**ZONING BOARD OF ADJUSTMENT MAY 9, 2016**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Mund, Mr. Gonzalez

Absent: Mr. Halvorsen, Mr. Naftali, Mr. Ribiat, Mr. Halberstam

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Jackie Wahler, Court Stenographer

Salute to the Flag.

Motion to approve minutes of April 4, 2016 – Mr. Lankry

Second – Mr. Ingber

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

Correspondence

Letter from Miriam Weinstein requesting condition of a resolution, **Appeal # 3585A** be modified.

Ms. Weinstein – this was approved in 2006. One of the conditions of the resolution was that the basement cannot be out of the ground more than 2 foot 8 inches. This house will have a basement. Also asking that the condition that the square footage requirement of 1,740 square feet for the first floor and 1,718 square feet for the second floor be removed. Asked that they be allowed to build in the approved building envelope as long as it stays within the setbacks required. Not sure if he wants to build a bigger house but he does want to build it differently. Don’t know if he has the approved plans.

Motion to approve the basement condition be removed but the square footage of the floors remain the same or smaller – Mr. Lankry

Second – Mr. Gelley

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

Mr. Gonzalez announced that there were only 5 members attending,

Sam Brown, Esq. requested that **Appeal # 3917 – Primeland Holdings,** James Street,be carried to the June20th meeting.

Mr. Gasiorowski who was at the meeting did not object to the carrying of this application.

Motion to carry until June 20th – Mr. Lankry

Second – Mr. Ingber

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

Agreed to waive time and no further notice.

Adam Pfeffer, attorney for **Appeal # 3947 – Elad Gebus**, Oakland & Cherry Street,– requested to carry to the June 20th meeting.

Mr. Pfeffer agreed to no further notice and a waiver of time.

Motion to carry Appeal # 3947 to the June 20th meeting – Mr. Lankry

Second – Mr. Mund

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

Adam Pfeffer, attorney for **Appeal # 3952 – Lakewood Investments, James Street –** requested to carry to the June 20th meeting.

Motion to carry – Mr. Lankry

Second – Mr. Mund

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

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No further notice

Agreed to waive time.

Brian Flannery requested that **Appeal # 3959 – Moshe Lankry, 409 1st Street,** be carried to the June 20th meeting.

Motion to carry – Mr. Gelley

Second – Mr. Ingber

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

No further notice.

Agreed to waive time.

Brian Flannery requested that **Appeal # 3955 – Obed Gonzalez,** Chestnut Street, be carried to the June 20th meeting.

Motion to carry – Mr. Lankry

Second – Mr. Mund

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

No further notice.

Agreed to waive time.

Miriam Weinstein, attorney for **Appeal # 3958 – Success Homes Capital, Pine Street,** requested to carry to the June 20th meeting.

Motion to carry – Mr. Mund

Second – Mr. Gelley

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

No new notice.

Agreed to waive time.

Abraham Penzer, attorney for **Appeal # 3965 – D & L Management,** East County Line Road requested to carry until the June 20th meeting. There were two attorney’s that are representing objectors to this project and Mr. Penzer asked them to contact him.

Motion – Mr. Lankry

Second – Mr. Mund

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

No further notice

Agreed to waive time.

Brian Flannery re: **Appeal # 3840** – air conditioner units in the rear of the units - would like to put them on the side.

Mr. Vogt - No code issues no setback issues.

Mr. Lankry - spoke to the inspectors and they say that the units should be where they run the most efficient.

Mr. Flannery – would also like to put the trash cans in the rear of the building.

Motion to approve revision of a/c units on the side where there is a 10 foot setback – Mr. Lankry

Second – Mr. Gelley

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

Brian Flannery requested a conceptual opinion on the Somerset Development approval on Hope Chapel Road, **Appeal # 3811.** This was approved by the board in 2013.The approval is for a 5 lot subdivision of 15,000 square foot lots. Asking for this boards opinion and comments for a 6 lot subdivision before they go to Jackson Township.

Mr. Lankry – the stipulation was as long as the lots remain at least 15,000 square foot lots.

Mr. Flannery – the proposed house is partially in Jackson.

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Moshe Blech requested that **Appeal # 3949 – Moshe Blech,** Forest Drive, be carried until theJune 20th meeting. He agreed to waive any time

Motion to carry - Mr. Lankry

Second – Mr. Gelley

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

No further notice.

Yechezkal Eider requested that **Appeal # 3950 – Yechezkal Eider,** Forest Drivebe carried to the June 20th meeting. He agreed to waive any time.

Motion to carry – Mr. Mund

Second – Mr. Ingber

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

No further notice.

**Appeal # 3936 – Mordechai Zafrani,** 464 Manetta Avenue, Block 236 Lot 12, R-10 zone. Use

variance to construct a duplex on a 9,000 square foot lot where 12,000 is

required.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – December 2, 2015**

Existing development abutting the property appears to be primarily residential in nature. A single family home exists on site which will be removed. The applicant proposes installing 2 head in paved parking area to provide 4 off-street parking spaces per each duplex unit (8 spaces total). Duplex residential housing is a permitted use in the zone provided that a minimum lot area of 12,000 square feet and a minimum lot width of 75 feet is provided. Lot 12 is 9,000 square feet and a width of 60 feet.

Brian Flannery, engineer/planner sworn.

A-1 copy of map submitted

A-2 tax map

Mr. Flannery – this is an R-10 zone but the Master Plan indicates that this should be a R-7.5 zone. Proposing what is in the area. This lot is in the downtown regional center which is moderate to high density.

Mr. Gonzalez – this is not even enough for a single family house. The area is mainly single family houses. The area is congested.

Mr. Flannery – understand that this area today needs 12,000 square feet for a duplex. It is a variance because they do not have the 12,000 square feet. Most of the lots on the street are 60 feet wide.

Open to Public. Closed to Public.

Mr. Flannery – applicant would like to withdraw the application.

Mr. Dasti – cannot withdraw – the board needs to vote.

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Motion to deny – Mr. Mund

Second – Mr. Gelley

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

**Appeal # 3961 – Tower Builders,** 415 E. 5th Street, Block 236 Lot 19, R-7.5 zone. Proposed

duplex on an undersized lot – required 10,000 square feet – proposed 9,888.

Secretary read report.

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

The applicant seeks a zero lot line subdivision approval to subdivide an existing rectangular 9,888 square foot property into two new duplex lots to accommodate one two story residential structure. These lots will be designated as lots 19.01 and l9.02 on the subdivision plan. Paved off street parking areas and aprons for each dwelling units are proposed as depicted on the existing

condition survey plan, one existing residence, detached garage with driveway and appurtances will be removed to accommodate the proposed development.

Brian Flannery, sworn – this is for a 9,888 square foot lot where 10,000 is required for a duplex.

This is de minimus. This is an existing 50 foot wide lot. Only variance required is lot area.

A-1 rendered version of plan submitted.

A-2 tax map

Mr. Flannery – There will be 4 parking spaces peer unit. HVAC units will be on the side. Meets all the bulk and safety requirements.

Mr. Gonzalez questioned the plan showing that this property is in the R-10 zone.

Mr. Flannery - The tax records show R-7.5

Motion to carry until June 20 to confirm the zone of this property – Mr. Gelley

Second – Mr. Lankry

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

No further notice if the zone is R-7.5.

If the zone is R-10 than new application will be required.

Applicant agreed to waive any time.

**Appeal # 3962 – David Donner**, 825 East End Avenue, Block 208 Lot 175, R-10 zone. To

construct a duplex. Side yard setback variance requested for 7 ½ feet where 10

feet is required.

Brian Flannery, sworn.

Mr. Flannery – this is for a property in the R-10 zone for a duplex where 12,000 is required and this lot is 27,643 square feet. Asking for side yard setback variance for 7-1/2 where 10 feet is required and combined side yard of 15 feet where 25 is required. This area is recommended for re-zoning in the Master Plan. Each side will be 30 feet wide. Basement steps need to be at least 5 feet from the property line. The a/c units will also be 5 feet from the property line. Each unit will be 5 bedrooms upstairs and three bedrooms downstairs. Attic steps will be inside the house.

Open to Public. Closed to Public.

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Motion to approve – Mr. Gelley

Second – Mr. Lankry

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

Recess.

**Appeal # 3963 – Mordechai Eichorn**, 85 Williams Street, Block 420.01 Lot 28, R-7.5 and

Hospital Support Zone. Subdivision

Adam Pfeffer, attorney for applicant. The Hospital Support zone line goes right through this property.

A-2

Brian Flannery, engineer/planner, sworn. Not creating one house in two zones. The zone line was a mistake. Lot 28.01 is in the R-7.5 zone. One lot will be 74.25 and the other will be 49.5 wide. The Hospital owns this lot. The Hospital is now selling it and the best use for the property is for two single family homes. The existing house is already in the R-7.5.

Mr. Pfeffer - The house is in the R-7.5 and the driveway is in the HS zone.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**RESOLUTIONS**

**Appeal # 3758A - Lakewood Realty Associate**., New Hampshire Avenue, Block 1160.03 Lots44.01 & 44.02 **–** Resolution to approve 2 – one year extensions untilJune, 2018.

Motion to approve – Mr. Lankry

Second – Mr. Gonzalez

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

**Appeal # 3940 – Yosef Weiss,** 236 Clover Street, Block 536 Lot 181, R-40 zone. Resolution to approve a use variance to construct a triplex.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Appeal # 3954 – Belz Center of Lakewood,** Grove Springs court & Grove Drive, Block 1081

Lot 12.01. Resolution to approve the construction of a 4,200 square foot clubhouse building.

Motion to approve – Mr. Ingber

Second – Mr. Lankry

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

**Appeal # 3897A – Napco Construction, LLC –** Manetta Avenue – Block 243 Lots 34, 35, 36 & 38, R-7.5 zone. Use variance approved. Subdivision approved.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

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**Appeal # 3951 – 525 Chestnut LLC,** 525 Chestnut Street Block 1159 Lot 41.01, R-20 zone. Resolution to approve a use variance to construct 2 duplexes.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Appeal # 3953 – Mordechai Eichorn**, 1515 Buttell Avenue, Block 420.01 Lot 4, R-7.5 zone.

Resolution to approve the construction of a duplex on an undersized lot – required 10,000 – approved 9,733 square feet.

Motion to approve – Mr. Ingber

Second – Mr. Lankry

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

**Appeal # 3956 – Chanoch Herskowitz**, 850 Morris Avenue, Block 426 Lot 8, R-12 zone. Resolution to approve a side yard setbacks for new single family home.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Appeal # 3957 – Tiferes Chaim,** 924 New Hampshire Avenue, Block 1159 Lots 1 & 57 zone. Resolution to approve an existing office building to remain on the same lot as the approved school.

Motion to approve – Mr. Gonzalez

Second – Mr. Ingber

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary