

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**NOVEMBER 18, 2019**

Meeting was advertised in accordance with the NJ Sunshine Law

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

Absent: Mr. Naftali, Mr. Halberstam

Attorney: Jerry Dasti

Engineer: Dave Magno

Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of October 28, 2019 – Mr. Ribiat

Second – Mr. Halvorsen

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

Request from Adam Pfeffer, Esq. to carry **Appeal # 4137 – Madison Ave Realty, LLC** to the December 2<sup>nd</sup> meeting to work out issues with the neighbors.

Motion to carry – Mr. Ingber

Second – Mr. Gelley

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

Abstained: Mr. Lankry

No further notice and agreed to waive time.

**Appeal # 4136 – Divonne Equity Group, LLC** – application withdrawn.

**Appeal # 3787A – TILWY, Inc. Squankum Road**, Block 172 Lot 9, B-4 zone. Approved revised Site Plan and floor plans.

Brian Flannery, engineer, planner, sworn – the board requested to see plans of the proposed playground before adopting the resolution. There will be 3 play areas with playground equipment. They will use recycle rubber mulch. The playground plans are reviewed by the State.

Dave Magno – recommended that they use permanent safety surface – not mulch.

Applicant agreed.

Motion to adopt the resolution for **Appeal # 3787A** with the conditions – Mr. Gelley

Second – Mr. Lankry

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

**Appeal # 4134 – Abraham Tikotsky** – E. County Line Road, Block 174.04 Lot 58. R-15 zone.  
use Variance for a commercial building.

Miriam Weinstein represented applicant. This is for use only for an office building. The township committee changed this to allow office buildings but the ordinance was overturned because of notice and so the ordinance is not valid. This is an appropriate use for this area.

Brian Flannery, engineer/planner, sworn. There was an ordinance that was approved several years ago but was overturned.

A-1 existing conditions and improvement plan

A-2 tax map

A-3 proposed office building

A-4 aerial map

Mr. Flannery – the court is deciding whether the notice was proper. County Line road is not the best place for a family with kids. This is a D variance and they have to show special reasons. It meets the 4 conditions that the governing body recommended. If the notice was adequate the ordinance goes back into effect.

Mr. Dasti - Right now there is no ordinance.

Mr. Flannery – everybody received notice within 200 feet of this property. There is a residential building next door with an inground pool and a shul in the back. This will be a rateable. The entrances will depend on the County approval.

Open to Public.

Shloime Klein, affirmed.

Jacob Eisikovic, 5 Prime Lane, affirmed – not against the office building but concerned with the parking.

Closed to Public.

Mr. Flannery – This lot could be a shul or a school. When they come back for site plan there will be an excess in parking beyond what is needed. This will be a 2 story building with no basement.

Motion to approve use only with an excess of parking and no basement – Mr. Lankry

Second – Mr. Gelley

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

Use approved.

**Appeal # 3980AA – Joseph Sebbag, 122-128 Hope Chapel Road, Block 2.01 Lots 14.01 – 14.05 & 32, R-40 zone. Requesting subdivision to construct 6 single family lots.**

Sean Gertner, esq. represented applicant. This property was approved for a 5 lot subdivision with no conditions in 2003, Appeal #3811A. Then approved for a 6 lot subdivision in 2016, Appeal # 3980. There were some conditions. Among them there was to be a 30 foot passive open buffer to the north where existing trees would remain. To the extent practicable existing trees would remain in those buffers. The 6 lot subdivision was approved in Jackson. Lot 14.11 is now totally in Lakewood Township. There are 2 waivers proposed, a traffic study and architectural.

Brian Flannery, engineer/planner, sworn. When the design plan was done there was a steep slope. In order to save the trees there would have to be a 6 foot, 380 foot long retaining wall. We have proposed a double row of arbivitaes.

A-1 sheet 3 of plan submitted

A-2 copy of google maps – currently 2 houses existing, one in Jackson Township

A-3 copy of tax map with 5 existing lots

A-4 existing conditions plan

Mr. Flannery – buffer to the east the buffer trees will remain. They will come back with pictures. Use variance was granted for 6 lots. Subdivision has been approved. The question is the buffer. They provided a buffer to the extent possible. Bulk variances were previously approved. The cul de sac is RSIS compliant. Curb and sidewalk will be put along Hope Chapel. The resolution says to the greatest extent possible and it would create a burden on the purchaser of that lot. You cannot have a backyard that would slope into your back yard. A double row of arbivitaes will

create a better buffer. The slope will only come down 30 feet and will be stabilized. This board has to determine what the extent possible is.

Mr. Gertner - There will be a municipal service agreement for the collection of garbage.

Mr. Dasti - The question is the buffer they are suggesting in compliant with the resolution?  
Alan Weiss, esq. represented Dr. & Mrs. Munk.

O-1 sheet from grading plan

Mr. Flannery – the applicants house would be about 300 feet away.

Mr. Weiss handed out copies of the resolution approved. Read parts of the resolution to the board. They had deal that nothing would be in this buffer. His contention is that the use variance should be null and void.

Mr. Dasti – has a landscaping plan been provided?

Mr. Gertner – no

Carlos Rodrigues, planner, sworn.  
Board accepted his qualifications.

Mr. Rodrigues – The resolution is very clear. Property must remain in its natural state. The buffer area shall remain untouched and undisturbed.

Mr. Weiss – this board should consider

Mr. Dasti - The applicant needs to show what is there now. And then what they are planning to substitute instead. They got an approval for an additional lot. The applicant has to show that he has to clear cut the 30 feet.

Motion to carry with pictures, landscaping plans and color renderings until January 6<sup>th</sup>, 2020 –  
Mr. Gross

Second – Mr. Gelley

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

No further notice and agreed to waive time.

Recess.

**Appeal # 4139 – Somerset NH, LLC**, Block 1248 Lot 1, B-5 zone. Use variance to construct up to 30 duplexes.

Miriam Weinstein, esq. represented applicant. This site was approved for a townhouse use that was never constructed. The applicant decided to build duplex instead which is a less dense use. The Board said that they needed a second means of egress. Back here with an approved plan which includes a secondary access.

Brian Flannery, engineer/planner, sworn.

A-1 copy of plan submitted – showing a connection point – approved project to the North has access to Route 70

A-2 tax map

A-3 townhouse plan of 2006

A-4 google map

Mr. Flannery – Asking for a bifurcated approval with a 32 foot wide cartway and will be a dedicated Township road. The B-5 zone only allow duplexes with conditions and this application does not meet the conditions. They need County approval. Asking for use only. There will be a shul on their property and there is a shul on the other property.

The Board members were concerned about the shopping center traffic.

Mr. Flannery – the commercial will enter and exit from Route 70. They will provide a traffic report.

Mr. Ingber – suggested a median at the entrance on New Hampshire Ave.

Mr. Lankry – suggested a bus stop area.

Mr. Flannery – they will make a provision for a bus area.

Open to Public.

Shloime Klein, affirmed.

Moshe Zeines, 112 Elmhurst Blvd, affirmed. If approved when they come back for site plan the shul should be next to the park. The Board should see the playground.

Ms. Weinstein – 50 front doors.

Closed to Public.

Motion to approve without a number of units – Mr. Lankry

Second –Mr. Gelley

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

Nayes: Mr. Halvorsen

**Appeal # 4138 – Yehuda Lench, 798 Joe Parker Road, Block 189.03 Lot 207.01, R-20 zone.**  
Use variance to change the use from a residential house to an office.

Yehuda Lench, 798 Joe Parker Road, affirmed

Brian Flannery, engineer/planner, sworn.

A-1 site plan with 12 parking spaces

A-2 tax map

A-3 google map

Mr. Flannery - This is an existing house and they want to use it for an office. This lot is not desirable for families. This will be a rateable. Described the area. Well suited for the proposed use. It will be a general office use. Showing more parking than is required. There is 12 parking spaces. It is a unique lot in this zone. No building permit is necessary.

Mr. Lench – he has a roofing and siding company with 10 employees that take the trucks home every night. There will be 2 people in the office.

Mr. Flannery - They can redo the parking area.

Mr. Lench – there will be no signs. There is a garage in the back for his supplies. Nothing will be outside. The back is gravel so they can go around the right side of the house turn around and come back out. There will be private garbage.

Open to Public.

Shloime Klein, affirmed. Asked about sidewalks.

Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Resolutions**

**Appeal # 3935B – Ketan Mehta**, Route 70, Block 1160.01 Lot 256.02, B-5 zone. Resolution to approve preliminary and final major site plan for hotel.

**Appeal # 4128 – 121 Somerset LLC**, Cherry & North Oakland Street, Block 189 Lots 129, 130.01, 168.02, 172, 176, R-7.5 zone. Resolution to approve the construction of duplexes.

Motion to approve resolutions.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary