**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Naftali, Mr. Ingber, Mr. Gonzalez,

 Mr. Halberstam

 Absent: Mr. Lankry, Mr. Ribiat

 Also attending: Jerry Dasti, attorney

 Terry Vogt, engineer/planner

 Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of October 31, 2016 – Mr. Halvorsen

Second – Mr. Gelley

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

 Mr. Halberstam

Request to carry **Appeal** # **3993 – Forest Haven** to December 5, 2016

 **Appeal #** **3967 – Cong. Maalos Hatorah** to December 5, 2016

  **Appeal # 4002 – Block 458 LLC** to December 5, 2016

  **Appeal** **# 4003 – Drake Development** to the December 5th

 **Appeal # 4004 – Mark Properties** to the December 5, 2016 meeting

 **Appeal # 4005 – Mark Properties** to the December 5, 2016 meeting

No renotice and agreed to waive time

Request to carry **Appeal # 4000 – Faraday Estates** without a date and they will renotice.

Motion to carry the above Appeals – Mr. Halvorsen

Second – Mr. Ingber

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

 Mr. Halberstam

Mr. Dasti – In regards to videoing and taking pictures, Mr. Penzer object to the microphone on the podium because it invades his attorney client privilege. Mr. Klein has the right to video. He suggested that guidelines be adopted. The Township attorney has instructed the Planning Board attorney and him that the Township will adopt the guidelines. They have no objection to Mr. Klein or anyone else to video or take pictures of the meetings.

Mr. Halberstam – nobody on this board has any issues of pictures or audio being taken.

Chairman announced that there were only 6 board members present.

**Appeal # 3989 – 155 Somerset LLC**, 155 Somerset Avenue, Block 189 Lot 142, R-10 zone.

 To construct a duplex requiring variances. Zero lot line subdivision requested.

Miriam Weinstein represented applicant. All testimony was given at the last meeting. There were no architectural plans. The lot size is 12,969.37 which exceeds the required 12,000 square feet. Lot width is 70 feet rather than the required 75 feet. Requesting minor subdivision approval for a duplex.

Brian Flannery, sworn. Submitted architectural plans.

A-1 architecturals

Mr. Gonzalez was not at the previous meeting and will not be voting.

Mr. Flannery – this is the layout that the applicant intends to build.

**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES PAGE 2.**

Avraham Green, 527 Sterling Avenue, affirmed. The porches will be on the second story. These are the plans that they will build and he will be living on one side of the duplex.

Mr. Flannery – the decks are not violating any setbacks. The only variance is for lot width and side setback variance. No external stairs to the attic.

Open to Public.

William Hobday, 30 Schoolhouse Drive, sworn. Is the conceptual plan shown the one being used for the construction of the home?

Mr. Dasti - Resolution will state that there will be 2 doors going to the basement

Ms. Weinstein - The stairs to the basement is on the side and flush with the house.

Mr. Vogt – the plans will have to match with the resolution.

 Closed to Public.

Mr. Dasti – the footprint is not changing the amount of bedrooms are not changing.

Mr. Flannery - The set of stairs in the back is internal to the basement. There is a concrete pad.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

**Appeal # 3991 – Aaron Finkelstein**, 121 Somerset Avenue. Block 189.05 Lot 148, R-10 zone.

 To construct a duplex on 10,145 square feet where 12,000 is required.

Brian Flannery, sworn. This application was heard last month and there were questions about the architectural plans. New plans were submitted.

Since there was only 5 members present applicant request to carry until December 5th meeting

Motion to carry to December 5th – Mr. Naftali

Second – Mr. Gelley

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

**Appeal # 3996 – Congregation Maalos Hatorah, Inc**. Block 1159 &1159.04, R-20 zone.

 Preliminary and final major subdivision with Use variance for mixed use

 housing project.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – September 7, 2016**

The application was previously bifurcated and received use variance approval under Appeal # 3900. The applicant is seeking use variance relief to construct a major subdivision on the 4.49 acre property. The property is adjoined by the “Stamford Hill” townhouse development to the west, and “Andrews Corner” apartments to the east. The Subdivision layout depicts 5 duplexes and 2 three-unit townhouse structures.

**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES PAGE 3.**

Miriam Weinstein represented applicant. The applicant has recently acquired lot 48. Asking for site plan approval for 5 duplex buildings plus two triplex structures. Stamford meadow is a townhouse project site. This project is a duplex project with some triplexes. The site is extremely environmentally sensitive.

Brian Flannery, engineer/planner sworn. This property was previously approved for use as an extension of the Stamford hills project. They recently obtained a lot and it has been added to the project. 6 duplexes and one triplex was previously approved.

A-2 subject property including wetlands.

A-3 prior application approval

Mr. Flannery - The approval was not committed to amount of units. Only use was permitted. The use permitted was duplexes and 3 townhouses (triplex). Size of duplex approved was 76 x 38. This is an extension of the townhouse development. The smallest duplex lot shown is 9,585 square feet. Most of the units are 10,000 square feet. They can move the lot line over into the wetlands buffer so that would eliminate the variance for rear yard setback. The applicant is providing parking spaces for the clubhouse. This is a “D” Variance. The applicant is contributing money to improve the facilities in Stamford Hill. This is a good location for this type of use. Townhouses were approved in the same zone.

Mr. Halberstam -There were stipulations made between the Stamford hill residents and the applicant.

Ms. Weinstein - There was arbitration at Rabbinical court and the applicant settled with the development.

Mr. Flannery – they will provide 4 parking spaces per unit with dimensions. They will show the walk-out basements. They will correct the plans.

Mr. Vogt - The architectural plans are not consistent with the site plan.

Graham Macfarlane, planner/engineer. Walkout basements are proposed for the duplex units on the south side of the street where there is a grade drop. The doors will be in the rear wall of the units where the walk out basements are. This will not create an additional story. This design will not create an additional story. The doors will be sliding glass doors flush with the building.

There are no walkouts proposed for the townhouse units. The lot with the single family house conforms to the zone.

Mr. Gonzalez asked about constructing a road out to Chestnut Street - Salem Street

Mr. Flannery - Done prior to the Wetlands Legislation.

Mr. Vogt agreed that they would not approve a road through Wetlands.

Open to Public.

William Hobday, 30 Schoolhouse Drive, sworn. There is a water problem, a grading problem, etc. There will be 32 families with 64 cars. Too many variances requested. This should not even be considered.

Joyce Blay, editor/reporter NJ news, sworn. Asked about a traffic impact study.

Mr. Vogt – no because it is not a requirement for this application.

Ms. Blay – you can request even though it is not required.

**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES PAGE 4.**

Mr. Dasti - The applicant has a right to present his case complying with the ordinance.

Laurie Leeds, 21 Oxford Drive, Ocean, NJ affirmed. Asked to confirm the block and lots.

Dovid Bender, 160 Colonial Drive, affirmed. Traffic has been getting worse. It is impossible to get out. From Route 9 it took him 40 minutes to get across town. The traffic is horrible. Please do not approve this.

Ira Rosenthal, 1157 Tiffany Lane, affirmed. Traffic getting worse and worse every day. No one can make a left turn on New Hampshire Avenue. They are gridlocked, they cannot get out from Route 9 or from New Hampshire Avenue. Please do not approve this application.

Aaron Hirsch, 146 Mountainview Drive, affirmed. Chestnut Street is overpopulated. The traffic is out of control. Please do not approve this. Stamford Hill has made their lives a lot more difficult.

Harold Herskowitz, 1496 Cedar Row, affirmed. This is out of control. The Boards job is to protect the town and you are not doing this.

Avraham Sharaby, 1140 Mackenzie Court, affirmed. Chestnut Street is locked in between Route 9 and New Hampshire. This has always been quiet single family homes. The duplexes are changing the entire area. Please say no and enough is enough.

Gerri Ballwanz, 208 Governors Road, sworn. How can this be an extension of Stamford Meadows when there are different applicants. This project requires so many variances that it should be denied.

Moshe Deutsch 124 Rosebank Street, affirmed. Enough is enough.

Closed to Public.

Mr. Halberstam - Are we bound by the previous use variances granted?

Mr. Dasti - Prior approval permitted multi family on all the properties except for lot 48. The concept was approved – no number of units.

Mr. Gonzalez - We approve duplexes and not triplexes.

Mr. Flannery - They will meet with Public Works as far as garbage and if they don’t approve to pick up garbage they will have a homeowners association.

Mr. Gonzalez – live on Chestnut Street, do not see a need for a cul-de-sac and another triplex in this area. Suggested to cut the cul-de-sac and move the houses forward to have the duplexes in line so that they have a decent backyard.

Mr. Dasti – you cannot plan a new plan.

Ms. Weinstein suggested that they just change the triplexes to duplexes.

Mr. Dasti - We cannot redesign the plan.

**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES PAGE 5.**

Motion to deny – Mr. Halvorsen

Second – Mr. Naftali

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

 Nayes: Mr. Halberstam

Recess.

**Appeal # 3997 – Casa Nova Today, LLC**, 323 Second Street, R-OP zone. To construct a

 retail/office building.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – October 11, 2016**

The applicant is seeking preliminary and final major site plan approval. This site plan approval is to construct a 3-story office/retail building in the R-OP zone. The square footage for the proposed building is 10,662 square feet with a 3,554 square foot footprint. A parking area consisting of 12 parking spaces has been proposed. None of the proposed off-street parking spaces have been indicated to be handicap accessible spaces.

Adam Pfeffer, attorney for applicant. This is for a 3 story office retail building in the R-OP zone. Offices are a permitted use and retail is not permitted. Right across the street from the Municipal parking lot.

Brian Flannery, sworn.

A-1 plan showing 3 story building and 12 parking spaces

A-2 tax map

A-3 photos

Mr. Flannery – what is existing is an eyesore, they are residential units. This site has commercial uses all around it. Retail stores are not a permitted use. The B-2 zone is 3 lots over which would allow retail. Parking variance is required. 42 spaces required 12 provided. Existing is 6 apartments with 3 bedrooms. The site will be an improvement to the area. They will be removing an eyesore.

Retail is not permitted but it is an appropriate use for this site and a better use than existing use.

There will be general offices – no medical.

Chairman - Agree that residential is appropriate – This is a little too big for the size lot. Need to find parking and height relief. The parking lot across the street was built for the B-2 business and is always full.

Mr. Flannery – he is providing 12 parking spaces. A lot of the business is walking.

Chairman - The ordinance says it needs 42 spaces. Not against the retail/office but suggest that you make the building smaller and add more parking.

Mr. Flannery – the Township picks up the garbage at the curb.

Mr. Pfeffer - The applicant would consider doing all office.

Chairman - Not against the concept – but it has to fit properly on the site. Asking for too many variances.

Mr. Flannery – no basement.

Open to Public.

**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES PAGE 6.**

William Hobday, 30 Schoolhouse Road, sworn. Not objecting to the use variance but it is too big.

Reduce the size of the building.

David Massey, 39 Summerhill Avenue, Jackson. Representing All Saints Episcopal Church. Presently it is quite an eyesore. Retail is appropriate in this area. The rainwater run-off will be addressed. Parking is a question. In favor of this development in this area.

Joseph Ricchiupi, 7A Cory Lane, Jackson. Parishioner at All Saints Episcopal Church. The property is now an eyesore. The building is oversized for the lot. Concerned about the height. They have stain glass windows and this will block the sun. 5 foot side setback is not enough. It is a safety issue. They would prefer a 6 foot privacy fence, 4 foot fencing is not enough. Rainwater is also an issue. They did not show any handicap accessibility.

Moses Schvarzblatt, 61 Pamela Drive, affirmed. This would be a tremendous improvement to the neighborhood. The parking lot is always full. They need more parking on the site or make the building smaller.

Brian Terebelo, affirmed. There is no more parking downtown.

Mr. Pfeffer suggested that they table this application and try to redesign the plan. The a/c units will be rooftop. Will renotice.

Motion to carry to revise plans – Mr. Naftali

Second – Mr. Gelley

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

 Mr. Halberstam

Brian Flannery requested to carry **Appeal # 3998, David Holtz.**

No further notice. Agreed to waive time.

Motion to carry to December 5th – Mr. Ingber

Second – Mr. Naftali

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

 Mr. Halberstam

Brian Flannery requested to carry **Appeal # 3999 – Mordechai Kreitman.**

No further notice. Agreed to waive time.

Motion to carry to December 5th – Mr. Halvorsen

Second – Mr. Gelley

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

 Mr. Halberstam

Resolutions

**Appeal # 3947A – Elad Gebus ,** Cherry St & No. Oakland, Bl 189 Lots 128, 180 & 181 R-10 zone. Resolution to amended resolution to include 35% lot coverage where 30% is required.

**Appeal # 3977 – Bostonia Equity, LLC.** Massachusetts & Cross Street, Block 440 Lots 6,

7.01 & 7.02, R-20/12 zone. Resolution to deny a use variance for duplexes.

**Appeal # 3988 – Elyon Capital LLC**, 110 E. Harvard Street, Block 227 Lot 3.01 R-10 zone. Resolution to approve single family home with variances.

**Appeal # 3994 – Barry Schreiber,** 1417 Tanglewood Lane, Block 25.08 Lot 3, R-12 zone.

Resolution to approve variance to construct a single family home with 10 foot side setbacks.

**ZONING BOARD OF ADJUSTMENT NOVEMBER 14, 2016**

**MINUTES PAGE 7.**

**Appeal # 3940A – Yosef Weiss,** Clover Street,Block 536 Lot 181, R-40 zone. Subdivision to create 3 fee simple semi-attached lots.

Motion to approve the above resolutions.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:00 P.M.

Respectfully submitted.

# Fran Siegel

# Secretary