**ZONING BOARD OF ADJUSTMENT MARCH 7, 2016**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law

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

Mr. Halberstam

Absent: Mr. Lankry, Mr. Mund, Mr. Ribiat

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Salute to the flag.

Mr. Chairman announced that the meeting was being videoed by a private citizen tonight.

Mr. Naftali announced that he was not comfortable being videoed and left the meeting.

Chairman announced that there were now 5 members present.

Motion to approve the minutes of February 4, 2016 meeting – Mr. Halvorsen

Second – Mr. Ingber.

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

Mr. Halberstam

Secretary read request from Nexgen Land Development, to carry **Appeal #3936, Mordechai Zafrani**, 464 Manetta Avenue, until the April 4th meeting.

The Board requested re-notice when the applicant is ready to be heard.

Motion to deny request to carry – Mr. Ingber

Second – Mr. Gonzalez

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

Mr. Halberstam

Brian Flannery announced that **Appeal # 3940, Yosef Weiss** would like to carry until there are 7 members since this is a use variance request.

Motion to carry to April 4th – Mr. Halvorsen

Second – Mr. Gonzalez

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

Mr. Halberstam

No further notice

Applicant agreed to waive time

Brian Flannery announced that **Appeal # 3951, 525 Chestnut LLC** would like to carry until there are 7 members available.

Motion to carry until April 4th – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Halberstam

No further notice.

Applicant agreed to waive time.

Miriam Weinstein represented all 4 applicants on Vine Avenue. Testimony was given on all 4 applicants. Vote will be taken separately.

Brian Flannery/engineer planner was sworn in.

Secretary read reports. **Appeal #3942 & Appeal #3943** are requesting 14.53 rear yard setback where 20 feet is required. **Appeal # 3944 & Appeal # 3945** are requesting 8 foot rear yard setback where 20 feet is required.

**ZONING BOARD OF ADJUSTMENT MARCH 7, 2016**

**MINUTES PAGE 2.**

Ms. Weinstein – seeking a variance to permit the decks that have already been constructed to remain. These people were promised that they would get decks. The ordinance changed that would not allow the developer to construct the decks. The developer closed on the units without the deck and subsequently constructed the decks. The builder was ARM Construction.

Glenn Lines, engineer/planner, sworn. This project was approved with the grading and the decks would be under 3 ½ feet and would be allowed in the setback. The ordinance was then changed that did not allow the deck to be in the rear yard setback. Had they built the deck on the buildings before they got the Certificate of Occupancy it would have matched the plot plan.

Ms. Weinstein – she found out about the decks after the owners called and said they got violations.

Mr. Lines – the plot plans showed the decks under 3 feet. Does not know how they were built.

Open to Public.

Eli Rennert, affirmed. The people bought houses and knew they were getting a deck. They were not aware of a problem until they received violations. Does not know how high the decks are.

Closed to public.

Mr. Gelley – would like to know how high the deck is now. Would feel much more comfortable knowing that the ordinance changed and the decks were built according to the old ordinance.

Maybe they could come back with the height of the deck and then we can vote:

Mr. Gonzalez – there is woods behind these properties and in his opinion he would just let it be.

Ms. Weinstein – not fair to penalize the homeowners who are innocent.

**Appeal # 3942 – Lazer Kaplan,** 792 Vine Avenue, Block 1014 Lot 1.06; R-10A zone.

Variance requested for deck in rear yard setback, required 20 feet – proposed

14.53 feet.

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

The applicant is requesting bulk variance relief for rear yard setback for deck, 14.53 feet proposed – 20 feet required.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Halberstam

**Appeal # 3943 – Shimon Pines**, 794 Vine Avenue, Block 1015 Lot 1.07; R-10A zone. Variance

requested for deck in rear yard setback, required 20 feet - proposed 8 feet.

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

The applicant is requesting rear yard setback variance for deck; 14.53 feet proposed, 20 feet required.

Motion to approve – Mr. Halvorsen

Second – Mr. Gelley

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

Mr. Halberstam

**ZONING BOARD OF ADJUSTMENT MARCH 7, 2016**

**MINUTES PAGE 3.**

**Appeal # 3944 – Menachem Gutfreund,** 796 Vine Ave. Block 1015 Lot 1.08, R-10A zone.

Variance requested for deck in rear yard setback, required 20 feet – proposed 8

feet.

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

The applicant is requesting rear yard setback variance for deck – 8 feet proposed – 20 feet required.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

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

Nayes: Mr. Ingber

**Appeal # 3945 – Eliezer Herskowitz,** 798 Vine Avenue, Block 1015 Lot 1.09, R-10A zone.

Variance requested for deck in rear yard setback, required 20 feet – proposed

8 feet.

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

The applicant is requesting bulk variance relief for rear yard setback for deck, 8 feet proposed – 20 feet required.

Motion to approve – Mr. Gonzalez

Second – Mr. Halvorsen

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

Nayes: Mr. Ingber

Adam Pfeffer, attorney for **Appeal #3947, Elad Gebus** requested to carrysince there are only 5 members.

Motion to carry – Mr. Gonzalez

Second – Mr. Gelley

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

Mr. Halberstam

No further notice.

Agreed to waive time.

Adam Pfeffer, attorney for **Appeal # 3952, Lakewood Investments,** requested to carry since there are only 5 members.

Motion to carry – Mr. Gonzalez

Second – Mr. Gelley

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

Mr. Halberstam

No further notice.

Agreed to waive time.

**Appeal # 3946 – Shaul Kuperwasser** – 3 Remon Lane, Block 190.03 Lot 29, R-15 zone.

Variance requested for side yard setback; required 15 feet – 9 feet proposed.

Secretary read reports.

**ZONING BOARD OF ADJUSTMENT MARCH 7, 2016**

**MINUTES PAGE 4.**

**From: Terry Vogt, Engineer/Planner – February 15, 2016**

The property is a 16,000 square foot property with primary frontage on Remon Lane, and dual (rear) frontage on Ridge Avenue. The applicant is requesting bulk variance relief for: side yard setback, 9 feet proposed, 10 feet required.

Brian Flannery, sworn. This is a bulk variance application. This is a 16,000 square foot lot in the R-15 zone. Asking for side yard setback. Asking for 9 feet on one side and 10 feet on the other, The ordinance requires 25 feet combined and they are asking for 19 feet combined. Will provide 4 parking spaces. The main entrance is off Remon Lane. There are two fronts Remon Lane and Ridge Avenue.

Mr. Halberstam – make the house a little narrower and deeper.

Open to Public. Closed to Public.

Mr. Flannery offered 10 feet on each side, with an aggregate of 20 feet. With no variances the house can be 75 feet wide.

Mr. Gonzalez – this property is 16,000 and there is no reason for a variance.

Mr. Flannery – There is 65 feet to Ridge Avenue. The applicant will agree to go 10 & 12 ½ feet with a combined 22 ½ feet.

Motion to approve with 10 & 10 – Mr. Ingber

There was no second.

Motion to deny this application – Mr. Gelley

Second – Mr. Gonzalez

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

Nayes: Mr. Ingber

Brian Flannery requested to carry **Appeal #3949 & Appeal #3950** to the April 4th meeting

Motion to carry – Mr. Halvorsen

Second – Mr. Gelley

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

Mr. Halberstam

No further notice.

Applicant agreed to waive time.

**Appeal # 3948 – Esther Gluck,** 516 Ashley Avenue, Block 774.04 Lot 5, R-7.5 zone.

Requesting bulk variances for single family home.

**From: Terry Vogt, Engineer/Planner – February 16, 2016**

Requesting bulk variances for single family home.

Brian Flannery, engineer/planner, sworn. This property is on the corner of Wynatt Street & Ashley Avenue. They need relief on the setbacks. The existing lot 5,539 square feet and there is houses on both sides. Asking for front yard setbacks from Wynatt and Ashley. Asking for 18 feet from Wynatt Street and 22.6 from Ashley. The ordinance also allow you to build in the existing setbacks. Taking the old building down and this will fit in with the neighborhood. Will not be in the site triangle. Air conditioners will be placed in the triangular area in the rear yard.

The house is 31 x 55, 1,700 square feet per floor and will be 2 stories with a basement. Basement steps will be on the outside. No attic apartment. There will be interior steps to the attic.

**ZONING BOARD OF ADJUSTMENT MARCH 7, 2016**

**MINUTES PAGE 5.**

Open to Public. Closed to Public.

Mr. Gonzalez – this is an application makes sense for the property size.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Halberstam

Mr. Gelley left the meeting and there were only 4 members left.

Mr. Halberstam announced that **Appeal # 3954, Belz** Center of Lakewood be carried until the April 4th meeting

Motion – Mr. Gonzalez

Second - Mr. Halvorsen

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

Miriam Weinstein, attorney for applicant agreed to waive time.

No further notice.

Resolutions

**Appeal # 3918A, Steven Streicher** – Resolution to amend the resolution to allow the basement to be finished.

Motion to approve – Mr. Gonzalez

Second – Mr. Halvorsen

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

**Appeal # 3937 Somerset Assets,** 306 Chestnut Street, Block 1087 Lot 21, B-5 zone. Resolution

to approve a use variance for duplexes.

Motion to approve – Mr. Halvorsen

Second – Mr. Halberstam

Roll call vote: affirmative: Mr. Halvorsen, Mr. Halberstam

**Appeal # 3938 – Moshe Zucker**, No Oakland Street, Block 189.05 Lot 155, R-10 zone. Resolution to approve the construction of a duplex on 10,632 square feet where 12,000 is required.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

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

**Appeal # 3939 – MAZ Properties,** LLC. No. Oakland Street, Block 189.05 Lot 153, R-10 zone.

Resolution to approve the construction of a duplex on 10,200 square feet where 12,000 is required.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

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

**Appeal # 3941 – Shimon Grinberger,** 1309 Ridge Avenue, Block 187.16 Lot 1.08, R-15 zone.

Resolution to approve a use variance to use the existing structure as an office.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

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

**ZONING BOARD OF ADJUSTMENT MARCH 7, 2016**

**MINUTES PAGE 6.**

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 8:30 P.M

Respectfully submitted,

Fran Siegel, Zoning Secretary