

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**MAY 2, 2011**

Meeting properly advertised according to the New Jersey State Sunshine Law.

Roll call: Attending: Mr. Lankry, Mr. Mund, Mr. Zaks, Mr. Schwartz,  
Mr. Gonzalez

Absent: Mr. Naftali, Mr. Gelley, Mr. Halberstam

Arrived Late: Mr. Ribiat

Also present: Attorney – Russ Cherkos  
Dave Magno, Engineer/Planner  
Jackie Wahler, Court Stenographer  
Fran Siegel, Secretary

Salute to flag.

Motion to approve minutes of April 4, 2011 with a waiver to read – Mr. Mund

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Mund, Mr. Zaks, Mr. Gonzalez

Secretary – Request from Ms. Weinstein, Attorney for applicant, **Appeal # 3760, Elm O**, Block 437 Lot 3.02 & 4, Times Square and Elmhurst Blvd request to carry until the June 6th meeting.

Motion to carry – Mr. Mund

Second- Mr. Zaks

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Schwartz,  
Mr. Gonzalez

No further notice.

Secretary - **Route 88 Properties, Appeal # 3772** did not advertise and so will not be heard. If they advertise they will be on the June 6th meeting.

Abraham Penzer, attorney for applicant, requested that **MTR Ventures, Appeal # 3755** be carried to the June 6th meeting.

Motion to carry – Mr. Mund

Second – Mr. Lankry

Roll call vote: Lankry, Mund, Zaks, Ribiat, Schwartz, Gonzalez

Agreed to waive time and there will be no further notice.

Mr. Cherkos advised the board that **Appeal # 3771**, Shlomo Willner should be a Planning Board application.

Request to carry **Appeal # 3759**, S & H Builders, Conrail & 7<sup>th</sup> Street.

Motion to carry - Mr. Mund

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Schwartz,  
Mr. Gonzalez

**Appeal # 3770 – New Vistas Corp.** – 1328 River Avenue, Block 534 Lot 4, HD-7 zone.  
To construct a sign – permitted area is 75 square feet whereas 214 square feet is proposed – permitted height is 20 feet whereas 75 feet is proposed.

Secretary read report.

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**From: Terry Vogt, Engineer/Planner – March 16, 2011**

The applicant has requested sign variances to replace the existing sign along the property frontage. The existing property is a shopping center located on the west side of Route 9, a State Highway. The ordinance limits freestanding signs abutting a two-lane right of way with 45 miles per hour speed limit to seventy-five square feet and a maximum height of twenty feet. The applicant is proposing 214 square feet in area and a sign height of 28 feet.

John Daniels, attorney for applicant. Requesting approval for a new sign replacing an existing sign.

Brian Flannery, engineer/planner, sworn. They have an existing sign for the Seagull Square Plaza, which they are proposing to replace with a sign 8 feet shorter in height and less area and move it closer to the road. The existing sign is 36 feet high the new sign will be 28 feet high, the existing sign is 20 feet wide and this one will be 14 feet wide. This is consistent with the other signs in the area. Reviewed Mr. Vogt's report.

Mr. Zaks asked if there were any issues with the site in terms of Route 9.

Mr. Magno – They are setback beyond what they are required.

Open to Public. Closed to Public.

Motion to approve – Mr. Zaks

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Schwartz,  
Mr. Gonzalez

**Appeal # 3748A – Eli Schwab, Oak Street, Block 1158 Lot 3, Site Plan.**

Secretary read reports.

**From: Terry Vogt, Engineer/Planner –April 13, 2011**

The application proposes to construct a two-story commercial structure with basement on the referenced site, which is currently vacant. The site is located within the R-40 single family residential zone. The applicant has previously requested and obtained a use variance for the proposed commercial use at this site, and is returning for preliminary and final major site plan approval.

Abraham Penzer, represented applicant. This property is surrounded on 3 sides by the American Water Company barbed wire fence.

A-1 booklet of photographs

Mr. Penzer – across the street is Bais Tova and Schi Schools. They have a very limited amount of parking in the front, most is in the back.

Brian Flannery, engineer/planner, sworn. Use was approved in September 2010. There is 12 parking spaces where they only need 8. Reviewed Mr. Vogt's report. They will provide a tree management plan. There will be no medical or dental offices.

Mr. Lankry asked if they know what kind of offices there will be.

Mr. Flannery – general offices will not be high volume. They will provide a tree protection management plan if the board acts favorably. No buffering is needed. The basement is for mechanical and storage only.

Open to Public. Closed to Public.

Motion to approve- Mr. Zaks

Second – Mr. Mund

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Schwartz,  
Mr. Gonzalez

Correspondence

**Appeal # 3671A Route 88 Acquisitions** - Request from FWH Associates requesting the reduction of the proposed parking onsite to 4.14 spaces per unit.

Mr. Cherkos – looks like it should be a formal application with public notice.

Mr. Penzer – 5 units have 6 parking spaces where only 4 are required.

Mr. Flannery – the parking is not deficient-the plan that was submitted shows 5 end units that have 6 parking spaces in the driveway – they are asking for 4 parking spaces in the driveway.

Mr. Cherkos - The law requires notice on this type of application.

Mr. Gonzalez- agree that this should be a formal application.

Mr. Penzer – the board has to make a decision if the change is substantial.

Mr. Flannery – The applicant feels that the 6 car driveways are not needed and they will not be utilized and eliminating them would allow more green space.

Mr. Lankry – the more parking the better. This is a dense project maybe we should just leave it as is.

Mr. Gonzalez – parking is always a necessity. Would not be in favor of changing the parking.

Mr. Zaks – this is a substantial change

Mr. Lankry – every parking spot in Lakewood is substantial.  
Mr. Mund – parking is a problem  
Mr. Schwart – agree with the board members  
Mr. Ribiat – parking is always an issue and the more the better.

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Secretary read letter from Mr. Flannery re: **Appeal #3666A – Stanley Rieder** – Request to revision on the conditions contained in item # 20.

Mr. Cherkos – He has no objections to the changes in the resolutions.

Mr. Flannery – asking for qualifying language – the resolution says that they have to do 1/3 brick – they would like to do either stone or silver or gold plating as long as the board engineer says that it is equivalent to 1/3 brick. The second issue is the wording of raised patios. Requesting that the language say that the patio should be to the satisfaction of the board engineer.

Mr. Gonzalez – does not see a problem with amending the resolution.

Motion to approve amendment – Mr. Mund

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, M. Zaks, Mr. Ribiat, Mr. Schwartz,  
Mr. Gonzalez

Sam Brown, represented **Appeal # 3772 – SLD Investments** – There are objectors and the applicant is requesting to carry to the June 6<sup>th</sup> meeting to meet with the neighbors.

Motion to carry to the June 6<sup>th</sup> meeting – Mr. Mund

Second - Mr. Zaks

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Schwartz,  
Mr. Gonzalez

No further notice.

Applicant agreed to extension of time.

**Resolutions**

**Appeal # 3768 – Prospect 1500, LLC**, Prospect Street, Block 490 Lot 43, M-1 zone – Resolution to approve use variance for the construction of townhouses.

Motion to approve – Mr. Zaks

Second – Mr. Mund

Roll call vote: affirmative: Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Gonzalez

**Appeal # 3769 – Chagai Matzliach**, 115 Twelfth Street, Block 137 Lot 3, R-10 zone.

Resolution to approve the construction of a back to back duplex each having frontage on a public ROW.

Motion to approve – Mr. Zaks

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Mund, Mr. Zaks, Mr. Ribiat, Mr. Gonzalez

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourn at 8:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary