

**ZONING BOARD OF ADJUSTMENT
MINUTES**

OCTOBER 2, 2017

Meeting advertised in accordance with the NJ Sunshine Law.

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

Salute to the flag.

Motion to approve minutes of September 11, 2017 – Mr. Halvorsen
Second – Mr. Gelley
Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber,
Mr. Gross, Mr. Halberstam

Correspondence

Appeal # 4010 – Congregation Meoros Nosson, 419 5th Street, Block 69 Lot 5 – ROP zone.
Interpretation.

Request from Ron Gasiorowski, Attorney for applicant to carry until the December 4, 2017
zoning board meeting.

Mr. Dasti advised that he will notify Mr. Gasiorowski not to notice until he is ready to be heard.

Motion to approve- Mr. Gelley

Second – Mr. Ingber

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

Appeal # 4036 – County Line Alliance, 1104 East County Line Road, Block 207 Lots 1.01 & 3
R-15 zone. To create 4 new single family lots.

Request from Josh Schmuckler, Engineer to carry to November 13th meeting. Plans were not
submitted in time.

Adam Pfeffer, attorney for applicant agreed to waive time and will re-notice. The documents
were done in time but not submitted.

Motion to carry with re-notice – Mr. Ingber

Second – Mr. Gelley

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

Appeal # 4028 – Bernard Warman, 320 Cross Street, Block 528 Lot 3, R-40 zone. Home
office with more employees than allowed by ordinance.

Request from Brian Flannery to carry until November 13th meeting.

Frederick Robison, 79 Eagle Ridge Circle, objector to this application – waiting to meet with the
applicant.

Motion to carry – Mr. Gelley

Second – Mr. Halvorsen

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

No further notice and agreed to waive time.

Resolutions

Appeal # 3940A – Yosef Weiss, Block 536 Lot 181 – resolution to approve amended building layout.

Motion to approve – Mr. Halvorsen

Second – Mr. Gelley

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

Appeal # 4029 – Congregation Maalos Hatorah. Block 1159 Lots 31, 32, 33 & 48 Block 1159.04 Lots 29 & 30, Gates Avenue, R-20 zone. Resolution to approve 12 duplex housing units and 1 single family.

Motion to approve – Mr. Ingber

Second – Mr. Gelley

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

Appeal # 4037A – Zalmy Rosenberg, 4 Honey Court, Block 171 Lot 4.03 R-7.5 zone.

Resolution to approve the construction of a 14 x 15 deck, 18 inches high in the rear yard setback. Required 20 feet approved 6 feet.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

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

Appeal # 4033 –NJ American Water Co., Oak Street, Block 1157 Lot 1, Oak Street & Vine Avenue. Resolution to approve a use variance, Preliminary and final site plan.

Motion to approve – Mr. Halvorsen

Second – Mr. Gross

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

Appeal # 4038 – Meyer Seeve, 1858 Attaya Road, Block 11.04 Lot 5.03, R-12 zone. Resolution to approve the construction of a corner of a deck in rear setback. Required 20 feet -approved 16 feet.

Motion to approve – Mr. Ingber

Second – Mr. Gross

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

Appeal # 4043 – Chaim Jacobs, 306 Forest Avenue, Block 51 Lot 1.15, R-OP zone. Resolution to approve the construction of an addition on an end unit townhouse.

Motion to approve – Mr. Gross

Second – Mr. Gelley

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

Motion to pay bills.

All in favor.

Obi Gonzalez arrived at 7:50.

Appeal # 4039 – Melvin Feigenbaum, Cedar Drive, Block 263 Lot 2, CLP zone. To construct a single family home needing bulk variances.

Secretary read report.

From: Terry Vogt, Engineer/Planner – August 10, 2017

The applicant is seeking bulk variance relief for a proposed single family dwelling with frontage along Cedar Drive. Requested front yard, rear yard, side yard, aggregate side yard and building coverage relief.

Miriam Weinstein represented applicant. This lot had a previous zoning board approval (Appeal # 3882) for an undersized lot and other bulk variances. Many of the variances requested now were already granted previously. Aggregate side yard was granted at 25 feet. They are now requesting 22.38; front yard setback at 30 feet was granted and they are now asking for 16.7 feet. Also requesting rear yard setback that was not granted. Lot coverage for up to 30% was granted. There are 2 adjacent lot owners. One owner is the Township of Lakewood and the other is Suburban agency. They have since purchased that property. The applicant will consolidate both lots.

Brian Flannery, sworn – This is an isolated lot in the CLP zone on an improved street.

A-1 – tax map

A-2 – map submitted

Mr. Flannery – they just purchased the adjacent lot Block 258 Lot 4 to make this undersized lot from 11,000 square feet to 15,900 square feet. The owners want to build a house to retire in. There will be no basement – there is no ability to purchase more land. The Township owns all the adjacent properties. If the Board wants more parking they can do it. The attic will not be finished. They are now at 27% lot coverage.

Ms. Weinstein - Variances don't expire as long as there is no zone change.

Mr. Flannery – There is no detriment. No basement – no attic bedrooms. They will agree to 4 parking spaces.

Open to Public. Closed to Public.

Motion to approve with 2 extra parking spaces – Mr. Gross

Second – Mr. Gelley

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

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. Sub division to create 5 duplexes on undersized lots.

From: Terry Vogt, September 6, 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 lot 130.01.

Miriam Weinstein represented applicant. They are proposing 8 units in 4 buildings. There are 2 duplex buildings under construction that they are adjusting the lot lines on. The lot sizes are under 12,000 sf which will require use variance. Single family will be 9,000 where 10,000 is required. They will bring sewer to Cherry Street which is needed.

Brian Flannery, sworn. There are currently 2 duplexes under construction on No. Oakland St. and combine it with property on Cherry Street. 4 duplex structures with 8 units and a single family

A-1 tax map
A-2 existing
A-3 map submitted

Mr. Flannery – No. Oakland lots will be 10,000 square feet. The current Master plan was to recommend this area to be R-7.5 zone. The single family lot will be larger than 10,000 square feet. There will be 2 conforming duplexes on No. Oakland. On Cherry Street the lots will be 9,512 – 10,000 square feet and the single family lot will be 9,000 square feet. Each duplex lot becomes 9,900 sf. They will be giving a road widening easement. They would take the northerly jog out. The single family lot would be about 7,500 square feet.

Mr. Dasti – the lots under construction will become shorter.

Ms. Weinstein – the contract purchasers are aware that they will be losing 33 feet.

Elazar Wachs, part owner of property was affirmed. All 4 lots are under contract. Buyers are aware that there will be a piece subdivided off those lots. Attorney that prepared the contract was Naftali Kunstlinger.

Mr. Dasti asked for something in writing from their attorney and copies of the contract.

Ms. Weinstein asked that as a condition of the approval the contract will be sent to Mr. Dasti. The duplexes under construction on North Oakland are being built by MIZ Construction. These are being built by Aharon Mansour, (ARM Construction). Not a member of Success Homes LLC.

Chairman suggested that they carry until next month and bring in the contract for review.

Mr. Wachs - Success Homes, LLC owns the lots on No. Oakland Street. The Cherry Street lots is owned by Mr. Frenkel and he is in contract with one of them. He is a silent partner to Success Homes. Do not own part of Success Homes, LLC. But do have an interest in the property.

Mr. Dasti – Schmuel Schwartz signed an affidavit that he is the owner of the property. The contract was signed prior to this application being submitted - suggested a new application with new forms and new notice be submitted. The forms are wrong.

Applicant withdrew his application withdrew the application without prejudice.

Motion to withdraw application – Mr. Gelley

Second – Mr. Gross

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

Recess.

Michael Gross, attorney for **Appeal # 4040 – Cloverstream Properties, LLC**, requested to carry until the November 13th meeting.

No further notice and agreed to waive time.

Motion to carry – Mr. Gross

Second – Mr. Halvorsen

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

Appeal # 4041 – Mordechai Finkelstein, 139 Somerset Ave. Block 189 Lot 139, R-10 zone. Use variance to construct a duplex on a 10,033 square feet where 12,000 is required. Bulk variance for side yard and rear yard setbacks requested.

From: Terry Vogt, Engineer/Planner – August 14, 2017

The applicant is seeking approval to remove an existing single family dwelling and appurtenance and construct a duplex wit unfinished basements. The applicant is conditional use (undersized lot) and bulk variance relief including rear yard, side and aggregate side yard setbacks.

Brian Flannery, engineer sworn.

A-1 tax map

A-2 Parking configuration

Mr. Flannery – Current Master Plan says that this should be an R-7.5 zone. Bulk variance relief is consistent with the R-7.5 zone. Asking for use only – will come back for site plan and subdivision. The need a use variance because they do not meet the conditions required. The area is redeveloping and this would be consistent with the area. Described the parking configuration.

Mr. Vogt - The architectural plans conflict with the parking plan shown.

Mr. Flannery – If the front entrances parking and steps conflict with the corner parking spaces. They will move the steps or do the parking in the parking configuration shown. Asking for 10,000 square feet where 12,000 is required. They are complying with all R-7.5 setbacks. They can remove the deck and have a patio instead or slide the deck over. Will defer to the board as to how they would like the parking. They can submit a couple of options when they come back for subdivision. Tonight they are only asking for the use of the duplex on an undersized lot. There is one entrance to the basement. There are no outside stairs to the attic. They will provide sketches before the board approves the resolution. The applicant will talk after the public.

Adam Pfeffer, attorney for **Appeal # 3966A Newport Estates & 3966B Bellevue Estates** requested to carry to November 13th meeting

Motion to carry – Mr. Ribiat

Second – Mr. Gross

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

Open to Public.

Gershon Ullman, 645 Stirling Avenue, affirmed. Behind this property. Not against this project but concerned about the privacy.

Closed to Public.

Mordechai Finklestein, 114 Hadassah Lane, affirmed. Working with a different plan to satisfy all the neighbors. Proposed to make one half of the duplex 25 x 60 and the other one 35 x 40.

Mr. Flannery – agreed to 10 side setbacks for both units. Also agreed to a 6 foot privacy fence bordering Lot 137. The back deck will slide over. The southerly house will not be more than 50 feet deep – the northerly house could be more than 50 feet as long as it does not create anymore variances.

Mr. Dasti - Applicant should submit the proposal prior to the meeting.

Motion to approve – Mr. Gross

Second – Mr. Gonzalez

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

Nayes: Mr. Halvorsen

Appeal # 4042 – Mark Tress, 14 Cedar Drive, Block 251.04 Lot 76.01, R-12 zone. To construct a single family home with variances requested for front setback and lot coverage.

From: Terry Vogt, Engineer/Planner – August 17, 2017

Single family homes is a permitted use in the R-12 zone. Bulk variance relief is requested for front yard setback, 25 feet proposed, 30 required and building coverage 32% proposed where 30% is allowed.

Brian Flannery, engineer/planner. There will be no separate entrance to the basement.

Moshe Tress, 14 Cedar Drive, affirmed. There will be no apartment in the basement and there is no attic.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

Open to Public

Closed to Public.

Motion to adjourn.

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary