

**ZONING BOARD MEETING
MINUTES
VIRTUAL MEETING**

DECEMBER 7, 2020

Meeting has been advertised according to the Sunshine Law.

Roll call vote: Mr. Gelley, Mr. Halvorsen, Mr. Naftali, Mr. Ribiat, Mr. Ingber, Mr. Gonzalez,
Mr. Halberstam
Absent: Mr. Lankry, Mr. Gross
Also present: Mr. Dasti – attorney
Mr. Vogt – engineer/planner
Fran Siegel: Secretary

Motion to approve minutes of November 11, 2020 – Mr. Halvorsen

Second – Mr. Ingber

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

Chairman announced that this is the last meeting for Hal Halvorsen. He thanked him for time on the Zoning Board and wished him good luck.

Appeal # 4163 – Yosef Magid - Stratford Street & Florence Street, Block 1078 Lots 1 & 3, B-5 zone. Use variance requested to construct 2 family dwellings.

Sam Brown, attorney for applicant. Application only for use not site plan. Average lot is close to 11,000 sf. The corner lots are a little larger to accommodate restrictions. Inner lots are 10,500 sf.

Brian Flannery, engineer/planner, sworn.

A-1 Sheet 143 of the tax map. Showing the subject property. Approvals were conditioned on access being on Vermont and Vermont being completed to Chestnut Street and will have complete access to Route 70. This area was proposed by the Planning Board in the 2017 Master Plan to be in the B-5A zone. Duplexes in the B-5A zone are permitted on 8,500 sf lots condition being that the roads are fixed. Asking for 6 duplexes, 12 doors. Average lot size will be 10,833 square feet. All lots will comply with the bulk requirements of the B-5A zone. All lots will comply with Condition is that the roads are fixed to not create a traffic problem. The B-5A zone allows 17 units per acre and they are proposing a density of 8 dwelling units per acre. Will complete Florence Street, Stratford Street and Jonas Avenue and connecting to Vermont.

A-2 aerial showing subject property

A-3 duplex units next to duplex units

Mr. Flannery – asking only for use tonight and a maximum of 12 dwelling units.

Mr. Flannery reviewed Mr. Vogts report. The units will have basements and will agree to all zoning board requirements. They agree to the upgraded architectural, one outside access to basement and no outside access to attic, will provide at least 4 parking spaces per unit. There will be Public Works pick-up. The roads will be improved at 32 feet wide with curb and sidewalks all around their side and the roads will be extended past the subject lot and will extend curbs and sidewalk past the JCP & L lot. A “D” variance is required. They will be serviced by water and sewer and underground electric. They will improve Lawrence Street all the way up to Jonas Avenue and improving Jonas Avenue and improving Stratford all the way up to Vermont. No building permits will be submitted on this property until a bond has been posted for improving Lawrence, Jonas and Stratford all the way up to Vermont Avenue.

Secretary announced that there was an e-mail from Shlomo Stein -asked to clarify where the applicant will provide sidewalk and curb and will there be sidewalk all the way to Vermont?

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Mr. Flannery – there will be curb and sidewalk on their side from Jonas to Vermont and curb and sidewalk on both sides. They will not submit for any permits until Vermont is improved from Route 70 to Chestnut street.

Mr. Gelley asked about the other approval.

Mr. Flannery - Their approval is subject to Stratford being improved from Route 70 to Chestnut Street.

Open to Public – Closed to Public.

Secretary – there was one comment from Mr. Stein which was answered.

Mr. Brown - They are in area that already has approvals and roads will be improved.

Motion to approve use only with conditions – Mr. Halvorsen

Second – Mr. Gelley

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

Appeal # 4162 – Akiva Mayer – E. 7th Street & Somerset Ave. Block 217 Lot 7 & Block 218
Lots 8 & 9, R-12 zone. Use variance to construct duplexes with the R-7.5
regulations.

Akiva Mayer, applicant, was present

Brian Flannery, engineer/planner, sworn. High School and the Middle School is across the street. Area is mostly developed. They are looking for this development to be constructed on 3 different lots. 50 foot wide lots were approved across the street in the R-12 zone. This particular area there is about 8 blocks to the north that have environmental restrictions about 8 acres. This piece of R-12 is unique. Located next to the school. A school would be permitted. Looking for 7 duplexes with 14 doors on a 2.4 acre tract.

Reviewed Mr. Vogts.

Asking for 5.8 dwelling units per acre which would fit in because the preservation area is behind them. Master plan of 2017. Lakewood plan for residential development. They have provided for off street parking. Duplex consistent with the R-7.5 criteria. They would agree that any bulk variance relief will be shown at the time of subdivision application.

John Franklin, sworn. Agreed with everything Mr., Flannery said.

Mr. Halberstam - The zoning board does not give approval for duplexes in the R-12 zone. And to re-zone this area to an R-7.5, he would not be in favor of this application.

Mr. Ribiat – agree with Mr. Halberstam

Mr. Naftali – this is too aggressive – agree with Chairman

Mr. Gelley – How many single family homes can be built?

Mr. Flannery – 3.63

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Open to Public.

Objectors to application

Benzion Joseph

Abraham Schubert, 18 Gefen Drive

Norman Klugerkop, Ridge Ave

Baruch Schwartz, 111 Highgrove Crescent

U Neumann, 834 Somerset Ave

In favor

Pinchus @gmail.com

Chevy Gastwirth

Rachel Weiss

Benzion Joseph

Closed to Public

Motion to deny – Mr. Gelley

Second – Mr. Ingber

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

Appeal # 4166 – Mordechai Ehrman, 340 Laurel Avenue, Block 536 Lot 48, R-7.5 zone
To construct a single family home requesting combined side yard setback
variance of 10 feet where 15 feet is required.

Glenn Lines, engineer/planner, sworn. Applying for 3 variances, 1 existing lot width of 39 feet where 50 feet is required, one side setback of 5 feet and combined of 20 feet where 15 feet is required. The lot is only 39 feet wide so that they are requesting a 29 foot wide house. There is an existing 2 family house on one side and a pending approval for a single family house and a duplex. The single is 50 feet and the duplex is 60 feet wide. Reviewed Mr.. Vogts letter.

Mordechai Ehrman, 675 Princeton Avenue applicant, affirmed. He will be moving in.

Mr. Halberstam – concerned about the 5 foot setback with window wells. Asked to make the house a foot or two narrower.

Mr. Ehrman – could remove the window wells from one side.

Mr. Halberstam – each side has 5 feet with window wells. There will be no basement steps on the side.

Mr. Gonzalez – have no problem with this because of this location.

Mr. Halberstam – no a/c units on the side. Asked about window wells be ground level.

Mr. Ribiat - That becomes a safety issue and a fire trap.

Mr. Gelley – 5 on each side could be dangerous.

Mr. Ehrman suggested window wells just front and back.

Mr. Vogt – he may have a problem with the building department

Mr. Halvorsen -suggested that he revise his plan and come back.

Board suggested 1 or 2 feet less on the sides and make the house longer.

Open to Public. Closed to Public.

Motion to carry to January 4th, 2021 – Mr. Gelley

Second – Mr. Ribiat

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

Appeal # 4164 – Marble Arch – Blanche Street/Wood Avenue, Block 475 Lot 1, A-1 zone.
Subdivision to construct a duplex (use variance) with R-7.5 zoning requirements.

Secretary read report from Terry Vogt, Engineer/Planner

Miriam Weinstein represented applicant. Requesting minor subdivision approval to subdivide One existing lot into 2 zero lot line lots into one duplex will be constructed. Neighborhood of Prospect square with all duplex units.

Brian Flannery, Engineer/Planner, sworn. Approval to build one zero lot line duplex. Property is in the A-1 zone where duplex units are not permitted. A-1 is the agricultural zone. There are 3 A-1 zones left in Lakewood. A lot of the property to the south is owned by the township. The a-1 zone for this area is a farce. The duplexes in this area are all on 10,000 square foot lots. This is a 12,000 sf lot. The other uses in this area is duplexes, the Special Childrens Center and the Cerebral Palsy of Ocean County. The impact of one duplex in this area is non existent. It was recommended to change this zone to the RM zone which allows 15 units per acre.

Reviewed Terry Vogts report.

Architectural plans were submitted, showing 5 bedrooms, bedrooms also in the basement, 4 parking spaces. This will fit in and consistent with the duplexes in the area. The duplex is facing Blanche street which is different than all the other duplexes in the area. This gives the future owners larger backyards.

Mr. Halberstam - Prospect Square was in the A-1 zone and converted to the RM zone.

Mr. Flannery – township owned land shows a public purpose area. He described the area.

Open to Public

Objectors to application.

Eli Josephson, 9 Wood Ave

Jack Neuwirth

Moshe Neuberger -Naomi Janowski, 11 Wood Ave

M. Klarberg, 37 Lewin Ave

Yaakov and17 wood ave

Not conforming to the layout to the neighborhood.

15 wood Avenue

Closed to public.

Mr. Flannery – the lot lays out much better and gives the resident a larger backyard.

Mr. Naftali – the precedence was set already for duplexes.

Motion to approve – Mr. Gelley

Second – Mr. Ribiat

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

Nayes: Mr. Ingber

Appeal # 4154 – 698 River Avenue, LLC, 698 River Avenue, Block 423 Lot 8 & 65, HD-7 zone. Applicant proposes to subdivide the existing lots into 32 lots, 14 duplexes, a single family dwelling, a tot lot,, a proposed multi family building, and a day care. Existing single family dwelling on lot 65 to be relocated on property to allow for a proposed access drive. Use variances required for a multi family building which is not permitted in the zone, for proposed lot 8.14 and 8.15 which are undersized and for lot 8.17 which is a single family lot in a multi-family duplex zone.

Adam Pfeffer, represented applicant. The only item before this board is for the use variance for the one single family lot.

Mr. Dasti – the single family lot needs a use variance. Because it is not a permitted use.

Mr. Pfeffer - The other uses are all conforming except for the single family house which is not a permitted use. This is a bifurcated application.

Joe Kociuba, KBA Engineering, Engineer/Planner, sworn. Request only for the use variance on one lot.

Mr. Pfeffer – still have to come back for a site plan and a subdivision to show all the other permitted items. This lot is approximately 6 acres

Mr. Halberstam - Strictly a use variance for a single family house in this entire project.

Mr. Dasti – the use variance application would have to take into account the entire lot.

Mr. Pfeffer they are not fully engineered – take the single family house out and they could go to the planning board.

Mr. Dasti - If the zoning board approves the use of the single family lot then they come back to the zoning board.

Mr. Kociuba – described the area. Seeking use variance only for the single family dwelling. Proposing a secondary access through lot 65 onto Cedar Court. They have to have an emergency access. This odd shaped lot fits for a single family house rather than an undersized duplex lot. This development with mixed use fits the Master Plan. The Zoning board will retain control over the project.

Mr. Vogt – the length of the cul-de-sac has meet RSIS standards.. They have to have a secondary access because of the amount of units.

Mr. Pfeffer - Not proposing any use for the office building. Only use variance seeking is for the single family dwelling. As proposed they do not require any variances for the conditional use.

Mr. Dasti – Any approval usually does have certain conditions – if approved the condition of the approval for the single family is that there are no other use variances requested. This approval is for a 20 foot wide emergency access road as a legitimate second road.,

Mr. Pfeffer – the applicant has to meet the needs and concerns of the board.

Mr. Ingber – this should be a real access road. The traffic will go out to Cedar.

Mr. Kociuba - The applicant agreed to come back with a functional 24 foot wide secondary road.

Mr. Pfeffer – Traffic report from Mr. Kennel was submitted.

Mr. Halberstam – the report at this point is not relevant.

Mr. Halberstam – the letters were all sent to the board members.

Mr. Gelley - Everybody agrees that a single family home on this property is not an issue.
Suggested that they come back with a full plan.

Open to Public.

Objectors to application

Ari Berkovic
Jacob Leitman, 22 Grassmere
Benzion and Rachel Rabinowitz, 219 Williams Street
Philip & Chani Berger, 54 Cedar Court
Yaakov Sussman, 3 Grassmere Street
Yaakov Septimus
Rivka Levy, 6 Cedar Court
Chaim Friedlander, 218 Williams Street
R. Jacobs, 35 Cedar Court
Becker, 30 Cedar Court

Closed to Public.

Mr. Halberstam – all the objections are for the development not just a single family. The project is for an as of right project except for the single family house. For 28 doors you need to put in a secondary access.

Mr. Pfeffer – should the board approve the use for the single family they will put in a 24 foot right of way without any additional use variances.

Mr. Ingber - Did the applicant ever try to buy lot 57?

Mr. Pfeffer – Unaware of the applicant trying to purchase lot 57.

Motion to approve -a single family home on this lot 8.29 with at least a 24 or would prefer a 30 foot wide road and no amount of doors without any other use variances – Mr. Gelley

Second – Mr. Gonzalez

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

Resolutions

Appeal # 4139A -Somerset NH, LLC

Mr. Ingber, Mr. Gonzalez

Appeal # 4157 – Sam Schulman, Drake Road

Mr. Halvorsen, Mr. Naftali, Mr. Ingber, Mr. Gonzalez

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Appeal # 4159 – Erwin Zafir

Mr. Halvorsen, Mr. Naftali, Mr. Gross, Mr. Gonzalez

Appeal # 4147A -BM of Pine Street

Mr. Ingber, Mr. Gonzalez

All resolutions approved.

Motion to pay bills.

All in favor

Motion to adjourn.

All in favor

Meeting adjourned at 11:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary