

**ZONING BOARD OF ADJUSTMENT
MINUTES**

FEBRUARY 4, 2019

Meeting was advertised in accordance with the NJ Sunshine Law.

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

Salute to the Flag.

Motion to approve minutes of January 7, 2019 – Mr. Gelley
Second – Mr. Gonzalez

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

Appeal # 4103 – Cedarbridge Holdings did not advertise and cannot be heard until the March 4th meeting.

Received request from **Appeal # 4095 – Yehuda Brezel**, 15 Holly Street, Block 548 Lot 10. to withdraw their application.

Appeal # 4100 – New Hampshire Investments Investments, LLC did not advertise and will not be heard tonight.

Appeal # 4090 – 570 Ocean LLC, Ocean Avenue, Block 538 Lots 13, 14 & 42. R-7.5 zone. Subdivision for 6 new lots for the construction of 3 undersized duplexes.

From: Terry Vogt, Engineer/Planner – January 21, 2019

The applicant seeks minor subdivision approval to subdivide an existing property into 6 residential lots. Zero lot line properties are proposed with 3 duplex buildings. A use variance is required as duplexes in the R-7.5 zone require a minimum of 10,000 sf whereas 9,262.50 sf is provided for each duplex.

Miriam Weinstein represented applicant. This application was heard at the January meeting. There were no architectural plans and so there was no vote. They will demolish existing buildings. Asking for 3 duplex buildings with zero lot lines. Lots conform with all setbacks.

Glenn Lines, engineer/planner sworn

A-1 composite map showing other duplexes in the area
A-2 subdivision map
A-3 architectural plans

Mr. Lines - Only variance is for lot area.

Ms. Weinstein – attics are not finished. There will be no exterior stairs to the attic. The design for the duplexes was approved by the DOT.

Open to Public.

Shloime Klein, affirmed.

Closed to Public.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

Appeal # 4093 – Esther Tauber, Congress Street, Block 248.02 Lots 39 & 40. R-7.5 zone.
To create duplexes on undersized lots. Required 10,000 square feet –
proposed 9,375.00

From: Terry Vogt, Engineer/Planner – December 12, 2018

A use variance is required as duplexes in the R-7.5 zone require a minimum of 10,000 square feet whereas 9,375 square feet is provided for each duplex.

Esther Tauber, applicant, affirmed.

Glenn Lines, engineer/planner, sworn. Asking for lot area variance for 2 duplexes. Will be providing 4 parking spaces for each duplex.

A-1 composite map
A-2 Subdivision plan
A-3 architectural

Mr. Lines – there are conforming side yard setbacks. Each lot is 9,375 square feet for each duplex. No separate stairway to the attic. The attic will not be a separate living unit.

Open to Public.

Zev Lamm, 11 Congress Street, affirmed. In favor of this application.

Shloime Klein, affirmed.

Isaac Lieberman, 779 Whitmore Street, affirmed. Building a house on Congress Street and in favor of this application.

Mr. Lines testified that the basement stairs will be in the front.

Motion to approve with pending plans be submitted at the March meeting that show one basement entrance and a full basement plan - Mr. Ingber

Second – Mr. Gelley

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

Appeal # 3998 – David Holtz, James Street, Block 338 Lot 3, R-12 zone. Use variance for duplexes.

From: Terry Vogt, Engineer/Planner – January 2, 2019

Duplex development is not permitted in the zone. Use variance relief, minimum lot area, lot width, front yard setback, side yard setback and lot coverage variances are required for this project.

Brian Flannery, engineer/planner sworn. The application is for a use variance and minor subdivision to allow duplexes in a zone that doesn't allow duplexes.

A-1 subdivision map
A-2 tax map
A-3 copy of improvement plan

A-4 copy of land uses changes from the Master Plan
A-5 map of duplexes in other areas in the R-12 zone
A-6 proposed land use map showing this should be an R-10B zone

Mr. Flannery – Across the street are duplexes and duplexes belong here. Variance are compared to the R-12 zone. The existing setback is consistent with the other duplexes approved in the area. Reviewed board engineer's report. James Street is a County Road and will need County approval. Showed where the current R-12 zone line is and the approval for the shul.

Mr. Magno - Don't have the requirements for the R-10B zone.

Mr. Flannery - R-10A & R-10 B requires 10,000 square feet for a duplex.

Mr. Dasti - The Township Committee has not adopted that ordinance. The current zone is R-12. These are approximately 9,200 - 9,700 square feet where 12,000 is required.

Mr. Flannery – there is a 30 x 100 foot site triangle easement on the corner lot.

Mr. Ingber - if the master plan was approved they still need 10,000 square feet for a single family and 12,000 for a duplex.

Mr. Flannery – there are the same lots as across the street with duplexes. A single family home does not belong here. They are very clear of the site triangle.

Open to Public.

Shloime Klein, affirmed

Chasida Berkovitz, 108 Grantwood, affirmed. Moved from West Gate, looking for a better quality of life. This block is much shorter than the other blocks. They were told that the Zoning Board was not approving duplexes in the R-12. A lot of buses turn around on the block. Cannot make a left turn onto James Street. There are 2 schools, whenever there is an event or summer camp the backup and volume on James Street is tremendous. They are parking on their block. There are other vacant lots in the area and they will be coming in for duplexes also. Think that single family homes would be sold.

David Holtz, 128 St. Nicholas Avenue, applicant, affirmed. He is a local realtor. Purchased this property to keep one of the units for his children. The entire area is duplexes, there is not one single family home. The back is all wetlands.

Mr. Flannery – Described the area and the Crystal Lake Preserve.

Shloime Klein – asked if he spoke to any of the board members prior to this meeting.

Chasida Berkowitz – Ridgeway on the other side of Drake Road is being sold as single family homes. The trailers are on the property of the shul.

Fishel Goldberg, 640 7th Street, affirmed.

Closed to Public.

Mr. Gelley - Right now this is an R-12 zone – the new ordinance has not been adopted yet. When it will be adopted to R-10B they will still need variances because the lots are not 10,000 square feet. Suggest that they come back with 10,000 square foot lots for the duplexes.

Mr. Flannery – use variance needs 5 affirmative votes. Asked for the application to be carried until there are 7 members available to vote.

Mr. Halberstam asked the board members if they wanted to carry or if they wanted to vote tonight. Did not make the announcement tonight to ask the applicant if he wanted to proceed with the 6 members. If this is approved we are approving 2 duplex lots.

Mr. Dasti - Also approving the variances. This is not a bifurcated application but the applicant will bifurcate if the board wants.

Mr. Gelley made a motion for one duplex and one single.

Mr. Naftali suggested to bifurcate the application – duplexes do belong here.
Motion to approve 2 duplexes and have to come back with site plan – Mr. Naftali

Mr. Ribiat – this doesn't fit and doesn't look right and has objectors.

Mr. Naftali – disagree with Mr. Ribiat –

Second - Mr. Gonzalez

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

Motion to bifurcate is denied.

Mr. Magno - There are discrepancies on the zoning chart are not consistent with the plans and need to be fixed.

Motion to carry until next month for the vote only – Mr. Gelley

Second – Mr. Naftali

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

The 7th member of the board will listen to the tape and there will be a vote.

Adam Pfeffer, esq. requested that **Appeal # 3773A – Duvie Holdings** be carried until the March 4th meeting to revise plans and to meet with the neighbors.

Ron Gasiorowski, attorney for objectors, agreed to carry with renote and revise plans.

Plans must be here 10 days prior to the meeting.

Motion to carry to March 4th meeting – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 4099 – Bill Teichman, 879 Hearthstone Drive, Block 425 Lot 12, R-12 zone.
Addition with variances requested.

From: Terry Vogt, Engineer/Planner – January 2, 2019

The applicant is seeking approval to develop an existing single family residential property remodeling the existing home, and construction a two-story addition with basement and deck. Seeking bulk variance relief for front yard setback (dual frontage) to construct the new dwelling.

Glenn Lines, engineer/planner, sworn.

A-1 copy of cover sheet of plan

A-2

A-3 architectural plans

Bill Teichman, applicant, affirmed.

Mr. Lines, application for renovation of the existing home. There will be 7 bedrooms and a guest bedroom on the first floor. There is a ½ basement now, there will be an addition to the basement. There will be no basement entrance and no apartment proposed. Will be a play area for his children. Frontage on Lakewood Pine Blvd. proposing 13.47 feet where 30 feet is required and a front porch on Hearthstone Drive proposed on the house which is 24.89 setback where 30 feet is required. All other setbacks are conforming. The house is not being demolished. The existing house has a conforming front setback. Lakewood Pine Blvd is the access to the park.

Mr. Teichman – they have 6 children and has now become quite crowded. This expansion would still allow a backyard for our children. It is a split level house. The new basement is 900 square feet. They are not finishing the attic, it will be used for storage.

Mr. Lines - The site plan shows 4 parking spaces and they will have to widen the driveway.

Mr. Magno – the proposed parking is safer than moving it.

Open to Public.

Shloime Klein, affirmed.

Zacharia Grama, 869 Hearthstone Drive, affirmed. Next door neighbor and in favor of this application. To make his driveway wider would not look nice.

Closed to Public.

Motion to approve – Mr. Ingber

Second – Mr. Naftali

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

Resolutions

Appeal # 4096 – 118 Ocean Avenue, LLC – Vine & Spruce Street, Block 836 Lot 1 –Block 837 Lot 1, R-40C zone. Resolution to deny a use variance to create 10 single family lots with R-12 requirements.

Appeal # 4097 – William Nussen – Monmouth Avenue – Block 159 Lot 16, B-2 zone. Resolution to approve the construction of a single family home with bulk variances approved.

Appeal # 4094 – Avi Goldner – James Street, Block 284.04 Lot 1.02, R-12 zone. Resolution to deny a use variance for a duplex.

Motion to approve all resolutions
All in favor.

Motion to pay bills.
All in favor.

Motion to adjourn.
All in favor

Meeting adjourned at 10:00 P.M.

Respectfully submitted,

Fran Siegel, Zoning Secretary

