**ZONING BOARD OF ADJUSTMENT FEBRUARY 6, 2017**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

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

Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Lankry

Attorney: Jerry Dasti

Engineer: Dave Magno

Court Reporter: Jackie Wahler

Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of January 9, 2017 – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gross, Mr. Halberstam

Secretary announced that there was a request from **Appeal # 3958A** to carry so that they can amend their plans.

New notice will be needed.

Motion to go into closed session to discuss the rules and regulations for the Zoning Board.

Motion to adopt resolution for Rules & Regulations – Mr. Gelley

Second – Mr. Ingber

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

Mr. Gross, Mr. Halberstam

Letter from Chanoch Herskowitz, **Appeal # 3956**, 850 Morris Avenue, Block 426 Lot 8requesting that conditions be removed and/or amended from the resolution.

Chanoch Herskowitz, affirmed. Would not have gone for the variance if he knew about the irrigation system, ½ brick and landscaping. Did not know that these would be the conditions.

The house is all done now and he cannot get a Certificate of Occupancy without these conditions being done. Shrubs are expensive. Looking to avoid the cost. Would prefer not to put in anything.

Mr. Vogt suggested stucco paint around the front and the two sides.

Motion to approve with the front and two sides with stucco paint and 6 shrubs – Mr. Halvorsen

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3978 – Gefen Construction,** Block 431 Lot 7.01 & 7.02, 16 Finchley Blvd. HD-6 zone. Conditional use variance for duplex.

Adam Pfeffer represented applicant. This application came before the zoning board and a review letter was done. Thereafter it was determined that this was a fully conforming subdivision and was sent to planning board. Under the zero lot line ordinance a zero lot line approval was granted. He was then granted a demolition permit and also got a building permit for a duplex home. That construction has started. It was then determined that it is less than 200 feet from Route 9. This property is 3 properties in from Route 9 and faces Finchley Blvd. It does not face Route 9. Seeking a use variance to continue the construction of the duplex.

Brian Flannery, Engineer/Planner sworn. He knocked down the house - it now cannot be rebuilt.

The corner is an open space lot 9.01.

A-1 plan submitted

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A-2 tax map and the 200 foot line along Route 9.

A-3 blown up copy of tax map.

Mr. Flannery – The ordinance was passed to encourage commercial development. Asking for a D variance. Townhouses behind it duplexes next to it and across the street.

Mr. Gelley – this was a township oversight.

Mr. Halberstam – concerned about the adjacent house and also the two houses across the street that are also less than 200 feet from Route 9.

Mr. Flannery – this is a conforming lot – no variances.

Open to Public.

Yitzchok Goldsmith, 87 Finchley Blvd. affirmed. Asked when the footing was put in and the bricks delivered. Finchley Blvd. is a very busy and dangerous street, and there have been many accidents there. A single family house would be better than a duplex. People are parking on the street. The footings were put in on January 11, 2017. People park on Finchley blvd and take Jersey Transit.

Mr. Pfeffer – the date the stop work order was issued no further work was done.

Silvija Hagenfeld, 1351 Monmouth Avenue, sworn. Concerned about the trees. Rules should be implemented and enforced.

William Hovday, 30 Schoolhouse Lane, sworn. Not in favor of this application. Variances like this should not be granted.

Louis Schwartz, 18 Finchley Blvd. affirmed. Adjacent property. It is a beautiful block. This was a green, old dilapidated house and this will be very nice. Never saw any cars park there and then taking a bus. Would not like commercial next to his house.

Shloime Klein, affirmed. In support of this application because of the errors made by the Township. This is a hardship.

Yeshaya Pollack, 127 Claire Drive, affirmed. It is difficult to come in and out on Finchley Blvd. They have a copy of an e-mail from Ally that the applicant was made aware of the problem on January 6th. They were aware of the issue and they still went ahead and poured the foundation. A fair compromise would be to give him a single family home not a duplex.

Yechezkiel Frenkel – 36 Finchley Blvd affirmed. In favor of this application. Here to support residential. Would prefer a single family but would not want commercial.

Robert Salter, 2 Maplehurst Avenue sworn. They may widen Route 9 one day and the board should take traffic and safety into consideration.

Michael Weinberger, 28 Finchley Blvd. This is the last two houses. This was already approved making it one or two will not make a difference.

Closed to Public.

Mr. Pfeffer - They knocked down the house, the foundation has not been poured only the footings and excavation have been done. They are 160 feet from Route 9. This is now a hardship.

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Mr. Gonzalez – understand the traffic issues. This is a situation where the hardship was not caused by the builder. This will not hurt the community nor will affect the widening of Route 9.

Do not see any detriment for the builder to continue the building of this house.

Mr. Gelley – agree with Mr. Gonzalez.

Mr. Flannery – will agree to look at the parking to see if they don’t have to back up onto Finchley.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

Mr. Naftali, Mr. Halberstam

**Appeal # 4009 – Joshua Schwartzman,** 308 Cedarbridge Avenue, Block 762 Lot 19, R-7.5

zone. Use variance for duplex on an undersized lot. Required 10,000 –

proposed 9,299 square feet.

Joshua Schwartzman, affirmed.

Glenn Lines, engineer/planner, sworn. Requesting a use variance for an undersized duplex lot.

Lot front on Cedarbridge Avenue. Both adjacent lots have duplexes fronting on Cedarbridge.

They will provide 4 parking spaces but they have to go to Ocean County to get their access approved. Also requesting side yard setback variances asking for 5 and 5.25 which would be a 25- 1/2 foot wide house duplex. A/C units will be placed in the rear so that the side yards will be open.

Mr. Halberstam – 7,000 square feet is not de minimus. The parking spaces look like they can be an issue. There is also no landscaping shown.

Mr. Green – do not see how it would possible to get out of the driveway without backing up onto Cedarbridge Avenue.

Mr. Lines – maybe they can revise the depth of the house. They would like to go to the County first and then come back to the board. Asking to carry until they have the meeting with the county.

Mr. Dasti suggested that they should withdraw and come back with new plans.

Motion to accept withdrawal - Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4003 - Drake Development**, 1101 West Cross Street & 54 Drake Rd, R-40 zone.

Block 25l.02 Lots 90 & 98. To construct single family homes on undersized

lots.

Secretary read report.

**From: Terry Vogt, Engineer/Planner October 20, 2016**

The parcel is located in the R-40 Single family residential zone district. The applicant request use (and density) variance relief to construct up to 30 single family homes according to R-12 standards with further reductions of R-12 minimum lot width.

Adam Pfeffer represented applicant. The Township previously rezoned the area but it was overturned.

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Brian Flannery, sworn.

A-1 variance plan

A-2 zoning map

A-3 zoning map

This is a bifurcated application. This was subject to a rezoning and was changed to R-12 B and would allow single family and duplex housing. This applicant is asking for single family. The rezone went into effect and then was overturned because of improper notice. Still waiting for a Master Plan update. The only thing that would be developed here would be a school. The schools generate traffic. They will meet with the County to accommodate widening Cross Street.

This applicant will extend the sewer through this project. This project will supply public sewer and water and will benefit the new and the existing residents. R-40 allows 1.1 dwelling units per acre, R12B allows 7.2 dwelling units per acre or 3.6 duplexes per acre. R-12 is 3.6 dwelling units per acre. Entitled to 1.1 units per acre and looking for about 3 dwelling units per acre. This property is almost in Jackson. Not looking for a number of lots. The property to the north is the school. Lot 88 is undeveloped.

Open to Public.

Shloime Klein, affirmed. There is no ordinance and this is considered spot zoning. The Zoning Board should not be doing the Township Committee’s job.

William Hobday, 30 Schoolhouse Lane, sworn. This is an R-40 zone which means 1 house per acre.

Gregory Miick, 63 Drake Road, sworn. Drake Road cannot handle the traffic. This town was not built for this amount of people. In 5 or 10 years there won’t be any water here.

Hadassa Buxbaum, 315 Damiano Way, affirmed. Concerned about traffic.

Arielle Mizrachi-Schulman, 59 Drake Road, affirmed. Have an acre of land. There are no more large parcels left. This area used to be beautiful. No objection to single family homes on smaller lots.

Chaim Grunberger, 6 Serenity Way, affirmed. Tremendous amount of schools on Cross Street. There are always hitchhikers. Would prefer the single family homes to a school.

Walter Lucas, Newport Avenue, sworn. In favor of single family homes.

Dov Zeitman, 26 Serenity Way, affirmed. The area is all school. Children are hitchhiking and it is very dangerous. Do not want another school.

Robert Salter, 2 Maplehurst Avenue, sworn. In favor of nice homes but you have to be concerned about the traffic. Putting 30 houses in the area will make the traffic worse.

Sam Schulman, 59 Drake Road, affirmed. No problem with 12,000 square foot lots.

Nechama Goldstein, Kingsfield Drive, affirmed. Any of these 30 houses could become a school. The rental list in the book is 17 pages long. Do not need more houses now. This area does not need the density.

Closed to Public.

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Mr. Flannery – The Planning Board in 2014 adopted an amendment to the master plan that said this area should be an R-12b which allowed duplexes at 7.2 dwelling units per acre. Nobody is coming in and building 40,000 square foot lots. The board should grant this without any number of units. It is a bifurcated application

Mr. Pfeffer - They will be opening up another road and traffic will flow much better. They are bringing in water and sewer. This will help the overall area.

Mr. Halberstam – will not give a number – will not give 12.

Mr. Flannery - Not to exceed 2.8 dwelling units per acre.

Mr. Halberstam – have no problem with that.

Mr. Dasti - this application is asking for R-12 standards. You have to vote on what is before you.

When granting a use variance you should know how many units. They are asking for 30 units. You cannot grant a use variance for density without a number of units.

Mr. Naftali - 30 houses is a lot of houses. Can we approve this application as an R-15?

Mr. Dasti - You have to vote this application up or down.

Mr. Pfeffer asked to withdraw the application.

Motion to accept the withdrawal – Mr. Gelley

Second – Mr. Ingber

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4014, Aharon Mansour** carried until March 6th. No further notice and a waiver of time.

Motion to carry to March 6th meeting - Mr. Halvorsen

Second – Mr. Ingber

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4004 – Mark Properties** carried until April 3. No further notice and a waiver of time.

Motion to carry to April 3rd meeting – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

**Resolutions**

**Appeal # 3997 - Casa Nova Today**, LLC, 323 2nd Street R-OP Zone. Resolution to deny the construction of an office building.

Motion to approve – Mr. Halvorsen

Second – Mr. Gross

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

Mr. Halberstam

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**Appeal # 3999 – Mordechai Kreitman,** 5 Buttell Avenue, Block 418 Lot 2, R-10 zone. Resolution to approve a duplex on an undersized lot required 12,000 – approved 10,600.

Motion to approve –Mr. Gross

Second – Mr. Halvorsen

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

Mr. Halberstam

**Appeal # 4011 - Sammy Wechsler,** 5 Freedom Drive, Block 290 Lots 1.47 R-10 zone. Resolution to approve the construction of an addition and renovation to a single family dwelling.Variance approved for side yard setback 8 feet approved 10 required and combined setback approved 23.8 where 25 feet is required.

Motion to approve – Mr. Naftali

Second – Mr. Gross

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

Mr. Halberstam

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:45.

Respectfully submitted,

Fran Siegel