

**ZONING BOARD OF ADJUSTMENT
MINUTES**

NOVEMBER 13, 2017

Meeting advertised in accordance with the NJ Sunshine Law.

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

Salute to the flag.

Motion to approve minutes of October 2, 2017 – Mr. Gelley
Second – Mr. Ingber

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

Adam Pfeffer, attorney for **Appeal # 4044 – 615 E. 7th Street LLC**, requested to carry so they can meet with objectors in the neighborhood.

Motion to carry to December 4th meeting – Mr. Gelley
Second – Mr. Ribiat

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

No further notice and agreed to waive time.

Brian Flannery - **Appeal # 4028 – Bernard Warman**, 320 Cross Street, Block 528 Lot 3, R40 zone. Home office with more employees than allowed by ordinance. They requested to withdraw the application because of opposition.

Motion to withdraw – Mr. Gelley
Second – Mr. Ribiat

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

Appeal # 4020- Chani Halpert – 240 Hudson Street, Block 108 Lot 1, R-10 zone. To construct a single family dwelling with bulk variances requested.
Revised plans submitted.

From: Terry Vogt, Engineer/Planner – October 25, 2017

At the May 1, 2017 Board hearing, the applicant was given direction by several Board members to reduce the size of the proposed dwelling. The revised variance plat shows that the proposed building footprint was reduced from 3,000.089 square feet to 2,927.74 square feet. The building reduction results in a 4 foot increase in aggregate side yard setback. The second story has a net floor area of 2,093 square feet. Parking has neither been increased nor decreased. Additionally a new vinyl fence and a row of arborvitae are depicted as proposed buffer along the westerly property line.

Brian Flannery, engineer/planner sworn. Mr. Flannery stated that they will revise the plans for the side yard setbacks to 10 feet on each side which would eliminate one of the requested variances. They are asking for combined side yard setback of 20 feet where 25 feet is required.

A-1 tax map of area
A-2 rendering of house
A-3 plan submitted

The access to the basement is on the side. There are no exterior stairways to the attic. Asking for bulk variance for side yard setback of 10 feet and 10 feet where 10 feet and 15 feet is required. Also asking for lot coverage of 32% where 30% is required. The house is 2 feet

smaller. There will be one set of exterior stairs to the basement on the side.

Mr. Ribiat suggested that they are making changes to the plans submitted and they should revise the plans and come back to the board.

Mr. Dasti – these changes are decreasing the variance.

Mr. Flannery – there is a duplex next door. There are 20 undersized lots in this neighborhood. This is an R-10 zone and they don't have 10,000 square feet. The plan does not show a deck. They will comply with the 20 foot rear setback or they will have a patio. The Master Plan was adopted by the Planning Board. This is not for a developer.

Mr. Halberstam – this is a custom home and he is okay with the 10 feet on each side. Not sure about the parking. Suggested that they move the house back a few feet.

Mr. Naftali – The house is still too big.

Mr. Flannery – this house fits their family. They are not finishing the attic now.

Mr. Ribiat – he can do everything thing that he wants needing no variances.

Open to Public.

Zev Weintraub, affirmed. The house is still too big.

Mr. Flannery – there will be an 8 foot high fence and a row of arborvitaes.

Mr. Naftali asked for a 30% lot coverage to comply.

Motion to deny – Mr. Halvorsen

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, 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.
To create 5 duplexes on undersized lots.

From: Terry Vogt, Engineer/Planner – October 25, 2017

The applicant seeks minor subdivision approval to subdivide 6 existing lots to create 9 new residential lots. Eight of the proposed lots have been designed as zero lot line properties with 4 duplex structures. One single family home is proposed on proposed lot 130.01.

Miriam Weinstein represented applicant. This application was heard last month and there was some confusion about the owner and they withdrew that application and applied with a new application. The building on North Oakland Street are under construction. The lot sizes are under 12,000 square feet and use variance will be required.

Brian Flannery, sworn – Cherry Street and No Oakland have been developing as an R-7.5 zone. The 2017 Master Plan recommended this area as R-7.5.

A-1 tax map of area

A-2 minor subdivision plan

A-3 existing conditions

Mr. Flannery – There are 4 duplexes and one single family lot proposed are 8,500 sf where 10,000 is required. The duplexes are more than 9,000 square feet. The single family lot is 8,563 square feet where 10,000 is required.

Mr. Naftali suggested that they wait until the Master Plan is approved.

Mr. Halberstam – the 2007 Master Plan had this area as an R-10 zone and the new 2017 Master plan also recommends that this area be R-7.5 zone.

Mr. Flannery – The duplexes that are almost finished will improvement North Oakland with curbs and sidewalks and with this application Cherry Street will also be improved. To Township standards.

Mr. Halberstam - So the lots will be smaller after the road widening of Cherry Street. The lots will be approximately 325 square feet less per lot.

Mr. Flannery – the roadway will be 32 feet wide from northerly line of 133 to the southerly line of 129.

Ms. Weinstein - Lot 132 and Lot 172 this applicant does not own those lots and has no control.

Mr. Flannery - Lot 130 and Lot 131 will have a 32 foot wide in front of his property In front of his property he will have sidewalks.

Ms. Weinstein - All the developers on the street are working on bringing the sewer. The existing street is paved 22 feet.

Mr. Dasti - Why can't the applicant extend the pavement to Route 88? There will be a 32 foot wide pavement installed to the northerly property line of lot 130.

Ms. Weinstein – applicant agreed.

Open to Public.

Simon Klein, 118 Somerset Avenue, affirmed. In favor of this application. Would like to see the neighborhood developed.

Kasriel Leskowitz, 125 No. Oakland, affirmed. In favor of this application. Neighborhood needs development.

Yosef Wachs, 180 Ridge Avenue, affirmed. In favor of this application.

Fischel Goldberg, 640 7th Street, affirmed – Not in favor of this application – too many car accidents.

Cheryl Geretz, 44 Cabinfield Circle, affirmed – Own 119 North Oakland. Her mother lives in this house. There is a pool in the backyard. The duplexes were allowed because they did have the required 12,000 square feet. By removing 30 feet from the backs of these lots they have lost their privacy. This is setting a precedence on Cherry Street and this is a very narrow street and will have a tremendous impact on the entire neighborhood.

Charles Geretz, 44 Cabinfield Circle, affirmed – asked the board to deny this application.

Eliezar Paskes, 4 Shemen Street, affirmed. This is not a safe area and this development will make it safer. This proposal should be approved.

Chaim Chusie, 4 Yerek Drive, affirmed. In favor of this application. This neighborhood now has drugs, drinking, etc. Development will make the neighborhood safer.

Nechama Goldstein, 31 Kingsfield Drive, affirmed. This is too much on one lot.

Closed to Public.

Mr. Halberstam - Master Plan adopted by the Planning Board and had the first reading. His has to be done before year end.

Mr. Dasti - If the Master Plan is adopted and this becomes a R-7.5 zone this plan would go to Planning Board. The house on Cherry Street will be replaced with a new one.

Mr. Flannery – they will agree to make the single family lot 5 feet smaller then the duplex lots will be conforming at 5,000 square foot lots.

Motion to approve -

Cherry Street will be widened from Route 88 until the northerly lot line of lot 130

Lots on Cherry Street will be 5000 square feet

8 foot vinyl fence and arborvitae trees

Irrigation, foundation plantings 1/3 stone, etc.

Mr. Ingber

Second – Gelley

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

Mr. Ribiat left the meeting and there were now 6 members.

Ms. Weinstein agreed to continue.

Appeal # 3966A – Newport Estates, 220 Newport Avenue, Block 496 Lot 2, R-40 zone. To subdivide and create 12 single family lots.

From: Terry Vogt – Engineer Planner – September 21, 2017

The applicant has previously requested and obtained a bifurcated use (density) variance in accordance with R-15 single family residential zone standards under Board Resolution # 3966 memorialized on August 29, 2016. The applicant is requesting preliminary and final major subdivision approval to subdivide existing lot 2 in block 498 and create 13 lots. Twelve of the new lots are proposed as single family residential lots. The 13th lot is proposed as a storm water basin lot dedicated to Lakewood Township. The new lots are proposed as lots 2.01 through 2.13. This is consistent with the use variance approval

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. To subdivide property to create 13 single family lots in accordance with the R-15 zone.

From: Terry Vogt, Engineer/Planner – September 21, 2017

The applicant has previously requested and obtained a bifurcated use (density) variance in accordance with R-15 single family residential zone standards under Board Resolution # 3966 memorialized on August 29, 2016. The applicant is requesting preliminary and final major subdivision approval to subdivide existing lot 2 in block 498 and create 13 lots. All of the new lots are proposed as single family residential lots. New single family dwellings are proposed for lots 1.01 – 1.11 and 1.13. An existing two-story dwelling is to remain on new lot 1.12. The new lots are proposed as lots 1.01 through 1.13. This is consistent with the use variance approval.

Chairman announced that **Appeal # 3966A and Appeal #3966B** will be heard together but there will be separate votes for each application.

Adam Pfeffer, represented applicant.

Brian Flannery, engineer/planner sworn.

A-1 color rendering

A-2 tax map

A-3 site plan for Newport Estates

A-4 layout for Bellevue Estates

Mr. Flannery – reviewed Mr. Vogts report. Doria Avenue is a paper street and unimproved. The property on the other side of Doria Avenue is a property owned by Lakewood Township and it is 20,000 square feet. If the Board thinks the lots need a front yard setback variance they will comply. These will be custom built houses. They are proposing a 20 foot rear setback but if the board determines that it needs 30 feet they will comply. Newport Estates is a 13 lot subdivision.

Right now it is on well and septic. The applicant will meet with NJ American Water and try to bring in water.

Mr. Halvorsen - There is no other way in or out – it all leads to Cross Street.

Mr. Flannery – they are widening their section of Newport Avenue and all across the front. They will put sidewalks on all their frontage.

Mordechai Eichorn, applicant, affirmed. They will line up Newport Avenue straight down on the right side and build a brand new 50 foot right of way on the right side of the poles. They will have a turn-a-round for the busses.

Open to Public.

Shloime Klein, affirmed. If the Master Plan is approved this would be R-12 zoning.

Mr. Dasti - The prior use approval allowed him to build on R-15 requirements.

Mr. Klein - They can go to the Planning Board and get 12,000 square foot lots.

Mr. Magno - He should be requesting a design waiver for not improving Doria Avenue.

Closed to Public.

Mr. Pfeffer – this approval was done a year ago –

The board was concerned about the waiver for Doria Avenue.

Mr. Flannery – suggested that they put on the plan that there will be no access from Doria Avenue. They will be putting curbs and sidewalks along the entire frontage.

Mr. Ingber - Newport Avenue goes to the entrance of where this property begins and is very narrow.

Mr. Flannery - The School is widening at the intersection of Newport and Cross. Each property will widen their portion of the road.

Motion to approve **Appeal # 3966A – Newport Estates** - Mr. Gelley

Second – Mr. Gonzalez

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

Motion to approve **Appeal # 3966B Bellevue Estates** – Mr. Ingber

Second – Mr. Gelley

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

Miriam Weinstein requested to carry **Appeal # 4046 -110 No. Oakland, LLC**,

Motion to carry to December 4th – Mr. Halvorsen

Second – Mr. Ingber

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

No new notice and agree to waive time.

Motion to carry **Appeal # 4047 – Jacob Lipschitz** to December 4th – Mr. Gelley

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, 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. To create 6 (units) in 3 duplex buildings.

From: Terry Vogt, Engineer/Planner – August 24, 2017

The applicant is requesting use and bulk variance relief to construct 3 duplexes on 6 zero lot line lots. Bulk variance relief is required for the proposed lots and dwellings including lot area, lot width and side yard setbacks. One existing single family dwelling, 2 sheds and improvements on the property are proposed to be removed.

Michael J. Gross, attorney for applicant.

Joseph Kociuba,

A-1 color aerial

A-2 color rendering

A-3 portion of the zone map

Mr. Kociuba – adjacent to a triplex and apartments and Lakewood Housing Authority projects. This is the only single family lot in this section. Proposing 6 duplex units in 3 buildings. The units are approximately 1,500 square feet. Driveways conform with the County with a K-turn up front so. They meet the requirements of the County. They will extend water and sewer. Proposing street trees along the frontage. Proposing 4 parking stalls per unit. Trash and HVAC will be in the side yard. Steps to basement will be in the front and they will have one single access to the basement. There will be no homeowners association. The backyards are useable for approximately 25 feet. They are showing decks and comply with the rear-yard setbacks. Ocean County Planning Board is pending.

Open to Public.

Shloime Klein, affirmed. Asked for a sidewalk between the unit and the blacktop.

Closed to Public.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Naftali, Mr. Gonzalez,

Mr. Halberstam

Nayes: Mr. Ingber

Appeal # 4041 – Mordechai Finkelstein, 139 Somerset Avenue, Block 189 Lot 139, R-10 zone. Did not complete the conditions of the approval and will not get memorialized.

Resolutions

Appeal # 4035 – Aharon Mansour, Cherry Street, Block 189 Lots 129, 130, 131, 134.01, 134.02, 168.01, 168.02, 172, 178, 179, R-10 zone. Subdivision to create 5 duplexes on undersized lots – application withdrawn.

Appeal # 4039 – Melvin Feigenbaum, Cedar Drive, Block 263 Lot 2, CLP zone. Resolution to approve the construction of a single family home with bulk variances.

Appeal # 4042 – Mark Tress, 14 Cedar Drive, Block 251.04 Lot 76.01, R-12 zone. Resolution to approve the construction of a single family home with variances approved for front setback and lot coverage.

All in favor of memorializing the above resolutions.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:15 P.M.

Respectfully submitted,

Fran Siegel, Secretary