

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**FEBRUARY 3, 2020**

Meeting was advertised in accordance with the NJ Sunshine Law

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

Salute to the flag.

Motion to approve minutes of January 6, 2020 – Mr. Ribiat  
Second – Mr. Ingber

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

**Appeal # 4143 – Dov Kaufman**, 54 Cabinfield Circle, Block 208 Lot 218, R-12 zone. Addition encroaching in the side yard setback. 5.88/12.53 proposed where 10/25 is required.

Dov Kaufman, applicant, affirmed.

Glen Lines, engineer. They are small encroachments in the setback. Described the adjacent setbacks of the adjoining houses.

A-1 variance plan

Mr. Lines – applicant has 11 children and they need more room. There is no external basement entrance. No basement apartment planned. There will be no outside entrance to the attic. There are 3 parking spots in the front and 1 in the garage.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry  
Second – Mr. Gelley

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

**Appeal # 3980A – Joseph Sebbag**, Hope Chapel Road, Block 2.01 Lots 14.01 – 14.05 & 32. R-40 zone. Final major subdivision and site plan.

Dennis Kelley, attorney for applicant. Transcripts were given to members. Mr. Naftali who was not at the previous meeting signed an affidavit that he read the transcript and was able to vote. Straddles the Jackson border. At the November hearing the board asked for pictures of the existing site conditions.

Brian Flannery, engineer, sworn.

A-1 color rendering showing 6 lots on the cul-de-sac and 7<sup>th</sup> lot in Jackson  
A-2 copy of google map showing the subject property  
A-3 copy of tax map  
A-4 copy of subdivision map showing existing houses.

A-5 trees in the rear yard of the proposed lots – the underbrush is clear and there is a 6 foot fence along the property line.

A-6 shows a picture along the fence

A-7 prospective rendering with the double row of landscaping

A-8 wooded area on the neighbors lot. 157 feet from the property line to the neighbors house.

Mr. Flannery – is the use variance still valid since the trees in the buffer have to come down. Re-noticed and asking the board for a new use variance and/or subdivision approval. There was an agreement between 2 property owners. They are offering 2 row of arbutus. The board has to determine if that is reasonable screening. There is a 7 foot drop within the 30 foot buffer. The proposal is to regrade the property in order to have a useable backyard. A 6 foot retaining wall would make their rear yard unusable. A wall has not been designed because they thought that was impracticable.

Alan Weiss, objecting attorney. In the use variance approval there was an agreement that there would be no disturbance in the 30 foot buffer. In exchange for his clients objection they agreed to a 30 foot undisturbed natural buffer. They are trying to breach the contract. This is not the buffer that was negotiated. There is a lot of disturbance.

Mr. Naftali – they are giving you the same 30 foot buffer. Does not see that the client is not being effected.

Mr. Lankry – he is giving you two rows of arbutus and 30 feet.

Mr. Flannery – Lot 14.11 is 18,000 square feet with less than a 20 foot useable rear yard.

Mr. Weiss – the agreement was also made in the Jackson Zoning Board and they also removed their objection.

Mr. Kelley – trying to honor the agreement as best as possible.

Mr. Flannery - With the 2013 approval there was no grading plan.

Mr. Vogt - If the board decides if the wall is necessary you have to factor in who is going to maintain that wall.

Mr. Gonzalez - The Shade tree Commission should get involved and decide what kind of buffer should be.

Open to Public. Closed to Public.

Motion to approve with the restrictions of no sheds, fences or any construction of any kind be in the 30 foot buffer zone, 2 rows of trees that the Shade Tree Commission to review and decide type and size of trees – Mr. Lankry

Second – Mr. Naftali

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

Abe Halberstam sat

Judah Ribiat had to leave

Moshe Lankry had to leave.

**Appeal # 4144 – Ari Tessler**, 1225 J. Scott Court, Block 186.12 Lot 25. To construct a single family house needing front yard setback variance.

Chairman announced that there were 6 members present.

Applicant agree to proceed.

Glen Lines, engineer – Requesting 2 front yard setback variances. This is a corner lot. The existing house is 1600 square feet and they want to add on to accommodate his family. There is an existing inground pool on a cul-de-sac. There is nobody to his north. This is a C-2 variance. No basement apartment – no external entrance to the basement.

Open to Public. Closed to Public.

Motion to approve – Mr. Gross

Second – Mr. Naftali

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

### **Resolutions**

**Appeal # 4133 –Robert Kirschner**, Florence & Stratford Street, Block 1077.04 Lots 10.01, 11.01, 12.01, 14.01 & 21, B-5 zone. Resolution to approve a use variance to build up to 6 duplex units.

Motion to approve

All in favor

**Appeal # 4140 – Mendel Tress**, Oberlin Avenue South & Vassar Avenue, Block 1601 Lot 2, M-1 zone. Resolution to deny a minor subdivision to create 3 new lots from the existing one lot. Use variance for parking lot on lot 2.02 denied

Motion to approve

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 9:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary