**ZONING BOARD OF ADJUSTMENT MARCH 6, 2017**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Ingber, Mr. Gross,

Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Lankry, Mr. Naftali

Attorney: Jerry Dasti

Engineer: Dave Magno

Court Reporter: Jackie Wahler

Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of February 6, 2017 – Mr. Halvorsen

Second – Mr. Ribiat

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

Mr. Gross, Mr. Gonzalez, Mr. Halberstam

Request from Miriam Weinstein to carry **Appeal # 3958A** to the April 3rd meeting.

Ms. Weinstein said that the applicant is working on a contract to sell this property.

If the contract goes through than the application will be withdrawn. This is the site plan application for Pine Street. Asked if there were any objectors on this application.

Chaim Klein, 1421 E. Spruce Street, affirmed. Just wanted to make sure that there were no changes to the approval.

Motion to carry until April 3rd with renotice – Mr. Gelley

Second – Mr. Ingber

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

Mr. Gross, Mr. Gonzalez, Mr. Halberstam

**Appeal # 3921 – 645-647 Stirling Avenue,** Block 189 Lots 137.01 and 137.02 requested to amend conditions of the resolution.

Mr. Dasti – He did not meet the condition of the 1/3rd brick on the front of the duplex.

Ms. Weinstein – the builder just made a mistake. If they ordered more stones they wouldn’t match.

Motion to approve with shutters – Mr. Halvorsen

Second – Mr. Ribiat

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

Mr. Gonzalez

Nayes: Mr. Halberstam

**Appeal # 3948 – Esther Gluck**, 516 Ashley Avenue – requesting clarification of a condition of the resolution.

Mr. Dasti – the question is the outside steps to the basement and the attic stairway. The resolution says that there will be no outside steps to the basement.

Mr. Flannery – the issue is the stairs to the basement. The resolution says interior steps to the basement and the minutes say exterior steps to the basement. There is a 7 foot side yard setback. They will have to leave 5 feet and will design that the steps will be set in.

Mr. Dasti – will amend the resolution.

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**Appeal # 4014 – Aharon Mansour**, 801 Park Avenue, Block 230 Lot 14, R-10 zone. Single

family with front yard setback variance requested.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – January 23, 2017**

The applicant proposes a larger house, without exacerbating existing non-conforming setbacks present with the existing dwelling. While the existing home fronts Park Avenue, the proposed home will front Eight Street per the plot plan. As such it is our opinion that the existing/proposed building setback of 5.36 feet for the new home to adjoining lot 15.03 should be treated as a rear yard setback.

Miriam Weinstein, attorney for applicant. They want to demolish existing home and replace with a new single family home without exacerbating the setbacks of the existing lot. This is an undersized, corner lot that requires two front setbacks and a uniquely shaped lot.

Brian Flannery, sworn. The lot is an undersized corner lot. Redevelopment of an existing lot. There is an existing house with 5.3 foot setback. Proposing the same setback. Front setback they are asking for a 32 foot wide house.

Mr. Halberstam - This is a small lot and should have a small house.

A-1 existing house

A-2 plan submitted

A-3 house that can be built by right 24 foot wide by 116 feet.

Mr. Flannery – The existing front is on Park Avenue. There is an existing house to the north and the east. The sewer will come in from Park Avenue. They would like to keep Park Avenue as a front and the 5.36 foot setback will be a side. Asking for front yard setback 12.6 where 25 feet

Is required. The existing front is on Park Avenue. There will be a door on Park Avenue.

Mr. Halberstam asked that Mr. Vogt review his report and this application be carried. The elevations are showing 8th Street as the front. The floor plans also show the 8th street entrance to a foyer.

Ms. Weinstein – the front of this house is on Park Avenue and they want to keep it that way.

Mr. Flannery - The parking and the sewer will be on Park Avenue. If the board wants they will change the architecturals.

Mr. Ribiat – concerned that there are 2 front doors and could be a 2 family house.

Mr. Halberstam suggested that this plan be revised and come back next month.

Ms. Weinstein – 8th street is not as busy as 7th Street.

Mr. Halberstam - Seeing two separate exterior entrances.

Mr. Flannery - There is an entrance from the inside of the house to the basement.

Mr. Ingber - Would like to see both of the rear exterior doors be eliminated.

Mr. Halberstam – too many complications – suggested that they revise and redesign this plan.

Open to Public.

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Moshe Deutsch, 124 Rosebank Avenue, affirmed. Not in favor of this application.

Shlomo Klein, affirmed. Explained why the mikes are not working properly.

Mr. Dasti – agreed that the mikes are not working properly.

Closed to Public.

Motion to table until to the April 3rd meeting – Mr. Gelley

Second – Mr. Gross

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3990 – Shlomo Kanarek**, West County Line Road, Block 2 Lots 2, 3, 24, 51 & 58,

R-12 zone. Use variance for townhomes.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – February 27, 2017**

The applicant is seeking use variance relief to develop single family (attached townhomes on West County Line Road as illustrated on the Variance Plan. While architectural design information has not been provided, the variance pan illustrates up to 51 townhome units proposed. Nine buildings are depicted on the variance plan ranging from 5-7 units per building. A handicap accessible playground and shul building are depicted in the southeast corner of the site. The proposed shul is depicted as 40 x 55. Additionally a landscaped berm is depicted along the property’s County Line Road frontage.

Michael Gross, attorney for applicant.

Brian Flannery, sworn, engineer/planner. 3.7 acre site located along County Line Road and bounded by Pine Park.

A-1 site plan

A-2 tax map exhibit

A-3 aerial map

A-4 prospective rendering showing how the project will look.

A-5 prospective rendering

Mr. Flannery – This is a birfucated application only here for the use. Our intention is to stick to this design. The internal roads will not be changed. There will be a berm and landscaping along County Line Road. This is an isolated area that is in a R-12 zone. This property has nowhere to go except County Line Road. A school would be a permitted use and would have an adverse impact on the neighborhood and the traffic. The project will have its own shul and playground.

Review Terry Vogt’s report. All the single family lots are approximately 278 feet deep and 100 feet wide. They will be extending the water and sewer. Asking for 51 small townhouses. The footprint is 750 square feet. They will have two properly designed entrances and have to meet the County requirements. These units will have no rental basements. Single family homes would be 13 homes. Parking spaces proposed is more than needed. They will come back with a traffic report showing that they will not have an adverse impact. Will also address the buses and the turning. This plan does not show spaces for the shul. They have 2.8 parking spaces per unit. The intent is that this is a shul for that development only.

Scott Kennel, Traffic engineer, sworn.

Board accepted qualifications.

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Mr. Kennel – asked to do an inventory of the existing traffic in the area. County Line Road is a 4 lane highway. Speed limit is 45 mph. His recommendation would be that there be a right in and right out. Approximately 100 trips during peak hours. This portion of County Line Road is on the lower end as far as traffic goes.

Recess

Open to Public.

Debra Menashay, 12 Iroquois Place, affirmed. Why take a non-traffic area and make it a traffic disaster. Everybody will be using her street to get through. Developers are coming through her neighborhood.

Noreen Gill, 192 Coventry Drive, sworn. On the Master Plan subcommittee for density. All the shortcuts that she knows she cannot take anymore. This is not permitted. Too many variances have been given out. This does not fit in this area. This is a bad project.

Dr. MaryAnn Allecci, 39 Iroquois Place, sworn. There have been many accidents on County Line Road.

Israel Fried, 20 Genessee Place, affirmed. Please do not approve this.

Mindy Birnbaum, 15 Brookwood Parkway, Jackson, sworn. The traffic now in their development is outrageous. Please do not approve this.

Yeshi Ghoori, 160 Seminole Drive, affirmed. This is a quiet, pristine area and should not be touched. There are no sidewalks. Their children ride their bikes to Pine Park and will have to pass these houses with all the cars going in and out. This is an R-12 and should not be townhouses.

Janice Urbsatis, 68 Seminole Drive, sworn. Oppose the change of use for variance. They do not have city sewer. The entire water system should be updated. The side street are being used for the school buses. There were 35 buses that went through their street. Do not inflict this ridiculous plan on us.

Michael ---------119 Pawnee Road, affirmed. This does not fit in their area.

Moshe Deutsch, 124 Rosebank, affirmed. There are zoning laws for a reason. No more variances. There are no laws in place.

Nachum Matzliach, 2 Iroquois Place, affirmed. Not in favor of this application.

Samuel Hill, 10 Poplar Street, affirmed. In favor of this application.

Naftali Prager, 28 Genessee Place, affirmed. Not in favor of this application.

Robert Miller, 117 Skyline Drive, sworn. Concerned citizen. There is too much building going on.

Yehuda Weissman, 801 Madison Avenue, affirmed. Learns in the Yeshiva and cannot afford anything else. These are nice houses and are selling for under $300,000.

Gerri Ballwanz, 208 Governors Road, sworn. Lives in Coventry Square. How can we guarantee that those basements will not have rentals? Should not be approved.

Sruli Gestetner, 32 Louisberg Square, affirmed. This will be a nice place to start off and have a family. They want to stay in Lakewood. This would be a nice community for the young.

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Shlomie Klein, affirmed. Complained about the 4 minute rule and the Board members should have respect for the members of the public.

Shlomo Friedman, 30 Blue Jay Way, affirmed. Concerned about the increase in traffic. This project that is being proposed without basements is a benefit. A project with smaller and affordable homes is good.

Nechama Goldstein, 31 Kingsfield Drive, affirmed. This is a nice area and should be kept that way. Live in a place where there is no outside entrances to the basements and they still rent the basements out. Will the buses be stopping on County Line Road? Keep that part of town the way it is.

Menachem Follman, 54 Aspen Court, affirmed. Lots of friend in Yeshiva who need a place to live and get out of their basement apartment.

Ephraim Barkai, 11 Genessee, affirmed. Not in favor of this application. Do not ruin what they have.

Closed to Public.

Mr. Gross (attorney for applicant) – This property does not affect Pawnee development. This does fill a need. This particular site is suited to accommodate this type of development.

Mr. Ingber - This is not an affordable housing project.

Mr. Ribiat – This project cannot be compared to Louisberg Square. This is not the right place for it.

Motion to deny – Mr. Gross

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4013 – David Birnbaum** – 255-269 Ocean Avenue, Block 249 Lots 9, 10, 11 & 12,

R-7.5 zone. Use variance for 4 duplexes on undersized lots.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – December 22, 2017**

The applicant proposes to construct four duplex dwellings on 8 zero lot line lots. The proposed lots will be known as lots 9.01 – 9.08. Three existing dwellings and appurtenances will be removed. A use variance is required as duplexes in the R-7.5 zone require a minimum of 10,000 square feet whereas 9,000 – 9,075 square feet is provided for each duplex. Bulk variances are also sought for lot widths and side yard setbacks.

Brian Flannery, sworn. The R-7.5 zone allows duplexes on 10,000 square feet. This area needs redevelopment.

A-1 tax map rendering which shows subject property

A-2 rendering of proposed duplexes

A-3 variance map submitted

Mr. Flannery – property is in the downtown regional center. Looking for duplexes in the R-7.5 zone. They need variances and these lots are from 9,000 – 9,021 square feet. This area is in need of rehabilitation. Each unit is provided with a u turn area so they do not have to back out onto Ocean Avenue. Drainage will be upgraded. Adjacent to this there is a 5 unit building.

Duplexes are behind this property.

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Open to Public.

Shlomo Klein affirmed – are there sidewalks there?

Mr. Flannery – sidewalks are proposed. The driveway will be after the sidewalk.

Boruch Karfiol, 260 Bruce Street, affirmed. 18 foot wide driveways is not enough room – he just widened his driveway 3 feet. It is impossible to make that turn. Asked what their rear yard setback is.

Mr. Flannery – there is about 40 feet from the back of the house to the property line.

Yona Schuster, 254 Bruce Street, affirmed. The neighborhood is congested already. Adding more duplexes does not fit in.

Closed to Public.

Dave Magno – the turn-a-round and the access to the property is subject to DOT approval.

Joseph Goldberg, 20 Taylor Street, affirmed. He owns 269 Ocean Avenue. I know that it is a little bit tight but asked that be approved. In front of this property there is no traffic. There are 3 old houses and one vacant lot and would like to replace them.

Mr. Flannery - HVAC would be in the back. They will be unfinished attics.

Mr. Gonzalez - This is too dense.

Motion to deny – Mr. Gonzalez

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4015, Jodi Gelb** & **Appeal # 4019, Bentzion Weitzer** – will be carried to the April 3rd meeting

Applicants agreed to waive time.

No further notice.

**Resolutions**

**Appeal # 3978 – Gefen Construction,** Block 431 Lot 7.01 & 7.02, 16 Finchley Blvd.

HD – 6 zone. Resolution to approve conditional use variance for duplex.

Motion to approve – Mr. Halvorsen

Second – Mr. Ingber

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

Mr. Halberstam

Motion to pay bills.

All in favor

Motion to adjourn – Mr. Halvorsen

Second – Mr. Ingber

All in favor.

Meeting adjourned at 11:15