

**ZONING BOARD OF ADJUSTMENT
MINUTES**

JULY 2, 2018

Meeting was advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Halvorsen, Mr. Lankry, Mr. Naftali, Mr. Ingber,
Mr. Gross, Mr. Ribiat, Mr. Halberstam
Absent: Mr. Gelley, Mr. Gonzalez
Attorney: Jerry Dasti
Engineer: Terry Vogt
Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of June 11, 2018 – Mr. Gross

Second – Mr. Ingber

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

Secretary announced that **Appeal # 4071 – Alexander Hoffman**, would not be heard tonight as the revised plans were not submitted in time for review.

Motion to carry to August 27th – Mr. Ingber

Second – Mr. Lankry

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

Secretary announced that **Appeal # 4078, Madison Second, LLC**, would not be heard tonight as they did not notice in time.

Chairman announced that there was a mandatory Land Use Seminar and asked that members stay after the meeting and Mr. Dasti will review.

Chairman announced that there were only 6 members available to vote since Mr. Lankry had a conflict and left the dais.

Mr. Pfeffer agreed to continue with 6 members.

Appeal # 4076 – Moshe Spitz – River Avenue, Block 782 Lots 36.01-36.09, HD-7 zone. To subdivide existing 9 lots into 19 lots.

Secretary read report.

From: Terry Vogt, Engineer/Planner – June 13, 2018

The Board previously approved a major subdivision under Appeal # 3987 which was memorialized on October 31, 2016. The existing (#3987) approval allowed for the construction of 9 single family lots and 1 small open space lot. The applicant now proposed to subdivide lots 36.01 through 36.09 in Block 782 into 19 lots. Eight duplexes (16 units) and one 3 unit townhouse are proposed to be constructed on the lots.

Adam Pfeffer represented applicant. There are existing 9 single family lots. They want to modify the application to allow duplexes and a 3 units townhouses which are permitted in the zone.

There was a discussion if the Planning Board or Zoning Board had jurisdiction. It was determined that the Zoning Board can hear the application.

Brian Flannery, engineer/planner, sworn.

A-1 duplex and 3 unit townhouse

A-2 map that was filed

A-3 tax map

A-4 plan of layout

Mr. Flannery reviewed Terry Vogt's report. Townhouses and duplexes are permitted in the zone. The tract is 94,000 square feet and does comply. Lot width is for the tract and the tract is over 300 feet. The 3 unit townhouse they will comply with 12 feet on each side to eliminate the side yard setback variance. The corner lot on the cul-de-sac needs a front yard setback variance. Asked to waive the requirement for the 2 foot stagger. Applicant will agree to staggering if the board requires. The 9 single family lots averaged 10,537 square feet. In the HD-7 you can build 8,500 square feet.

Mr. Halberstam –9 single family houses were approved on Sheraton because it would limit the traffic on Oak Street. Duplexes are just too many cars coming out onto Oak Street.

Mr. Flannery – 22 or 23 units would be permitted if they were all townhouses.

The board discussed the 3 unit townhouse and the driveways and location of garbage cans.

Mr. Flannery - Asking for 3 units on 18,960 square feet in a zone where a duplex can be 8,500 square feet. The plan shows the driveways. There will be an irrigation system, etc.

Terry Vogt - On paper the driveways work.

Mr. Naftali – this should go to planning board. The lots are not functional.

Open to Public. Closed to Public.

Adam Pfeffer asked to carry the application to address some of the issues that the Board has.

Mr. Dasti - Either vote or the applicant can withdraw the application.

Mr. Pfeffer asked to withdraw the application.

Motion to accept the withdrawal – Mr. Gross

Second – Mr. Ribiat

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

**Appeal # 4060 – Divonne Equity Group, Franklin Blvd & West Cross Street, Block 500 Lot 1,
R-40 zone. Use variance for retail building.**

Mr. Lankry returned to the dais.

Secretary read report.

From: Terry Vogt, Engineer/Planner – June 21, 2018

The applicant is seeking Use variance relief to construct a one-story, 20,119 square foot retail building, parking, access and amenities as illustrated on the variance plan. One bulk variance (front yard setback) has been requested.

Miriam Weinstein, attorney for applicant. Seeking use variance for use of the subject property to construct a small single story shopping center. This area has virtually become a school zone. This area is no longer marketable for a large residential home sandwiched between schools.

Brian Flannery, engineer/planner, sworn.

A-1 Plan submitted

A-2 tax map with zone lines.

Mr. Flannery – Traffic is generated by the schools. The subject property is wooded. There is no retail in the area. The property is wooded. This will be a ratable for the town. The schools are not on public sewer adding this site will help bring sewer into the area. This site cannot be developed without water and sewer. First floor will be retail, 2nd floor will be offices,

Ms. Weinstein - The plans are conceptual the ground floor is all retail. The architectural show a second story. Asking for 2 floors. This is use variance only.

Mr. Flannery – there is no warehouse – it will be for storage only. They would like to do retail and there will be a back room for storage and the second floor will be office.

Mr. Lankry – okay with retail in this area – have a problem with the size – parking has to be more than adequate – looks about 50 parking spaces off.

Mr. Halberstam – an office building would be okay.

Ms. Weinstein – this is a bifurcated application – asking for retail on the downstairs floor and offices on the second floor. An entire office building is not an option. This requires County approval.

Open to Public. Closed to Public.

Motion to carry to August 27th with revised plans being submitted – Mr. Naftali

Second – Mr. Lankry

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

Nays: Mr. Halvorsen, Mr. Gross

Chairman announced that Mr. Naftali had an emergency and had to leave.

Mr. Gross recused himself and left the dais.

Applicant agreed to continue with 5 members present.

Appeal # 4027B – Drake Development – West Cross Street, Block 251.02 Lot 98.04 & 98.05
R-40 zone. Major subdivision to create 22 single family residential lots.

Secretary read report.

From: Terry Vogt, Engineer/Planner – June 4, 2018

Under resolution # 4027, the applicant received bifurcated use and density variance relief to construct up to 29 single family homes within the R-40 (single family residential zone). The resolution indicates a maximum density of 2.74 dwellings per acre was approved. Per the applicant's professionals the total number of units including projects 4027A and 4027B will be 29 units in conformance with the Appeal # 4027 approval.

Adam Pfeffer attorney for applicant. Received use variance and this section is to create the opening on West Cross Street and come through on Drake Road.

Brian Flannery, engineer/planner, sworn

- A-1 map approved with 9 lots
- A-2 tax map
- A-3 shows all 29 lots
- A-4 aerial
- A-5 final plat showing 22 lots

Mr. Flannery reviewed Terry Vogt's report. Asking for lot width on the cul-de-sac lots. They will all be custom homes. They will be pre-sold to individual buyers. Will comply with side yard setbacks. These lots are large enough for custom homes. They will be providing public sewer. The roadways are RSIS compliant. They will be 5 or 6 bedroom homes and a basement. There will be no direct access to the attic. The County will be widening Cross Street.

Open to public. – closed to public.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

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

Appeal # 4079 – Sheldon Neuman, Myrtle Place, Block 75.01 Lot 17m, R-12 zone – New single family home requesting side yard setback variance.

Secretary read report.

From: Terry Vogt, Engineer/Planner – June 21, 2018

Applicant is seeking approval to construct a new single family two-story home with basement. Aggregate side yard setback variance requested for 20 feet where 25 feet is required. Variances requested for existing non-conforming sheds.

Glen Lines, engineer/planner, sworn.

- A-1 variance map
- A-2 4 elevations
- A-3 First floor plan

Applicant was not present and was not represented by an attorney so the application had to be carried.

Motion to carry to August 27th – Mr. Ingber

Second – Mr. Ribiat

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

Resolutions

Appeal # 3818 Prime Insurance – Resolution to remove condition of HVAC equipment being placed on the roof.

Appeal # 4062 – Yehudis Kreiger, 34 Congress Street, Block 248.03 Lot 56, R-7.5 zone.

Resolution to deny the construction of a duplex on an undersized lot.

Appeal # 4065 – NJ American Water, Chestnut Street, Block 1077.04 Lots 1 & 3, R-12 zone.

Resolution to approve a new public utility sanitary sewer lift station.

Appeal # 4073 – David Birnbaum, 255-259, Block 249 Lots 10, 11 & 12, R-7.5 zone.

Resolution to approve use variance for 3 duplexes on undersized lots.

Motion to approve resolutions.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 9:40 P.M.

Mandatory Land Use Seminar meeting reviewed by Mr. Dasti.