**ZONING BOARD OF ADJUSTMENT JULY 25, 2016**

**SPECIAL MEETING**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Ribiat,

Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Naftali, Mr. Ingber

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Jackie Wahler, Court Stenographer

Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of July 11, 2016 – Mr. Mund

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3965 - D & L Management,** East County Line Road, Block 104.02 Lot 9 OT zone. Use variance to construct stacked townhomes.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – April 20, 2016**

The applicant is seeking use variance relief to redevelop the existing County Line Road apartments property into what is depicted on the Variance Map as a “proposed 6 story, 145 unit apartment building with 2 level underground parking, 218 spaces proposed. While architectural design information has not been provided, the zoning requirements table refers to the proposed use as “stacked townhomes”. As referenced in the zoning requirements table, the currently proposed unit

Secretary read report.

**From: Terry Vogt, Engineer/Planner - June 28, 2016**

The applicant proposes to construct a new two-story 1,652 sf handicapped accessible addition to an existing single-family residential dwelling. In addition a 5 foot wide porch and basement entry are proposed on the buildings Courtney Road frontage. Two existing sheds near the property line adjoining Lot 1 will be removed.

Abraham Penzer, attorney for applicant.

Mr. Penzer - The family Rabbi Lench, is a lifelong diabetic and can no longer live by himself. Asking for an addition attached to the house and there will be one member of the household with him at all times.

Graham Macfarlane, engineer/planner with Professional Design Services, sworn. – Applicant proposes to construct an addition located on the east side of the property. There will be a handicap ramp in front of the site. The addition does require some variances. Need front yard setback variance, rear yard setback and lot coverage. There will be separate living quarters for the sons.

Mr. Mund – there is a front porch and a basement.

Mr. Macfarlane - Applicant feels that it necessary. The basement

Chairman – basement apartment is allowed.

Mr. Lankry - Looks like two kitchens in the basement.

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**SPECIAL MEETING PAGE 2.**

Mr. Macfarlane – The existing dwelling has 5 bedrooms. There will be 13 bedrooms in the house.

All for family members.

A-1 variance plan

A-2 architectural plan

Chairman – This is an existing house and they are just adding on to side portion of the house. Very simple.

Mr. Penzer -This is a C-2 hardship variance which allows for personal care on the property. They would rather have people having home care.

Mr. Lankry – see 2 kitchens in the basement and 2 kitchens upstairs.

Mr. Macfarlane - The ordinance does not regulate the amount of bedrooms in the house.

Mr .Dasti - Where are the people occupying 13 bedrooms going to park?

Chairman suggested 4 off street parking spots from Lexington Avenue. I think that this is something that should be done. The elder father and one of his children will be living there. This will be a single family house with one rental basement apartment. No apartment in the existing basement. No outside entrance to the existing part.

Mr. Macfarlane – they will provide extra parking. There will be one meter to the house.

Mr. Lankry – this looks like a duplex – could turn this easily to 3 families and an elderly gentlemen.

Do not like this plan.

Mr. Penzer – they will try and reach out to a family member.

Mr. Lankry – this looks like a 4 family house. Do not need testimony. Put the new part on a slab.

Chairman – put the application on hold and try to get a family member.

Mr. Flannery asked that **Appeal # 3976, Robert Klein,** 48 Carey Street be withdrawn.

Motion to withdraw – Mr. Gelley

Second – Mr. Mund

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

Mr. Gonzalez, Mr. Halberstam

Sean Gertner, attorney for applicant asked that **Appeal # 3980, Joseph Sebbag,** Hope Chapel Road be carried to the August 29th meeting.

No further notice and agreed to waive time.

Motion to carry to August 29th – Mr. Lankry

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3965 – D & L Management**, East County Line Road

Continued from meeting of July 11, 2016

Abraham Penzer, attorney for applicant.

Brian Flannery, sworn. Asking only for the use for multi-family only. This is a bifurcated application.

A-5 tax map showing the coloring from the Smart Growth

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**SPECIAL MEETING PAGE 3.**

Mr. Flannery described A-5

Mr. Flannery – if the board approves this use they will come back with plans. Pinewood apartments, Crossroads apartments and Coventry Square. This is a multi-family area in the downtown regional center. This board has approved 6 story buildings. Conforming uses for the site will be offices, medical offices, schools or places of worship. He testified that it was his opinion that this project would provide housing opportunities and less impact than permitted uses on the site. This site is particularly suited because it is part of the downtown regional center. There is minimal impact in the area. Multi-family in this area would be compatible.

Mr. Penzer – Not seeking height – use only.

Stuart Lieberman – attorney for Coventry Square

Mr. Penzer – not seeking height – use only.

Mr. Lieberman – must go for height and use together.

Alan Weiss – attorney for Barneys. It is impossible to ignore that he is asking for a 6 story multi-family building.

Mr. Penzer – it is his legal opinion that it is not interwoven. He can ask for less things than he advertised for.

Mr. Dasti – the application can go forward as is.

William Stimmel – civil engineer and planner.

Board accepted credentials

Mr. Stimmel - did a traffic impact analysis. Proposal is for 145 residential apartment units. 81 trips during the morning peak hour and 102 during the evening peak hours. Traffic study was done on Thursday, June 9th and Wednesday June 8th.

Chairman – did you take into consideration any new approved building in the area? There were 38 units approved by the Planning Board on County Line Road.

Mr. Ribiat – the traffic increase would be great.

Mr. Lankry – does the traffic study include how many lights that you have to wait at the intersection County Line & Squankum Road?

Mr. Stimmel – did observe some problems with progression. The delays were approaching the intersection. The peak hours were 7-9 in the morning and 4-6 in the afternoon.

Mr. Lieberman cross examined traffic engineer, Mr. Stimmel.

Mr. Stein cross examined Mr. Stimmel – There will be 2 levels of underground parking. 293 parking spaces required and 218 provided. Where will the other 76 cars park?

Mr. Stimmel - Proposing that Lakewood does not need the 2 per unit required.

Mr. Stein - Was there a study done to find out how many accidents were at that intersection.

Mr. Stimmel – no.

Mr. Lieberman & Mr. Weiss cross examined Mr. Flannery.

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**SPECIAL MEETING PAGE 4.**

Recess.

Chairman announced that there will be a Special meeting next Monday, August 1st at 6 p.m.

to hear **Appeal # 3966, Newport Estates** and **Appeal # 3969, Yeshivas Ohr Yissochor Academy.**

Adam Pfeffer attorney representing Appeal # 3966 agreed to waive time.

Ed Liston, attorney representing Appeal # 3969 agreed to waive time.

No further notice and a waiver of time.

Motion to carry – Mr. Gelley

Second – Mr. Mund

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

Mr. Gonzalez, Mr. Halberstam

D & L continued

Carlos Rodrigues, Planner, sworn

Board accepted credentials.

Mr. Rodrigues – The 1999 Master Plan is still in effect and has not been replaced. It has never been suggested that the OT zone be rezoned for residential uses. Cannot evaluate the negative criteria without a site plan. No other zone allows 88 units per acre.

Mr. Penzer – there have been many projects that the board has approved with that density.

Open to Public.

Noreen Gill, 192 Coventry Drive, sworn. There are 633 homes in Coventry Square. Not in favor of this proposal.

Abraham Srour, 16 E. 13th Street, affirmed. This use variance is in unfair to this neighborhood. Request that this zoning board deny this application

Meir Hillel Cohen, 3 E. 13th Street, affirmed. This is not the place for this proposed complex. County Line Road is a main artery between east and west and Squankum Road is the gateway to the north. No place for the children to play, there are no playgrounds. Not in favor of this application.

Abraham Birnbaum, 935 E. County Line Road, affirmed. If this is approved it will be a nightmare. For many hours of the day the traffic on County Line Road is bumper to bumper. This is a heavy density high rise apartment not stacked townhouses. Not in favor.

Naftali Blonder, 1147 Carolina Street, affirmed. In the local publications there are over 11 pages of rental properties. Not in favor.

Zelig Terebelo, 8 E. 13th Street, affirmed. No one in the neighborhood is interested in this project. Not in favor.

Gerri Ballwanz, 208 Governors Road, sworn. To change this zone is ludicrous. Not in favor.

Sylvia Hagenfeld, 1500 Berkowitz Avenue, sworn. Strongly object to apartments being built.

Closed to Public.

Mr. Lieberman, attorney for Coventry Square asked that this variance be denied.

Mr. Weiss attorney for Barneys Service Center asked that this application be denied.

Mr. Penzer – they will be going up, weigh the testimony, if not this use it will be another use. What is the best possible use for this property? We believe that this is the best possible use. This is part of the downtown regional center. There are approximately 600 units in the area. Kennedy Blvd is one of the widest streets. This is the lesser of all the permitted uses.

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**SPECIAL MEETING PAGE 5.**

Motion to deny – Mr. Lankry

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

**Appeal# 3874AA – Rishon Associates, LLC**, Block 490 Lots 6, 9 & 41. Amend site plan for

building coverage of 35% where 30% is allowed.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 2, 2016**

A use variance has been granted, in resolution #3874 to allow duplexes on the tract. The applicant also proposes to locate four single family dwellings on the tract which is not a permitted use in the zone. A use variance was obtained during the approval # 3784A for the four dwellings. If the structure depicted on proposed lot 9.82 is a dwelling the applicant will need to obtain the use variance again. Maximum lot coverage variances are requested. New lots 9.04 – 9.08, 9.10 – 9.42 and 9.66 – 9.81 propose lot coverages of 35% whereas the maximum lot coverage allowed is 30%.

Adam Pfeffer, attorney for applicant. Not asking for any more lots.

Brian Flannery, Engineer/Planner, sworn. There is additional building coverage being requested.

The ordinance was changed to allow 35% lot coverage. Asking for the smaller lots the 35% lot coverage. Just making longer units – side yard setbacks are the same. Open space is still the same.

There are duplexes and singles.

A-1 development plan

A-2

Mr. Flannery - The buildings are all staying the same – they are now doing covered porches.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3984 – Moshe Neiman,** 1183 Buckwald Court, Block 27 Lot 1.07, R-12 zone. To

construct a single family dwelling with side setbacks of 9 feet and 11 feet

where 10 feet and 15 feet are required.

**Secretary read report.**

**From: Terry Vogt, Engineer/Planner – July 13, 2016**

The applicant proposes to construct a new residential dwelling, off-street parking and other amenities. An existing dwelling and appurtenances will be removed.

Brian Flannery, sworn. In order to build the house that they would like they are asking for 11 on one side and 9 on the other with an aggregate of 20 where 25 is required. In the 9 foot setback there is a cantilever for the dining room.

Open to Public. Closed to Public.

Motion to approve – Mr. Mund

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

**ZONING BOARD OF ADJUSTMENT JULY 25, 2016**

**SPECIAL MEETING PAGE 6.**

**Appeal # 3983 – Samuel Danciger –** 652 E. 7th Street, Block 223 Lot 22, R-10 zone. To

construct a single family home requesting variances for 2 front yard setbacks,

required 30 feet – proposed 25 feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 13, 2016**

The applicant proposes to construct a new two-story single family residential dwelling with an unfinished basement. An existing dwelling and appurtenances will be removed.

Samuel Danciger, affirmed. This is a corner lot. Will have 4 parking spaces.

Open to Public. Closed to Public.

Motion to approve with 4 parking spaces – Mr. Lankry

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3960 – Brookside Equities,** Cherry Street, Block 189 Lots 135 & 168, R-10 zone. To construct a duplex on a 10,722 square foot lot where 12,000 is required.

**Secretary read report.**

**From: Terry Vogt, Engineer/Planner – May 4, 2016**

The applicant seeks a zero lot minor subdivision approval including conditional use, bulk variance relief approval in accordance with Section 18-911 of the UDO to subdivide an existing irregular 22,784. 45 square foot property known as Lots 134 and 168 in Block 189 into 4 new zero lot line lots proposed to contain 2 two-story residential duplex structures.

Adam Pfeffer, represented applicant.

Brian Flannery, sworn. This is a vast improvement to Cherry Street. There will be a road widening easement. Asking for relief for the deck.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3970 – Success Homes Capital**, 800 E. County Line Road, Block 226 Lot 1- R-10

Zone. To construct a duplex on an undersized lot – required 12,000 – proposed

9,926. Requesting subdivision for zero lot line.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – May 19, 2016**

The applicant seeks variance relief and minor subdivision approval in accordance with Section 18-922 of the UDO to subdivide an existing 9,926 square foot property known as lot 1 in block 226 into 2 two-story residential duplex structures designated as lots 21.01 and 1.02 on the subdivision plan.

Miriam Weinstein, attorney for applicant.

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Brian Flannery, sworn. There are useable side yards for both units. County Line complies.

Chairman – his map showed this site as R-12.

Open to Public. Closed to Public.

Motion to deny – Mr. Halvorsen

There was no second.

Motion to approve with confirming that this site is in R-10 zone – Mr. Gonzalez

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Mund, Mr. Gonzalez, Mr. Halberstam

Nayes: Mr. Halvorsen

Abstained: Mr. Ribiat

**Appeal # 3975 GM Trust,** 12 Courtney Roadcontinued.

Mr. Lankry suggested that they come back with a revised plan.

Mr. Penzer – this is an emergency. The man is sick and dying.

Chairman - The existing basement will not be an apartment. The new addition will be an apartment

Mr. Lankry – there are 4 kitchens.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Nayes: Mr. Lankry, Mr. Ribiat

**Appeal # 3971, KG Investments** and **Appeal # 3979, CG RR Properties** be put at the end of the meeting on August 1st.

Motion to carry to August 1st – Mr. Halverson

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**Appeal # 3967 – Congregation Maalos Hatorah**

Motion to carry to August 29 –Mr. Lankry

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**Appeal # 3968 – David Donner**

Motion to carry to August 29th -Mr. Gonzalez

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**ZONING BOARD OF ADJUSTMENT JULY 25, 2016**

**SPECIAL MEETING PAGE 8.**

**Appeal # 3973 - Evelyn Vago**

Motion to carry to August 29th – Mr. Gonzalez

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**Appeal # 3974 – S. Greenes**

Motion to carry to August 29th – Mr. Lankry

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**Appeal # 3951A - 525 Chestnut Street, LLC**

Motion to carry to August 29th – Mr. Lankry

Second – Mr. Mund

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**Appeal # 3982- Moses Stern**

Motion to carry to August 29th – Mr. Lankry

Second – Mr. Mund

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

Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**Appeal # 3981 – Joseph Rosenbaum,** 837 East End Avenue, Block 208 Lot 176, R-10 zone

To construct a duplex with variance requested for side yard setback.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 6, 2016**

The applicant is proposing to construct a duplex dwelling on the property and requires bulk variance relief.

Brian Flannery – This is a 27,000 square foot lot. This is a narrow lot. The lot is 75 feet wide.

Asking for side yard setback.

Open to Public. Closed to Public

Motion to approve – Mr. Lankry

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

**Resolutions**

**Appeal # 3947 – Elad Gebus,** Oakland Street & Cherry Street, Block 189 Lots 128, 180 & 181

R-10 zone. Resolution to approve 4 duplexes.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

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

**ZONING BOARD OF ADJUSTMENT JULY 25, 2016**

**SPECIAL MEETING PAGE 9.**

**Appeal # 3958 – Success Homes Capital**, Pine Street, Block 855.01 Lots 21, 34.03, 36 & 37,

M-2 & R-20 zone. Resolution to approve a use variance to construct 7 single family homes.

Motion to approve – Mr. Mund

Second –Mr. Gonzalez

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

**Appeal # 3959 – Moshe Lankry –** 409 1st Street, Block 73 Lot 6, R-OP Zone. Resolution to approve a use variance for a 4 family house.

Motion to approve – Mr. Halvorsen

Second – Mr. Ribiat

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:20 P.M.

Respectfully submitted.

Fran Siegel

Secretary