

**ZONING BOARD OF ADJUSTMENT
MINUTES**

DECEMBER 10, 2018

Meeting was advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber,
Mr. Gonzalez, Mr. Halberstam
Absent: Mr. Lankry, Mr. Naftali
Arrived late: Mr. Gross
Attorney: Jerry Dasti
Engineer: Dave Magno
Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of November 19, 2018 – Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Ribiat, Mr. Gonzalez, Mr. Halberstam

Correspondence from Brian Flannery requesting an amended resolution **for Appeal # 4058, E. 7th Street Developers, LLC, Block 222 Lot 4.01** to include an in-ground pool located 1.5 feet from the property line.

Mr. Flannery - this is a pool on a duplex lot - testified that in his opinion the center lot line is not intended for an accessory building to have a setback.

Mr. Dasti agreed with his interpretation of the ordinance Chapter 18-911.

The Board discussed the setback for the pool and asked that the pool be modified and be made smaller.

Mr. Halberstam – this was constructed for a man and his daughter.

Mr. Ribiat – 18 inches is not enough for safety issues. If there is a danger they can't get out of the pool. I think the pool should be moved over.

Mr. Flannery offered to move the pool to 3 feet from the property line.

Mr. Gelley - If there is no problem with the building code – he has no problem with it.

Motion to amend resolution to include an inground pool at least 3 feet from the house – Mr. Ribiat

Second – Mr. Ingber

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

Member Mordy Gross arrived at 7:45.

Chairman announced that Adam Pfeffer, esq. for **Appeal # 4086** will be arriving late.

Appeal # 3967 – Congregation Maalos Hatorah, Block 1159 various lots Block 1159.04 various lots, R-20 zone, New Hampshire Avenue. Use variance for duplexes.

Secretary read report.

From: Terry Vogt, Engineer/Planner – November 15, 2018

The applicant is seeking use variance relief and preliminary and final subdivision approval to construct a major subdivision. The subdivision layout depicts 19 duplexes (38) units, 1 synagogue, one tot lot, 1 open space lot and one storm basin lot.

Miriam Weinstein, attorney for applicant. This project was at this board in August 2016 for 38 duplexes on approximately 9,000 square foot lots with a synagogue. They were asked to come back with 10,000 square foot lots. There are 2 projects owned by Congregation Maalos Hatorah. This one is not connected to Stamford Meadows. This plan now has 32 duplexes on 10,000

square foot lots. The area is surrounded by wetlands and there are 2 flowing streams on the property.

Graham MacFarlane, engineer/planner sworn.

A-1 - development plan dated 4/19/16 showing 38 duplexes and shul – lots about 9,000 square feet average.

A-2 - development plan dated 6/22/18 showing 32 duplexes and a synagogue
Showing one loop road - No variances required other than use.

Mr. MacFarlane - HVAC units will be in the rear of the units. Density is 3.6 units per acre. The Master Plan recommended this area to be zoned R-10A which would allow duplexes but has not been adopted yet. In the R-20 zone duplexes are not permitted. There will be an unfinished attic.

Scott Kennel – sworn. Traffic engineer. Driveway will work at Level C during peak hours. There will be future roadway improvements on Vermont Avenue. There will be a traffic signal at Chestnut Street and New Hampshire Avenue. There will be 2 way traffic throughout the development on a 32 foot wide road. Route 9 corridor improvements are also in the final design stages for a 3rd lane on Chestnut.

Ms. Weinstein, Usually in the developments the busses do not go in they wait at the entrance.

Mr. Macfarlane – there will be 11 parking spaces for the shul and 1 handicapped space.

A-3 - architectural plans for the shul
First floor will be 2,080 square feet
Second floor will be 1,877 square feet
The sanctuaries will be 2,000 square feet. 900 square feet and the other one is 1,100 square feet
The footprint of the building is 32 x 64.
The building will be constructed with a basement.
There is no kitchen plan for the basement.

Open to Public. Closed to Public.

Ms. Weinstein – it is a neighborhood shul for this community. The Board should write a letter to the Township Committee with the Boards recommendations.

Motion to approve with a one way loop, no street parking at the entranceway and parking only on the outside loop – Mr. Gelley

Mr. Dasti - The testimony is that by 2020 the improvements should be completed.

Mr. MacFarlane - They still need approvals from the DEP, wetlands, sewer extention, County planning board. That process could take 2-3 years.

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gross,
Mr.

Appeal # 4087 – Divonne Equity Group, LLC, Franklin Street & W. Cross Street, Block 500
Lot 1, R-40 zone. Use variance for office/retail building.

Secretary read report.

From: Terry Vogt, Engineer/Planner – September 6, 2018

The applicant is seeking use variance relief to construct a two-story, 30,400 square foot mixed use retail/office building. Retail and office development uses are not permitted in the zone. Bulk variance relief is requested for the depicted front yard setback to Franklin Blvd, (35 feet proposed, 50 feet required). Parking required is 162 spaces, 158 proposed.

Miriam Weinstein, attorney for applicant. This proposal is for a neighborhood retail center. Retail downstairs and offices upstairs. This plan now shows reasonable detail for the board. This neighborhood consists of R-40 lots and has been transformed in to a school zone. This property is no longer marketable for a residential home.

Mr. Halvorsen - Traffic backs up on both sides James Street and Cross Street.

Brian Flannery, sworn – Asking if retail at this site makes sense. There is more parking than required. There will be 15,000 square foot per floor. Before was 20,000 square feet per floor. There will be 2 entrances on Franklin Boulevard and one on West Cross Street. They need to meet with the County for the Cross Street access.

A-1 sketch dated 9/17/18

A-2 tax map showing zones

Mr. Flannery - Plans are drawn for the widening of Cross Street. There will be 3 lanes from Route 9 to Jackson. One lane in each direction and a turning lane. Engineering plans for the improvement of Cross Street is on the way.

Reviewed Mr. Vogt's report.

Mr. Flannery - The site plans shows 158 parking spaces – Office is 1 for 300 square feet and retail is 1 for 200 square feet.

Mr. Gonzalez – wants to approve what the plan shows.

Ms. Weinstein - The basement would be limited to be for storage only.

Scott Kennel, traffic engineer- He met with the county and they found this plan acceptable.

Open to Public. Closed to Public.

Motion to approve use only – Mr. Ingber

The Board members requested to see the plans for the future plans for the widening of Cross Street. The basement should be divided for each store.

Second – Mr. Gelley

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

Nayes: Mr. Halvorsen

Recess.

Appeal # 4086 – Aharon Sofer, Sanz Town Road, Block 11.12 Lot 62, use variance for Guest House with bulk variances requested.

Secretary read report.

From: Terry Vogt, Engineer/Planner – September 24, 2018

The applicant is seeking preliminary and final major site plan and minor subdivision approval with use and bulk variances relief to subdivide existing lot 62 into 2 new lots. Existing lot 62 will be subdivided in to new lots 62.01 and 62.02. New Lot 62.01 will contain an existing above ground storm basin and new lot 62.02 will contain a proposed “Guest House” which will be the subject of the site plan portion of this application.

Adam Pfeffer, attorney for applicant.

Brian Flannery, engineer/planner, sworn.

A-1 sheet 3 of 10 – proposed guest house
A-2 copy of minor subdivision map
A-3 copy of portion of filed map of West Gate
A-4 page 13 of tax map
A-5 google map showing basin.
A-6 rendering of proposed guest house.

Mr. Flannery – R-15 zone allows, schools, houses of worship, residential lots but not a guest house.

Mr. Pfeffer – houses in West Gate are not large enough for guests. It will be run by a non-profit organization. They can stay no longer than a week. The applicant is the owner. Can stay no longer than a week. There is an application and there is a small fee for the cleaning of the room.

Zev Moshe Sofer, affirmed. His son was murdered in Israel and to perpetuate his memory they would like to open a non-profit guest house. The house is located in the West Gate area. There will be no undesirables. There will be a nominal fee to cover room cleaning.

Shlomo Sofer, 43 Kelmwoods Ave, affirmed. They will have to fill out an application. This house is meant for guests coming to Lakewood for a night or two. There will be security. There will be 14 suites. Each suite will have 1 or 2 bedrooms. Every suite has a bathroom and a bedroom and a kitchenette. There will be a basement with a kitchenette, like a stocked pantry. There will be a first floor, 2nd floor and an unfinished attic. The laundry room is not for guests, it is for the laundry and towels.

Mr. Halberstam – This should be deed restricted that if it has to be sold it will not go to a school or dormitory.

Mr. Flannery – The township sold the property as a non-profit. There is a parking lot associated with the building – they are providing 14 parking spaces. He reviewed Terry Vogt’s report. There will be a single metered building. There is a fence around the basin. They will be putting sidewalk along the guest house.

Open to Public.

Joel Hess, 10 Hillside Blvd, affirmed. In favor of this application.

Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gross,
Mr. Gonzalez, Mr. Halberstam

Appeal # 4088 – Somerset NH, LLC, New Hampshire Avenue, Block 1248 Lot 1, B-5 zone.
Use variance for duplexes.

Chairman announced that there were only 6 members.

Applicant agreed to continue.

Secretary read report.

From: Terry Vogt, Engineer/Planner – October 29, 2018

The applicant is seeking a use variance approval lot construct up to 30 duplexes (60 residential units) on what is depicted as a 32 foot wide cul-de-sac throughout the property. Duplex dwelling are not permitted in the zone. The applicant is requesting use variance to develop duplexes on the property in accordance to the R-7.5 zone standards.

Mr. Halberstam – the approval was that the front will be townhouses, the midtown will be duplexes and the back will be single family homes with a park in the middle.

Miriam Weinstein, attorney for applicant. Asking for use variance for duplexes. The previous approval was for townhouses. This is a bifurcated application. Asking for use only.

Brian Flannery, sworn.

A-1 proposed duplexes

A-2 tax map.

Mr. Flannery – not asking for amount of duplexes only asking for the use of duplexes. When they come back with the subdivision they can try and work something out with the adjoining project. Asking for 31 duplexes.

Mr. Halberstam – this cannot work with one entrance and exit. 120 cars in and out with one lane.

Open to Public. Closed to Public.

Mr. Flannery – they can approach the County for another access.

Mr. Dasti – they are asking you to plan this application.

Mr. Magno – to comply with RSIS they could maybe get 25 - 30 units. They should revise the plan.

Ms. Weinstein - Not seeking site plan approval – approve the duplex use at a maximum of 50 doors. They already have the townhouse use. They will come up with a secondary means of access.

Motion to approve a maximum of 25 duplexes – Mr. Gelley

Second – Mr. Gonzalez

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

Nays: Mr. Halvorsen, Mr. Gross

Motion denied.

Motion to carry **Appeal # 4090, 570 Ocean Avenue**, Block 538 Lots 13, 14 & 42 to the January 7th, 2019 meeting. No further notice and agreed to waive time. Mr. Gross

Second – Mr. Halvorsen

All in favor.

Resolutions

Appeal # 4049 – Shasnis, Block 778 Lots 1, 2 77 & 3, Henry Street. Resolution to approve a 90 day extension to file the map.

Appeal # 4089 – Jonas Landau – Center Street/Arlington Ave, Block 766 Lot 19, R-7.5 zone. Resolution to approve the construction of a single family home with a 15.5 foot front yard setback on where 25 feet is required.

Appeal # 4091 – Max Wein, Westwood Avenue, Block 235 Lot 38, R-7.5 zone. Resolution to approve an addition to an existing house with lot coverage of 45% where 35% is required.

Appeal # 4092 – Electric Guard Dog, LLC, Block 1077 Lot 46, HD-7 zone. Resolution to approve the installation of a 6 foot -10 foot chain link fence for security.

Motion to approve above resolutions.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:15 P.M.

Respectfully submitted,

Fran Siegel

Secretary

