

**ZONING BOARD OF ADJUSTMENT
13, 2010
MINUTES**

SEPTEMBER

Meeting was called to order at 7:20 P.M.

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

Roll call: Attending: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks,
Mr. Mund, Mr. Halberstam

Absent: Mr. Naftali

Arrived Late: Ms. Goralski

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

Salute to the flag.

Motion to approve minutes of July 12, 2010 with a waiver to read – Mr. Mund

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Mr. Mund,
Mr. Halberstam

Secretary read correspondence from Miriam Weinstein, Esq. to amend resolution for **Appeal # 3737**, Sterling Forest Homeowners Association for amended site plan approval to include a swimming pool.

Mr. Cherkos – the issue is whether the intention of the board was to approve the pool. At the meeting the pool was discussed, it was not on the plan.

Ms. Weinstein – the pool was discussed for a future date. The approval was for a basketball court or a pool at a later date.

Mr. Gelley – we did not approve a pool.

Mr. Zaks – he made the motion - plans showed a basketball court and his intention was for a future pool.

Mr. Gelley – when he voted he did not vote for a pool.

Mr. Halberstam agreed with Mr. Gelley

Ms. Goralski arrived.

Ms. Goralski – we did not approve a pool it was just discussed by the representative.

After much discussion Ms. Weinstein offered to order a transcript of the meeting.

Mr. Halberstam – table until the October 4th meeting.

Sam Brown, Esq. requested to table 1500 Prospect Street, Mr. Sternstein. They noticed for
for tonight's meeting.

There was no block and lot or appeal # available.

Mr. Brown agreed to re-notice.

Appeal # 3738 – Princeton One, LLC, Block 159 Lots 9 & 24, B-2 zone. – To construct 5 townhouses with basement apartments.

John Doyle represented applicant.

Mr. Halberstam – this is a carry over from last month.

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Mr. Doyle – this application was for 5 residential structures on the corner of 4th Street and Lexington Avenue. There was an application before the Planning Board for a conforming 5 story 50,000 square foot retail/commercial building. At the Planning Board there were many objectors and the Board denied the application. There was negotiation between him and Mr. Jackson, Planning Board Attorney. To the Planning Board and the Township Committee it was clear that the 5 residential structures were a better use. The area is a mixed use and this is an appropriate fit. They will shrink each of the units by 1 foot so that they will have a greater side yard setback, the decks which were in the rear yard setback they will eliminate them. They will conform with a 35 foot height. The neighbors would prefer the townhouses and not the office building.

Mr. Halberstam - This was a compromise between the township and the neighbors so that they don't construct the office structure.

Mr. Doyle – the lawsuit is presently on hold to determine whether or not this application is granted. If it is not granted they will go back to court for a reversal to the Planning Board decision. They filed the lawsuit within 45 days of the denial. They had an initial conference.

Brian Flannery, sworn.

Mr. Cherkos announced that this is a continuation from the July meeting and if a member was not in attendance they cannot participate.

A-1 aerial map of site and neighboring area.

Mr. Flannery – the aerial exhibit was prepared as to the character of the neighborhood. Mr. Flannery described the uses in the area. The front setback on E. 4th Street will be 15 feet. There will be 4 parking spaces per unit. There is parking behind the recreation center. There is on street parking on Princeton Avenue. Each one will be a townhouse unit with a grade level apartment.

Mr. Gonzalez asked for new plans.

Mr. Doyle – the changes were minor.

Mr. Gelley – the changes are insignificant.

Mr. Zaks – residential is a much better choice but is this too dense for the area?

Mr. Vogt – the changes are decreasing the intensity. The building coverage is going down about 2 ½ percent.

Mr. Lankry – asked for the façade to be upgraded. This building looks really ugly.

Mr. Doyle - They will wrap the brick around the side.

Mr. Flannery – they put the basement at ground level for handicap accessibility. Townhouses are a permitted use and are permitted at 8 per acre. They would be permitted 3 and they are asking for 5.

Open to Public.

Jacob Weiss, 16 5th Street, affirmed. Same block as subject site. As a neighbor he is not concerned with the density, it fits in with the neighboring homes.

Closed to Public.

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Jan Wouters, Township Attorney – the intense permitted commercial use is not what the Township Committee would like to see in this location. The Township Committee would like to see a continuation of what has developed in that area which is residential. The density at 5 units is acceptable with the Township Committee and the residents that they have spoken to.

Motion to approve with the condition that the decks will be eliminated, completely wrap around the brick from grade to the first floor, the buildings will be reduced one foot, variance for 6 foot high vinyl fence – Mr. Gelley

Second – Mr. Mund

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Mr. Mund,
Mr. Halberstam

Mr. Penzer re: **Appeal # 3743** asked to carry until the November 1st meeting.

Mr. Penzer agreed to waive time.

Motion to carry until November 1st – Mr. Zaks

Second – Mr. Mund

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Mr. Mund,
Ms. Goralski, Mr. Halberstam

Recess.

Appeal # 3740 – Aaron Mansour, 138 E. 7th Street, Block 235 Lot 4, B-2 zone. To construct a duplex on an undersized lot.

Secretary read reports.

From: Terry Vogt, Engineer/Planner July 1, 2010

The applicant proposes to replace a pre-existing and two (2) small homes with a new side by side duplex building and amenities. A use variance is required as duplexes in the R-7.5 zone require a minimum of 10,000 SF whereas 8,070 SF is provided. Bulk variances are also sought for side yard setbacks and building coverage.

The existing property fronts on Seventh Street, and is located approximately 60 feet east of its intersection with Whitmore Street. The area is primarily residential use.

Miriam Weinstein, attorney for applicant. This application is for demolition of the existing 3 structures on the property and for construction of a duplex.

Nicholas Graviano, planner, sworn. The applicant is proposing a duplex structure. The site now consists of 2 duplex dwellings and a single family bungalow. The applicant has 8 parking spaces, 4 per dwelling.

Mr. Halberstam – there are 3 dilapidated junks on the property.

Ms. Weinstein – there are 3 structures on the property asking for a two-family, duplex. Right now they are vacant.

Aharon Mansour, applicant. There are currently 5 Certificate of Occupancies. When he purchased the property all 3 of the properties were inhabited by tenants. There were 5 families living there. All together there were 13 bedrooms. There are 3 gas meters.

Mr. Zaks – they will be knocking down the dilapidated structures.

Mr. Halberstam – there is a limit to what we should adjust.

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Ms. Weinstein – they could renovate the 2 existing units.

Mr. Zaks – this area was called the jungle. Taking down these units and putting up a duplex I do not have an issue with it.

Mr. Lankry – there was definitely 20 or 25 people living in those units. This seems to be special circumstances with 3 dilapidated units and this will clean up the neighborhood.

Mr. Mansour - They will have the same lot coverage as the existing 3 buildings now.

Mr. Graviano – The lot coverage now is 40% and will remain 40%.

Mr. Lankry – the applicant bought these units and had them vacated.

Mr. Graviano – there are a unique set of circumstances – there are 3 buildings on the site.

Open to Public.

Isaac Lieberman, Whitmore Street, affirmed. This house stands out and is the worst house in the neighborhood and would love to see this house gotten rid of.

Closed to Public.

Mr. Mansour - The purpose of buying the property was to enhance the neighborhood.

Mr. Zaks – in favor of this application.

Motion to approve – Mr. Lankry

Second – Mr. Zaks

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

Nayes: Ms. Goralski, Mr. Gelley, Mr. Halberstam

Motion denied

Ms. Weinstein asked to carry **Appeal # 3741 – Aaron Mansour**, 112 East 5th Street, Block 240 Lot 7. To construct a duplex on an undersized lot.

Motion to carry with a waiver of time until October 4th – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Mr. Mund,
Ms. Goralski, Mr. Halberstam

Resolutions

Appeal # 3732 – Isadore Fisher, 351 Ridge Avenue, Block 224 Lots 11.01, 11.02 & 11.03, R-10 zone. Resolution to approve subdivision for 2 duplexes.

Motion to approve – Mr. Zaks

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Mr. Mund
Mr. Halberstam

Appeal # 3724 – Simon Kaufman- East 5th Street, Block 243 Lots 2 & 3, R-7.5 zone.
Resolution to approve 2 duplexes and subdivide into 4 lots.

Motion to approve – Mr. Mund

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Zaks, Mr. Mund

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Appeal # 3739 – County Apple, LLC, Block 171 Lots 4, 5 & 6, R-7.5 zone. Resolution to approve the construction of 3 duplexes with zero lot lines.

Motion to approve – Mr. Gelley

Second – Mr. Zaks

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lankry, Mr. Zaks, Mr. Mund
Mr. Halberstam

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary