexes in the M-1 zone.

A-1 plan submitted

A-2 map of the area

Mr. Flannery – This property currently has an industrial park on it. It’s got trucks and uses that are not very compatible with the adjoining senior development. The applicant has reached out to the seniors and will provide a buffer along the property line. There was environmental issues on the property and will be cleaned up by the applicant. This would replace an existing obnoxious use on the property. They will come back with a site plan with all the details.

Mr. Halberstam – think that this property would be better with single family homes and not duplexes.

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Mr. Flannery – they are trying to take into consideration the seniors.

Mr. Halvorsen – the existing use has not bothered the seniors.

Open to Public.

William Hobday, sworn. They met with the applicant. And discussed that there was an environmental issue on the property and they wanted to put up duplexes. Did not consider basements. The Fairways will have 1,132 single family homes. They would welcome single story single family homes that will fit into the area. He is on the board at the Fairways and the board asked him to come before this board and ask not do this.

Mr. Lankry - A single family single story residence would not service anyone in the community.

What would the seniors want on that property?

Mr. Hobday - Looking for it to fit in the neighborhood. This application would be so out of line.

Closed to Public.

Mr. Flannery - Applicant would like to carry this application to meet with the seniors and come back with a new plan.

Motion to carry to August 31st with re-notice – Mr. Gelley

Second - Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Mund, Mr. Naftali, Mr. Gonzalez,

Mr. Halberstam

abstained: Mr. Lankry

**Appeal # 3897 NAPCO, Inc**, **Appeal # 3905 5 Oak Street**, **Appeal # 3910 NJ American Water, Co.,** **Appeal # 3912 126 Forest Developers**, **Appeal # 3913 Congregation Tiferes Shulem**, and **Appeal # 3917 Primeland Holdings** will be carried until July 13th .

All in favor.

Resolutions

**Appeal # 3874A – Rishon Associates**, Block 490 Lots 6, 9 & 41, M-1 zone. Resolution to approve the construction of 35 duplexes, 4 single family homes and 1 shul

Motion to approve – Mr. Gonzalez

Second – Mr. Mund

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

Mr. Gonzalez, Mr. Halberstam

**Appeal** # **3824A - Malka Betram**, 1503 Tanglewood Lane, Block 25.07 Lot 4, Resolution to amend previous resolution to allow compressors units in the side yard.

Motion to approve – Mr. Gonzalez

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ingber, Mr. Gonzalez,

Mr. Halberstam

**Appeal #3772A -170 Melville Holdings, LLC,** 150 Locust Street. Block 1081 Lot 5.01, B-5A & R20/12 zone. Resolution to approve preliminary and final major subdivision for 74 lot residential units.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

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Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary