

**ZONING BOARD OF ADJUSTMENT
MINUTES**

JANUARY 8, 2018

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Naftali
, Mr. Ribiat,

Mr. Gross, Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Lankry, Mr. Ingber

Attorney: Jerry Dasti

Engineer: Terry Vogt

Court Reporter: Jackie Wahler

Secretary: Fran Siegel

Salute to the flag.

Motion to go into closed session to discuss proposals – Mr. Gelley

Second – Mr. Ribiat

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

Board went into closed session for proposals.

Motion to approve Jerry Dasti as the attorney for the year 2018 – Mr. Gonzalez

Second – Mr. Gonzalez

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

Motion to approve Terry Vogt from the firm Remington Vernick for the engineer/planner for the
year 2018 – Mr. Gelley

Second – Mr. Gonzalez

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

Motion to appoint Jackie Wahler as court reporter – Mr. Gelley

Second – Mr. Gross

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

Motion to appoint Fran Siegel as Secretary – Mordy Gross

Second – Mr. Naftali

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

Motion to appoint Abe Halberstam as Chairman – Mr. Gelley

Second – Mr. Gonzalez

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

Motion to appoint Obi Gonzalez as vice chair – Mr. Naftali

Second – Mr. Halvorsen

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

Motion to appoint Obi Gonzalez as Vice Chair – Mr. Naftali

Second - Mr. Halvorsen

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

Motion to approve Calendar for the year 2018 – Mr. Gelley

Second – Mr. Gonzalez

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

Motion to approve Annual Report for the year 2017 – Mr. Halvorsen

Second – Mr. Gross

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

Motion to approve minutes of December 4, 2017 – Mr. Gelley

Second – Mr. Gross

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

Correspondence

Appeal # 4036 – County Line Alliance – request from Adam Pfeffer, Esq. to carry this application. They are unable to verify C1 buffer with neighbor.

Board recommended that this does not go on an agenda until they are ready to be heard.

Motion - Mr. Gelley

Second – Mr. Ribiat

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

Appeal # 3967 – Congregation Maalos Hatorah, letter from Mrs. Weinstein, Esq to carry until further notice.

Ms. Weinstein – when they are ready to schedule they will re-notice.

Motion - Mr. Gelley

Second – Mr. Ribiat

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

New Business

Appeal # 4050 – Shimon Shain, 1824 Attaya Road, Block 11.04 Lot 1, R-12 zone. Variance requested for rear yard setback for pool – required 20 feet – proposed 8.2 feet.

Secretary read report

From: Terry Vogt, Engineer/Planner – November 20, 2017

Applicant is seeking bulk variance approval for a pool constructed within 8.2 feet of the rear yard property line where 10 feet is required for an accessory structure.

Robert Cormack, attorney for applicant.

Shimon Shain, affirmed.

Mr. Cormack – showed aerial photo of neighborhood.

Mr. Shain – this is a single family home. They did obtain a permit for the construction of a pool. Surveyor staked out where the pool is supposed to go. There are other pools in the area.

A-1 aerial photo

Mr. Shain – there is an 8 foot vinyl fence around the pool. Spoke to neighbors and they had no objections. There is concrete around the pool. The contractor staked out the pool and it was not dug the way it was supposed to be. The pool company is not willing to do anything. They spent all their money to try and conform and to everything right.

Open to Public. Closed to Public.

Motion to approve – Mr. Ribiat

Second – Mr. Gross

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

Appeal # 3951B – 525 Chestnut, LLC, Block 1159 Lot 91, R-20 zone. To subdivide approved Lot 91 into 91.01 and 91.02

Secretary read report.

From: Terry Vogt, Engineer/Planner –December 7, 2017

The applicant is seeking minor subdivision approval in accordance with Section 902© of the UDO to subdivide an existing 12,881 square foot property into 2 new residential lots. The applicant proposes to construct one duplex structure on two zero lot line properties. A use variance was previously granted under Appeal # 3951 to subdivide block 1159 Lot 91 into new lots 91.01 and 91.02 along with bulk variance relief.

Miriam Weinstein represented applicant. Use variance was approved to construct duplexes in the R-20 zone. Appeal # 3951A was for minor subdivision for 2 duplexes but did not seek zero lot lines. That application did not seek four zero lot lines. All bulk variances were granted under 3951. This is just to create the zero lot line lots. This zone does not permit duplexes and so Planning board cannot grant the zero lot lines. The approval was for a duplex with one owner. They now want 2 owner for each duplex.

Brian Flannery, sworn. Each duplex lot will be 6,000 square feet. They will be built exactly the same as the approval. They will address all of Terry's comments.

Mr. Dasti - This is strictly to allow 4 tax lots.

A-1 duplex approved.

Open to Public for Appeal # 3951B & 3951C. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 3951C – 525 Chestnut, LLC, Block 1159 Lot 90, R-20 zone. To subdivide approved Lot 90 into 90.01 and 90.02.

Motion to approve – Mr. Gelley

Second – Mr. Ribiat

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

Appeal # 4051 – Mordechai Portnoy, 10 Courtney Road, Block 137 Lot 1, R-10 zone. Use interpretation and minor subdivision.

Mr. Halberstam reclused himself from this application.

From: Terry Vogt, Engineer/Planner – December 7, 2017

The applicant is seeking minor subdivision approval to subdivide an existing 12,915 square foot property into 2 new residential lots. The applicant intends to retain an existing two-family structure and create 2 zero lot line properties. The property has dual frontages on Courtney Road and on Twelfth Street. The use is a front-to-back duplex which is not permitted.

Glenn Lines, planner/engineer, sworn. A building permit was obtained for a front to back duplex in 2009. In 2010 that ordinance was amended and no longer permitted front to back duplexes. The approved permit was for an addition to create a front to back duplex. They have had financial difficulties and have not finished the construction. They are asking for a subdivision so that they can have two different owners. The existing house fronts on Courtney Road and the addition faces on 12th street. It has been under construction since 2009. Needs existing front setback variance on Courtney Road of 19.89 feet where 30 feet is required. Asking for side yard setback variance for the addition of 9.7 feet where 10 feet is required. The lot with the existing house will be 5,621 square feet. The house facing 12th Street will be 8,358 square feet. The total area of both lots is 12,970 square feet. They want to subdivide so that they can sell the 12th Street unit. There is a basement in the addition. The existing home is an older home and they cannot have a tenant in the basement.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Ribiat

Roll call vote: aff

irmative: Mr. Gelley, Mr. Halvorsen, Mr. Naftali, Mr. Ribiat, Mr. Gross,
Mr. Gonzalez

Appeal # 4052 – Aron Ginsberg, 151 Liberty Drive, Block 290 Lot 1.07, R-10 zone. Single family dwelling with bulk variances requested.

From: Terry Vogt, Engineer/Planner – December 27, 2017

The applicant is seeking approval to construct a two-story single family dwelling including a basement. Seeking side yard setback variance of 10 feet and aggregate setback of 20 feet where 25 feet is required. Existing non-conforming conditions include accessory structure side and rear yard setback (3.6-4.1 feet vs. 10 foot minimum).

Miriam Weinstein represented applicant. These homes were built about 15 years ago. The families have grown and the house does not fit their needs. Asking for combined side yard setback of 20 feet where 25 is required and rear and side yard and rear for an existing shed.

Brian Flannery, Asking for 10 feet on each side. The applicant is looking for a 60 foot wide house to accommodate his family.

There was discussion about a non-conforming shed on the property.

Ms. Weinstein - There are no plans now for a basement apartment. There is only one exterior entrance. No outside entrance to the attic. A bike shed is like a garage. Fits succah boards, etc. It cannot fit a car.

Open to public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Appeal # 4053 – Sarah Ziskind, 58 Birch Street, Block 417 Lot 8, R-10 zone. Bulk variances requested for single family home.

From: Terry Vogt, Engineer/Planner – December 11, 2017

The applicant is seeking approval to construct a two-story two-family dwelling, including an unfinished basement. The applicant is seeking new bulk variance relief including side yard setback, aggregate side yard setback and pre-existing front yard setback for a smaller dwelling which would be removed to construct the proposed home.

Brian Flannery, engineer/planner. This is an existing lot with an existing home. This area has small homes. The lot is 9,700 square feet where 10,000 is required. Asking for 7.5 feet on each side where 10 feet is required. This is for a single family house. Asking to leave the existing garage which violates the setbacks. The a/c units would be on the side of the house. There will be separate stairs to the basement. There will be no outside steps to the attic. The stairs to the attic will be inside the building. The 19 foot setback is consistent with the other houses on the block. The existing garage is about 20 x 20. From the garage to the back of the house is about 17 feet. The applicant will move the house back 5 feet.

Mr. Halvorsen – this house is too big.

Mr. Ribiat – this house is about 5,000 – 6,000 square feet. Asked to make the house smaller.

Mr. Flannery – the lot is 50 feet wide.

Mr. Gonzalez - Would like to see a 30 foot wide house.

Mr. Flannery – applicant asked to carry to get more information on the neighboring houses.

Motion to carry to February 5th – Mr. Gelley

Second – Mr. Gross

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

Resolutions

Appeal # 3926- 5 Oak Street LLC, Block 782.01 Lots 5 & 11, Oak Street. Resolution to approve request to revise screening of a/c and garbage bins and fencing.

Motion to approve – Mr. Gelley

Second – Mr. Gross

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

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Appeal # 4010 – Congregation Meoros Nosson, 419 5th Street, Block 69 Lot 5 – R-OP zone - Resolution to deny request for interpretation.

Motion to approve – Mr. Naftali

Second – Mr. Ribiat

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

Appeal # 4046 – 110 No. Oakland, LLC, Block 189.05 Lot 152, R-10 zone. Resolution to approve use variance to construct a duplex on 9,979.78 square feet where 12,000 square feet is required.

Motion to approve – Mr. Gelley

Second – Mr. Ribiat

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

Appeal #4047 – Jacob Lipschitz – Sheraton Drive, Block 782 Lot 36, 782.01 Lot 10 & 11.10 HD-7 zone. Resolution to approve the construction of duplexes.

Motion to approve – Mr. Ribiat

Second – Mr. Gross

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

Motion to pay bills.
All in favor.

Motion to adjourn.
All in favor.
Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Fran Siegel
Zoning Secretary