

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**MAY 6, 2019**

Meeting was advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Ingber,  
Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Ribiat, Mr. Gross

Arrived late: Mr. Naftali

Attorney: Jerry Dasti

Engineer: Terry Vogt

Secretary: Fran Siegel

Salute to the Flag.

Motion to approve minutes of April 8, 2019 – Mr. Gonzalez

Second – Mr. Lankry

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

Letter from Miriam Weinstein, Esq. requesting to carry **Appeal # 4114, 118 Ocean Avenue, LLC** to the June 17<sup>th</sup> Zoning Board Meeting. First time to carry. Applicant had a wedding tonight.

Motion to carry to June 17<sup>th</sup> – Mr. Lankry

Second – Mr. Gelley

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

No further Notice and agreed to a waiver of time.

Adam Pfeffer, esq. requested that **Appeal # 4102 –Brook Burnside** –Burnside Avenue, Blocks 199, 200, 201 & 202, R-15 zone, be carried to the June 17<sup>th</sup> zoning board meeting. They are working with the neighbors.

Mr. Lankry and Mr. Ingber recused themselves from this application and did not vote.

Motion to carry – Mr. Gelley

Second – Mr. Gonzalez

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

No further notice unless the plans are revised.

Agreed to waive time.

Mr. Dasti – **Appeal # 4058 – E. 7<sup>th</sup> Street Developers – revised resolution**

Brian Flannery – the building had a question on 2 (2 family) and the wording was changed to duplex, 2 single family attached.

Motion to change language - Mr. Gelley

Second – Mr. Halvorsen

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

**Appeal # 4109 – A. Landynski**, 215 Hudson Street, Block 107 Lot 8.01, R-10 zone. To construct a 12 foot fence in the backyard.

**From: Terry Vogt, Engineer/Planner – March 14, 2019**

The applicant is seeking design waiver relief from UDO Design Standards, Subsection 18-803F(8) to construct a 12 foot high fence along the rear property line. The UDO limits maximum fence height along property lines to 8 feet.

Brian Flannery, sworn. The neighbors requested the fence. It will be green chain link with green slats through. 8 foot is allowed by ordinance.

Pearl Fried, affirmed. They built the house for them and the house is a few feet higher than their backyard. The neighbors are not here. This is the common backyard property line.

Mr. Flannery – there is no precedence being set.

Mr. Gelley suggested a 10 foot fence.

Open to Public.

Shloime Klein, affirmed. Live stream is not working.

Moishe Zeines, 112 Elmhurst Blvd, affirmed. It was noticed to the public, good fences keep good neighbors. If any of the neighbors wanted to object they would have been here tonight.

Closed to Public.

Motion to approve a 12 foot chain link fence with green vines – Mr. Naftali

Second – Mr. Gelley

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

**Appeal # 4111 – Heshy Weiss**, 246 E. County Line Road, Block 106 Lot 12.01, R-10 zone Duplex on an undersized lot, proposed 10,001 square feet where 12,000 is required.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – April 22, 2019**

The applicant is seeking minor subdivision approval and variance relief to subdivide existing lot 12.01 in block 106 and construct one duplex structure on 2 zero lot line properties. The new lots are designates as 12.10 and 12.20 in block 106. The applicant is seeking variance relief for the lot area. The applicant will require a variance for lot coverage. Surrounding property is predominately residential.

Glenn Lines, engineer/planner sworn. Requested to construct a duplex on a 10,000 square foot lot where 12,000 is required.

A-1 colored tax map showing undersized lots in the area.

A-2 improvement plan

A-3 minor subdivision map.

Moshe Lankry had to leave.

Applicant agreed to proceed with 6 members.

Mr. Halberstam asked if there were any duplexes on 10,000 square feet in the area?

Mr. Lines – no. 65% of the lots are undersized. Across the street is Kentucky Fried Chicken and an office building. This is a good use for the area. The applicant will be the occupant. He is an elementary school teacher.

Open to Public.

Joshua Schmuckler, affirmed. He testified that he has known the applicant for many years and he will be living in this home. The existing house is pretty old and should be knocked down. He

is in favor of this application. Not asking for lot width variance. The lot angles in the back if it was straight it would be 12,000 square feet. He is not a developer. This does not set a precedence.

Shloime Klein, affirmed. Because he is not a developer would be in favor.

Closed to Public.

Mr. Halberstam – I don't think that this should be a duplex.

Mr. Gelley – not in favor

Mr. Gonzalez – would be in favor.

Mr. Naftali – too much for this area

Mr. Schmuckler – would like to withdraw the application.

Mr. Dasti – needs a new application with new number and new fees.

Motion to accept withdrawal – Mr. Gelley

Second – Mr. Naftali

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

### **Correspondence**

Letter from Sam Brown, Esq. re: Clarification of permitted uses for 1865 Swarthmore Avenue. Secretary read letter. The property is 4 ½ acres. They want to rent the trucks and it is not specific in the ordinance.

Mr. Brown – There is an existing Trucking company there now. The owner of the property would like to know if he is permitted so that they can also rent the trucks.

Mr. Halberstam – do not have a problem about the truck rental.

Mr. Brown – there will be no rental of cars.

Mr. Dasti - Everything is the same as the old owner but the new owner would like to rent trucks also.

Motion to allow rental of trucks and drivers at 1865 Swarthmore Avenue only

– Mr. Gelley

Second – Mr. Lankry

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

**Appeal # 4112 – Lotzarich, LLC** – Stratford Street, Block 1077 Lot 15, B-5 zone. Use variance for duplex dwellings.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – April 2, 2019**

The applicant is seeking a use variance to construct up to 3 duplexes (6 residential units) on what is depicted as a 30 foot wide cartway throughout the property. The proposed access road is depicted to extend from the terminus of the existing Colonial Drive cul-de-sac bulb through an unimproved portion of the Stratford Street right-of-way and terminating at the intersection of Jonas Avenue another unimproved right-of-way. An un-dimensioned turnaround is proposed at the new road terminus.

Sam Brown, attorney for applicant. This lot is suitable for duplexes on a lot which is part of the B-5 zone and is proposed to be a B-5A zone. The lot size is 12,000 square feet per duplex.

Brian Flannery, engineer/planner, sworn

A-1 color variance map  
A-2 aerial  
A-3 tax map

Mr. Flannery – the 2017 Master Plan recommends that this area be a B5A zone which would allow duplexes on 8,500 square feet, they are asking for 12,000 square feet per duplex. Asking for use only. Will provide access to be able to get out to Route 70. This property is one block from Vermont Avenue. This is bifurcated application. When the applicant comes back he will show you how it will connect to Vermont Avenue. The people on Colonial and Mountainview Drive will have an alternate access to Vermont Avenue.

Mr. Brown – The road leading to Vermont Avenue will meet RSIS standards. Prior to Certificate of Occupancy being issued, roads would be in place and access would be completed to Route 70.

Mr. Flannery – WaWa is to the east – underneath is the Self Storage buildings and the Flea Market which has been approved for townhouse. When they come back they will show the board how the access will be accomplished.

Terry Vogt – the future road will meet or exceed RSIS standards.

Mr. Brown - The road leading to Vermont will meet RSIS standards and will be completed prior to CO's being issued.

Mr. Flannery – from Colonial Drive to Vermont is between 800-900 feet.

Open to public.

Stanley Federowics, 175 Colonial Drive, sworn. Live on the cul-de-sac and not opposed to this application as long as it goes to Vermont.

Shloime Klein, affirmed.

Motion to approve 3 duplexes on 12,000 square foot lots, use only, condition on road to Vermont Avenue be completed – Mr. Lankry

Second – Mr. Gelley

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

Moshe Ingber left for the evening.

**Appeal # 4113 – Pinchas Most** -130 Leonard Street, block 228 Lot 6, R-10 zone. Single family house with bulk variances requested.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – April 22, 2019**

Applicant is seeking new bulk variance relief including front yard and side yard setbacks and maximum building coverage to construct a new single family dwelling.

Brian Flannery, engineer/planner, sworn.

A-1 copy of survey  
A-2 map submitted  
A-3 tax map

Mr. Flannery – The Master Plan suggested that this area be a R-7.5 zone. There is very little in this area that is conforming. Asking for 35% lot coverage where 30% is permitted. He is not a developer. There is an existing house. They are complying with the existing setbacks as per ordinance. Will be a home with only one outside entrance to the basement.

Mr. Halberstam – looks like about 12 bedrooms and there is only 3 parking spaces.  
Mr. Flannery – just realized that 18-806f allows 35% lot coverage.

The board determined that no variances were necessary that he should just go get a building permit.

Mr. Dasti - In the case that he cannot get a building permit he can come back.

Motion to carry until June 17<sup>th</sup> – Mr. Gelley  
Second – Mr. Lankry  
Roll call vote: affirmative: Mr. Gelley, Mr.

No further notice and a waiver of time.

### **Resolutions**

**Appeal # 3935A – Ketan Metah**, 1360 Route 70, Block 1160.01 Lots 256.01 and 256.02, Resolution to approve. Court remand for stipulation of settlement dated August 23, 2018.

**Appeal # 4100 – New Hampshire Investments, LLC**, 752 Cross Street, Block 524 Lot 1, M-1 zone. Resolution to approve a use variance for retail development.

**Appeal # 4104 – Mordechi Eichorn** – 12 Sylvan Court, Block 411 Lot 15 – R 10A zone. Resolution to approve the construction of a single family home with variances.

**Appeal # 4106 – Orange Pool Holdings, LLC**. Prospect Street, Block 490 Lot 7, M-1 Industrial Zone. Resolution to approve a use variance to construct mixed use retail/office building.

Motion to approve resolutions.  
All in favor.

Motion to pay bills.  
All in favor.

Motion to adjourn.  
All in favor.

Meeting adjourned at 10 P.M

Respectfully submitted,

Fran Siegel, Secretary