

**ZONING BOARD OF ADJUSTMENT
MINUTES**

DECEMBER 4, 2017

Meeting advertised in accordance with the NJ Sunshine Law.

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

Salute to the flag.

Motion to approve minutes of November 13, 2017 – Mr. Gelley
Second – Mr. Gonzalez

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

Appeal # 4036 – County Line Alliance – request to carry to January 8, 2018.

Brian Flannery – agreed to waive time, no further notice

Motion to carry – Mr. Ingber

Second – Mr. Gelley

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

Appeal # 4044- 615 E. 7th Street, LLC – E. 7th Street off Somerset Avenue, Block 218 Lots 6, 8
& 9. R-12 zone. Use variance requested for 2 duplex lots.

Brian Flannery - Applicant is looking at some of the issues related to the new Master Plan

Motion to carry with renote – Mr. Gelley

Second - Mr. Ribiat

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

Appeal # 4045 – Simon Klein, Block 536 Lots 54 & 156, R-7.5 zone. 364 & 368 Laurel
Avenue. To construct 2 duplexes (4 units) need lot width variance.

Need to change plans and carry until January 8, 2018

Motion to carry with notice – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 3926 – Oak Street IV, LLC Sheraton Drive - Block 782.01 lots 2 & 5. Requested
revising the required screening of a/c's and garbage bins.

Pinchus Wolhenberger, affirmed. This includes lots 11.02 through Lot 11.20 excluding lot 11.10.
There is a temporary cul-de-sac. The original approval called for fences on the side line property
line. From the house to the property line is 7 feet. The screen is about 4 feet by 8 feet. Instead of
a 6 foot vinyl he would like to do a chain link with evergreen. Move garbage cans on the side but
more towards the front of the house.

Motion to approve 6 foot vinyl fence in back and 4 foot chain link fence with evergreen to screen
the garbage – Mr. Gelley

Second – Mr. Gonzalez

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

Avraham Naftali arrived.

Appeal # 4010 – Congregation Meoros Nosson, 419 5th Street, Block 69 Lot 5 – R-OP zone – Interpretation of 1972 Site Plan

Mr. Dasti advised the board that they do not have the right to interpret a 1972 site plan.

Mr. Halberstam – If the Judge ruled why are we here? Can we rule against the Judges ruling?

Ron Gasiorowski represented applicant Congregation Meoros Nosson. This Board has the power to interpret the approved site plan of 1972. This Board does not have powers of enforcement. They can interpret what the zoning board intended in 1972. The Court ruled there was an easement on this property – the judge did not decide the issue of the 1972 site plan. Unloading of the children is dangerous to walk through a parking lot and was a play area for the children. They are parking on a paved area not a parking lot on 6th street.

Mr. Halberstam - What did the court decide about parking in that area for services

Mr. Gasiorowski - During the services in the morning the Sons of Israel can be parked in that area. Congregation Meoros Nosson can also park cars there. They can park there during hours of services.

Andrew Kelly, represented Congregation Sons of Israel. Seeking an interpretation for site plan allow or permit private or public parking. Congregation Meoros Nosson is saying that the front area on 6th street cannot be used by anyone for parking. The site plan in 1972 was before the Planning Board. This board does not have jurisdiction to approve a site plan that was done by Planning Board. Mr. Gasiorowski wants this board to determine that there should be no parking in that area.

Mr. Gelley – don't ever remember any parking there.

Mr. Halberstam – how can they park with the children being there?

Mr. Gasiorowski - The judge had the right to determine the easement. The judge did not have the right to decide on a site plan.

Mr. Halberstam - Don't think that it is right to park cars where the kids play.

Mr. Ingber – There was never parking there.

Motion to decline request to interpret 1972 approved Planning Board site plan – Mr. Gonzalez
Second – Mr. Gross

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

Appeal # 4046 – 110 No. Oakland, LLC, Block 189.05 Lot 152, R-10 zone. Use variance to construct a duplex on a 9,979.78 square foot lot where 12,000 is required.

Miriam Weinstein represented applicant. Duplexes are permitted in this zone. Asking for one duplex with 2 units. This area is slated to be rezoned to the R-7.5 in the 2017 Master Plan. This application is nearly in compliance.

Brian Flannery, engineer/planner.

A-1 Tax map of the area

Mr. Flannery – The Master Plan that was just amended and is scheduled to be adopted on December 7th and this area is slated for R-7.5.

Open to Public. Closed to Public.

Motion to approve – Mr. Ribiat

Second – Mr. Ingber

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

Nayes: Mr. Gross

Appeal # 4047 – Jacob Lipschitz – Sheraton Drive, Block 782 Lot 36, Block 782.01 Lots 10 & 11.10. HD-7 zone. Duplex on an undersized lot – required 8,500 square feet – Proposed 8,493.75

Glenn Lines – we are 7 ½ square feet short. The portion of the lot to the left was approved for a single family home. This is Phase 3. They are moving the lot line over in the middle of the lot. This is a single family lot with a temporary cul-de-sac. The portion of the lot to the left was approved for a single family home. This lot is for a duplex. The road is under construction right now.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Resolutions

Appeal # 4020- Chani Halpert – 240 Hudson Street, Block 108 Lot 1, R-10 zone. Resolution to deny the construction of a single family dwelling with bulk variances.

Motion to approve – Mr. Ribiat

Second – Mr. Gonzalez

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

Appeal # 4035A – Aharon Mansour, Cherry Street, Block 189 Lots 129, 130, 131 R-10 zone. Resolution to approve 5 duplexes on undersized lots.

Motion to approve – Mr. Ribiat

Second – Mr. Gonzalez

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

Appeal # 4028 – Bernard Warman, 320 Cross Street, Block 528 Lot 3, R40 zone. Home office with more employees than allowed by ordinance. **APPLICATION WITHDRAWN**

Motion to approve – Mr. Ingber

Second – Mr. Gonzalez

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

Appeal # 3966A – Newport Estates, 220 Newport Avenue, Block 496 Lot 2, R-40 zone.

Resolution to approve 12 single family lots in accordance with the R-15 zone.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

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

Appeal # 3966B – Bellevue Estates, LLC, 213 & 253 Newport Avenue & 850 Bellevue Ave, Block 498 Lots 1 & 10 and Block 501 Lot 1.01, R-40 zone. Resolution to approve 13 single family lots in accordance with the R-15 zone.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 4040 – Cloverstream Properties, LLC. 222 South Clover Street, Block 536 Lots 133 & 137, R-40 zone. Resolution to approve the construction of 6 (units) in 3 duplex buildings.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

Motion to pay bills.

All in favor.

Motion to adjourn

All in favor.

Meeting adjourned at 9:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary