**ZONING BOARD OF ADJUSTMENT SEPTEMBER 12, 2016**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

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

Mr. Gonzalez, Mr. Halberstam

Arrived late: Mr. Lankry

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of August 29, 2016 – Mr. Gelley

Second – Mr. Naftali

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

Mr. Gonzalez,

Correspondence from Adam Pfeffer requesting front yard setback variance. **Appeal #4001, MIZ Contracting** Block 2 Lot 9.01. Front corner of house was built 3 feet into the front yard setback. The garage and the landing is in the setback.

Motion to approve – Mr. Naftali

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

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

56, 60 & 7.02. R-20/12 zone. Use variance for 34 detached and semi-detached

homes. 34 duplexes and 10 single family.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 29, 2016**

The applicant proposes to construct up to 37 duplexes (74 dwelling units) and up to 10 single family residences on the referenced property which is located in the R-20/12 zone. Development is proposed on the property which is slightly less than 215 acres. Duplexes are not a permitted use. Single family dwellings are permitted on 20,000 square foot lots.

Adam Pfeffer represented applicant.

A-1 variance map

A-2 surrounding uses

Brian Flannery, engineer/planner, sworn. This is a bifurcated application. They intend to have buffers along Cross Street. There is single family and semi detached homes. The two proposed cul de sacs will have access to Massachusetts Ave. Adjacent to this site is a school. Asking for a use variance. Our project would require the streets to be paved.

Mr. Halberstam – the Township is very sensitive to that corner because of the seniors.

Mr. Flannery – The smart growth plan indicates this corner as commercial/retail. Minimum lot sizes are consistent with the R-7.5 zone. The duplexes are 10,000 square feet.

Mr. Halberstam - Only discussing the use to allow duplexes.

Mr. Flannery – This proposal will generate less traffic than a school. There will be multi access roads to a county road.

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Mr. Flannery – They will need County approval. Massachusetts Avenue and Cross Street are both County Roads. This project will provide the housing needs. This area is particularly suited for this project and compatible with the Senior Development.

Mr. Gelley – Will Bushwick Avenue be vacated?

Mr. Flannery - This applicant does not need Bushwick Avenue vacated because they are not using Bushwick Avenue. R-20/12 is a zone where if you have a piece of property you can leave open space or an undeveloped area.

Mr. Ribiat – this is so much density.

Mr. Flannery – the ultimate zoning for this property would be neighborhood commercial. School traffic would have more of an impact to the neighborhood than this proposal.

Mr. Gonzalez – this is definitely a density issue. This area would be nice single family homes.

Mr. Halberstam – not committing to 10,000 square foot lots for duplexes.

Michelle Donato, represented the adjacent Yeshiva who objected to this proposal. Asking for the use without the density?

Mr. Flannery – yes. This board has had numerous applications that have been bifurcated.

Ms. Donato cross examined Mr. Flannery.

Mr. Flannery - There is no access onto Cross Street as a result of discussion with the Senior Development. The plan submitted show 84 units but can be reduced. Not asking for a density variance, asking for a use variance for duplexes. The property is about 15 acres. Part of the Cross & Prospect Street Core. Designates this area as lower density compared to the northern portion.

A-3 page 16 of the 2013 Smart Growth Plan

Thomas Schangrello, planner – sworn.

Board accepted his qualifications.

Mr. Schangrello – researched all the documents, the Master Plan and the Smart Growth Plan.

A duplex is a housing type, a structure. This is a use variance for density. You have to consider the fact that density controls intensity. If the Township wanted duplexes on this property they would have implemented it in their ordinances. The site is heavily wooded.

Mr. Gelley asked how this application impacts the school that Ms. Donato is representing.

Ms. Donato – they did not supply sufficient information how the plan will be met. The street will be impacted by high density traffic.

Open to Public.

William Hobday, 30 Schoolhouse Lane, sworn. Spoke with the developer. Concerned about egress & ingress onto Cross Street. There are currently 10 schools on Cross Street and 3 on Massachusetts Avenue. They agreed to an access only on Massachusetts Avenue. They agreed to no school and they would buffer. Their biggest concern is that there would be no schools there. Regular traffic is not the problem. There are thousands of buses and they can’t get out. He is good with this plan.

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Samuel Rabinowitz, So. Lake Drive, affirmed. Part owner of a lot in this neighborhood. In favor of this plan.

Chaim Abadi, 245 Miller Road, affirmed. This is a very good application. In favor this application.

Shlomo Klein, 189 Hadassah Lane, affirmed. Concerned about having one exit only.

Closed to Public.

Adam Pfeffer, There will be single family and duplexes. There will be a mixture. This is for use only. The school has asked they donate 3 acres of property and they will not object to this application. Would like to build a nice project and will have a second opportunity to review a plan.

Ms. Donato – don’t know how many units. This is a core plan. They are almost tripling the density allowed. Any house in this development can become a school.

Mr. Dasti - They have a specific number of units but the board is not bound by it. They are asking for 34 duplexes and 15 singles.

Mr. Naftali – this is a little bit dense but the use is good and we can control it later.

Motion to approve use of duplexes and singles – Mr. Naftali

Second – Mr. Gonzalez

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

Nayes: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Ribiat

Motion denied.

Recess.

Judah Ribiat had to leave and Moshe Lankry was seated.

**Appeal # 3996, Congregation Maalos Hatorah,** request to carry to October 31st with a waiver of time – Mr. Gonzalez

Second – Mr. Lankry

Roll call vote: affirmative – All in favor

**Appeal # 3995 –Josef Neuman,** request to carry to October 31st with a waiver of time –

Mr. Lankry

Second – Mr. Gonzalez

Roll call vote: affirmative: All in favor

**Appeal # 3994 – Barry Schreiber,** motion to carry to October 31st with a waiver of time – Mr. Lankry

Second – Mr. Gonzalez

Roll call vote: affirmative: All in favor

**Appeal # 3991 – Aaron Finkelstein –** motion to carry to October 31st with a waiver of time –

Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative – All in favor

**Appeal # 3989 – Mordechai Kreitman –** motion to carry to October 31st with a waiver of time **–** Mr. Lankry

Second – Mr. Naftali

Roll call vote: affirmative – All in favor

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**Appeal # 3988 – Elyon Capital, LLC –** motion to carry to October 31st with a waiver of time **–** Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative – All in favor

No further notice.

**Appeal # 3979 – CG RR Properties, LLC,** Parkview Avenue, Block 1021 Lot 2, HD-7 zone.

Use variance for a triplex.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 5, 2016**

The applicant proposes to develop this property by constructing a triplex at the site. Triplexes are not a permitted use in the zone. Townhouses are conditionally permitted (only) on one acre parcels.

Adam Pfeffer, attorney for applicant.

Brian Flannery, sworn. The application is for a 3 unit townhouse.

A-1 color version of plan submitted.

A-2 tax map

A-3 map showing subject property

Mr. Flannery - Property is situated in the HD-7 zone that permits duplexes on 8,500 square foot lots. This lots is 12,400 and the three townhouses would be permitted on an acre. This lot is surrounded by duplexes. This 3 unit townhouse fits in. The variance requested is lot area, lot width front yard setback, side yard setbacks, building coverage allows 35% and they are asking for 36.3%, and rear yard setback. There are no townhouses in the area, they allowed 8,500 duplexes.

Open to Public.

Shlomo Klein, Hadassah Drive, affirmed. Today there are people living in basements and in the attics.

Closed to Public.

Mr. Flannery - There will be an easement for parking on the adjoining property. The middle unit has 2 parking spaces and an easement for parking on the end units. It is a 12,400 square foot lot.

Mr. Gonzalez suggested that one large duplex be constructed.

Mr. Flannery – the applicant got the approval for duplexes from the planning board. Nobody wants a large duplex next to all the smaller duplexes.

Motion to deny a triplex – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Gonzalez

Nayes: Mr. Halberstam

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**MINUTES PAGE 5.**

**Appeal # 3980 – Joseph Sebbag,** Hope Chapel Road**,** Block 2.01 Lots 14.01-14.05, R-40 zone.

Use density variance for 6 single family lots that are 15,028 square feet to

24,043 square feet where 40,000 is required.

Sean Gertner represented applicant.

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

The applicant is requesting a “D-5 (density) variance for construction of a 6-unit single family detached development with the R-40 (single family residential zone) on the north side of Hope Chapel Road. In addition, the applicant is also seeking bulk variance relief as identified on the Variance plan. The previous applicant received Zoning Board use variance approval (Appeal # 3811) and subsequent major subdivision approval for 5 single family parcels, one of which was an existing dwelling on a property partially situated in Jackson.

Mr. Gertner - they still have to go to Jackson Township for the one lot.

Brian Flannery, engineer/planner, sworn. The application is for a density variance.

A-1 rendered version of plan submitted

A-2 copy of tax map including Jackson Township tax map.

Mr. Flannery – this property is split between Jackson and Lakewood.

Mr. Halberstam - Majority of this lot is in Jackson can’t they go straight to Jackson

Mr. Flannery - Jackson will not let them split the lot until there is an approval from Lakewood. The cul-de-sac was moved slightly to the south. The lots are the same 15,000 square foot lots.

There will be the same 4 homes totally in Lakewood and 1 partially in Jackson.

Mr. Gertner – If this board grants the variance they then have to go to Jackson and ask for the same. Not in the sewer service in Jackson but it is in Lakewood. Since the majority of the development is in Lakewood they have to come here first. If Jackson approves they still have to come back to Lakewood for the final site.

Mr. Flannery – asking for bulk variances also. Staying within the same scope as the previous approval. They have to come for subdivision approval.

Alan Weiss represented Zev Munk at 108 Clearstream Road. Applicant agreed that the property will remain in its natural state and will maintain the conservation easement.

Open to Public. Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftlai, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

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**MINUTES PAGE 6.**

**Appeal # 3982 – Moses Stern,** 402 Laurel Avenue, Block 548 Lot 1, R-7.5 zone.Use variance

for a duplex on a 9,500 square foot lot where 10,000 is required.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 12, 2016**

The applicant is proposing to construct a duplex dwelling on the property and requires (conditional use and bulk variance relief. Duplex dwelling are permitted in the zone provided that 10,000 square feet is provided for lot area. Lot 1 is 9,500 square feet therefore (conditional) use variance relief is necessary.

Brian Flannery, engineer/planner sworn. The application is for a duplex in the R-7.5 zone. They have 9,500 square feet instead of 10,000. The house if 55 x 30.

Mr. Halberstam - Do not want to see a door on Clover Street. Maybe the front doors can be angled.

Mr. Gelley - Can you make the house 60 x 27?

Mr. Flannery – they won’t be able to make double stacked parking if they make the house 60 feet.

They will not put the a/c units on the side.

Open to Public. Closed to Public.

Mr. Halberstam – everything will remain the same except that the doors will be angled.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Naftalim Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3985 – DC Commercial**, 1125 Ocean Avenue, Block 189.03 Lot 76.01. Variance

requested for free-standing sign.

Secretary read report.

**From: Terry Vogt, Engineer**

The applicant is requesting sign variance relief to replace an existing 9 foot high, 6” wide sign along its Route 88 frontage with a new 13 foot high 4 foot wide free-standing sign as illustrated on the application documents. The proposed sign requires bulk variances for sign area, 52 sf proposed, 35 sf allowed, sign height, maximum 6 feet allowed, 13 feet proposed and front yard setback 0 feet proposed, 15 feet required.

Abraham Penzer, represented applicant.

Brian Flannery – this sign will be smaller and narrower than the existing sign. The front yard setback required is 15 feet back from property line.

Mr. Halberstam – This is a lot nicer than what is there now.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

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**MINUTES PAGE 7.**

**Appeal # 3986 – Faraday Estates, LLC,** Prospect Street, Block 490 Lot 1.02 M-1 zone. Use

variance to construct 11 duplexes

**From: Terry Vogt, Engineer/Planner August 3, 2016**

The applicant proposes to construct 11 duplexes (22 detached dwelling units) on the referenced property which is located in the M-1 Industrial Zone. Duplexes are not a permitted use within zoning district. The applicant has bifurcated this application and is only seeking approval for the use variance at this time.

John Doyle, represented applicant.

Brian Flannery, sworn –

A-1 sketch of the proposal

A-2 tax map

Mr. Flannery – asking for use only. There are approved duplexes in the area. This is in the Cross & Prospect triangle. They will come back for site.

Mr. Halberstam – this is strictly use – there are townhouses all over the place. They will come back for site.

Open to Public. Closed to Public.

Motion to approve use for duplexes only – Mr. Lankry

Second – Mr. Halvorsen

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3987 – Jacob Lipschitz,** 767 River Avenue, Block 782 Lot 36, HD-7 zone. Major

Subdivision for 9 single family lots.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – August 18, 2016**

The applicant proposes to subdivide Lot 36 in Block 782 into ten lots. Nine dwellings are proposed to be constructed on the lots with the last lot consisting of open space. Single family dwellings are proposed. Existing lot 36 is proposed to be subdivided into new lots 36.01 through 36.109. The site currently contains 5 storage buildings that will be removed.

Brian Flannery, sworn.

A-1 copy of plan submitted

A-2

Mr. Flannery – former self storage lot. HD-7 permits townhouses and duplexes but not single family. Reviewed Mr. Vogt’s report. Average lot size is 10,000 square feet. Asking for bulk variances.

Mr. Halberstam – as a right he could build duplexes.

Open to Public. Closed to Public.

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Motion to approve – Mr. Gelley

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3989 – 155 Somerset LLC and Appeal # 3993 – Forest Haven**

Motion to carry to October 31st no further notice, with a waiver of time – Mr. Lankry

Second – Mr. Gelley

All in favor

**Resolutions**

**Appeal # 3971 – KG Investments,** 742 Ocean Avenue, Block 548 Lots 66, 281, 282, OS zone.

Use variance approve for an office building and catering hall.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

All in favor

**Appeal # 3972 – Andrew Green,** 910 Woodland Drive, Block 12.04 Lot 99, R-12 zone. Resolution to deny variance for deck in rear yard setback and variance requested for shed.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

All in favor.

**Appeal # 3973 – Evelyn Vago**, 1536 Prospect Street, Block 490 Lot 7, M-1 zone. Use variance

approved to construct duplexes.

Motion to approve – Mr. Halvorsen

Second – Mr. Lankry

All in favor

**Appeal # 3951A-525 Chestnut, LLC**, 525 Chestnut Street, Block 1159 Lot 41.01, R-20 zone

Resolution to approve Subdivision.

Motion to approve – Mr. Gelley

Second – Mr. Lankry

All in favor

**Appeal # 3974 – S. Greenes**, 346 Hope Chapel Road, Block 2 Lot 23.01, R-40 zone. Resolution to approve the construction of a single family house with variances requested.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:15 P.M.

Respectfully submitted,

Fran Siegel, Secretary