**ZONING BOARD OF ADJUSTMENT SEPTEMBER 21, 2015**

**MINUTES**

Meeting properly advertised as per sunshine law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Mund, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

Arrived late: Mr. Lankry

Absent: Mr. Naftali, Mr. Ribiat

Also attending: Terry Vogt, Engineer/Planner

Jerry Dasti, Board Attorney

Jackie Wahler, Court Reporter

Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of August 31, – Mr. Halvorsen

Second – Mr. Mund

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Mund, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

Sam Brown, Attorney for **Appeal # 3917, Primeland Holdings, LLC,** requested to carry the application to the next meeting on October 19, 2015.

Motion to carry – Mr. Gelley

Second – Mr. Ingber

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

Mr. Halberstam

No further notice and agreed to waive time.

**Correspondence**

Letter from Brian Flannery **Appeal # 3673**, Cong. Etz Haim, Pine Street & Warren Avenue

This application was approved in 2008. It was approved with the condition that the foundation shall be max 30 inches from the outside grade. The applicant is requesting relief from that. The property drops off to the back and they ask that the condition be removed. The intent was to stop basement apartments. This is the single family detached. There will be no outside basement entrances. Access to the basement will be interior. There will be no legal basement apartment in these basements. There are three parking spaces per unit. There are 3 parking spaces per unit.

There are only 7 units in a straight row. In the parking lot by the shul there are 7 additional designated parking spaces.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Halberstam

**Appeal # 3921 – Gefen Construction**, 645 Stirling Avenue, Block 189 Lot 137. R-10 zone. To

construct a duplex with variance for sideyard setback requested.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – August 19, 2015**

The applicant seeks a duplex development which is permitted in the zone, provided that newly created lots have a minimum lot size of 12,000 square feet where 11,509 is provided. Side yard setback variances have been requested for both lots for 7.5 feet and 9.51 feet where 10 feet is required.

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Miriam Weinstein, attorney for applicant. This application is for the demolition of an existing structure and the construction of a duplex on 11,590 square feet where 12,000 square feet is required. This is a de minimum departure from the requirements.

Brian Flannery, engineer, sworn. Reviewed Terry Vogts report. Asking for relief from the side yard setbacks, asking for 7.5 feet and 10.01 where 25 combined is required. Asking for relief for the deck also.

Chairman questioned the subdivision line and the deck.

Mr. Flannery – will revise the lot line. It is not very clear. They will move the deck so it does not encroach on the property line.

Mr. Flannery drew the property line in red so it was clearer and the deck will be 16.7 feet from the property line.

Mr. Vogt reviewed the proposed subdivision line that Mr. Flannery drew. Lot 137.01 will be on the left and 137.02 will be on the right.

A-l - Board members reviewed the plan with the line that Mr. Flannery drew.

Open to Public. Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Mund

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

Mr. Halberstam

**Appeal # 3912 – 126 Forest Developers**, 1255 Prospect Street, Block 396 Lot 1.01, M-1 zone.

Use and site plan variance for a retail/office building.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – September 16, 2015**

The applicant is requesting use variance approval necessary for redevelopment of the existing self-storage facility into a new multi-use facility. Proposed facilities as identified on the site plan and zoning application include a 28,373 square foot supermarket/retail building, a two-story 7,000 square foot retail building, and a two story 63,895 square foot retail/office building.

Abraham Penzer, attorney for applicant.

Brian Flannery, sworn.

A-1 tax map exhibit showing site and surrounding development

A-2 aerial exhibit showing site and surrounding development

A-3 perspective rendering of site for initial submission

A-4 revised plan layout to accommodate neighbor with the retail office building shifted east adjoining Lewin Avenue.

Ron Gasiorowski represented a neighbor of this property. They met with the applicant and they have agreed to have one ingress and egress from Lewin Avenue.

Mr. Flannery – Lewin Avenue is along the westerly boundary line. The truck traffic is on Lewin Avenue only and all the vehicular traffic will come from Prospect Street. They will request a traffic light from the county.

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A-5 original variance plan

A-6 traffic control plan for revised plan A-4

Mr. Flannery – asking for a use variance to allow a supermarket and retail store in the M-1 zone.

Described the surrounding area.

Mr. Penzer - The building coverage on this property is using 6.2% where is permitted.

This property is 8.46 acres where 3 acres is required. They are under utilizing the lot.

Mr. Flannery – they will comply with the number of parking spaces required. The supermarket will be moved to the east side of the property and the office/retail building shifted. Schools and office buildings are a permitted use in this zone. His area has changed to residential and they need the shopping area. Not proposing a sidewalk on Lewin Avenue or Prospect Street.

Mr. Halberstam – this area does need shopping. Have a problem with the cars coming in and out of this shopping center with one egress and ingress.

Mr. Flannery – CAFRA will review this application. The County has to approve a traffic light.

Scott Kennell, traffic engineer, sworn. The location of the main access is approximately 2,000 square feet and provides adequate spacing for the traffic flow.

Mr. Halberstam - Concerned about tractor trailers on the property.

Mr. Penzer - The County will review this project.

Mr. Kennell – described the traffic flow on the site.

Mr. Halberstam – There has to be enough room for tractor trailers.

Mr. Ingber – there has got to be sidewalks, more than one entrance, turning lanes, etc.

Recess.

**Appeal # 3912 continued**

Open to Public.

19 Chardonnay, affirmed, need shopping. In favor of this application

Yaakov Jundef, 9 Cabernet Drive, affirmed, in favor of this application.

Aaron Greenspan, 7 Chardonnay, affirmed, in favor of this application.

Aryeh Follman, 11 Chardonnay, affirmed, in favor of this application.

Yehuda Andeby, 8 Chardonnay Court, in favor of this application.

Closed to Public.

Mr. Lankry – want to see a traffic flow.

Motion to carry until October 19th – Mr. Gelley

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

No further notice. Agreed to waive any time.

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**Appeal # 3920 – Mordechai Eichorn,** Oak Street, Block 855.06 Lots 18, 24, 24.01, 27 & 33,

R-20 zone. Use variance to construct duplexes.

**From: Terry Vogt, Engineer/Planner – August 6, 2015**

The applicant is seeking use variance relief to construct duplexes on the subject property. The Variance Plan depicts 10 duplex buildings (20 residential units excluding basement apartments) on 10 proposed lots.

Paul Snyder, represented applicant. This application was carried from last month.

Edward Liston, represented objectors. Objected to the notice that duplexes was not mentioned and inadequate. Map not done by and engineer which is a requirement. Objected to this matter being heard tonight. Major subdivision was not advertised nor paid for.

Mr. Snyder – the August plan was carried without further notice. There have been revised plans to accommodate some of the neighbors concerns. The new plan is for 13 undersized lots. The applications are bifurcated and the applicant is not asking for site plan.

Motion to carry **Appeal #3920** to October 19th – Mr. Gelley

Second – Mr. Halvorsen

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Ingber,

Mr. Halberstam

Nayes: Mr. Gonzalez

Chairman announced that if the application is for duplexes the board has plans, if is for single family they need new plans,

Applicant agreed to re-notice and waive time.

Mr. Lankry suggested to meet with the objectors and their attorney.

**Appeal # 3922 – 1500 Prospect Street, LLC**, Block 490 Lot 43, M-1 zone. Use variance for 10

duplexes.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – August 18, 2015**

A use variance approval (#3768) was granted for the construction of a townhouse development and amenities in 2011. The applicant is seeking (amended) use, and preliminary and final major subdivision approval (and necessary variances) to construct duplexes on the property. The subdivision plan depicts 10 duplexes. (20 residential units) as proposed. Townhouses are not a permitted, nor conditionally permitted use in the M-1 zone, relief is also necessary for use of the 8,500 square foot duplex lot standard and the 40% lot coverage standard.

Sam Brown, attorney for applicant.

Chairman announced that Mr. Lankry will be leaving at 10:00 P.M. and there may be only 6 members for the vote.

Mr. Ed Liston, said that he was hired this morning by objectors and would like to time to review the application.

Mr. Brown – they will carry until October 19th.

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Motion to carry until October 19th – Mr. Gelley

Second - Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3923 – Prospect Land Development**, Block 474 Lot 1, Prospect Street, A-1 zone.

Use variance for 10 duplexes.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – August 19, 2015**

A use variance (Appeal # 3800) was denied for the construction of 9 duplexes on this property in 2012. The applicant at that time bifurcated the application, seeking the use variance while leaving the number of units to be determined at the time of major subdivision. Per the Resolution the Board “expressed serious concerns relative to the use of agriculturally zoned property for multi-family development without specific action by the governing Body or the Planning Board to identify the property as being appropriate for those uses.

Adam Pfeffer represented applicant.

Brian Flannery, engineer/planner, sworn.

A-1 rendering of plan submitted showing 10 duplexes

A-2 map of area

Mr. Flannery – the area has changed and there are now duplexes and townhouses. In certain circumstances duplexes would be allowed on 8,500 square foot lots. There is a change in the plan and a change in the circumstances. The Township has talked about changing this zone.

Reviewed Mr. Vogts report.

Mr. Pfeffer - There will be 3 new streets that will be opened up by this project.

Mr. Halberstam – would like to see lots closer to 9,000 square foot lots.

Mr. Flannery – They could do 9 duplexes and a single.

Mr. Gonzalez – this is not a permitted conditional use and therefore townhouses should be on 10,000 square foot lots.

Open to Public.

Saul Mizrahi, 3 Sienna Way, affirmed. There is an average that is over 9,000 square feet.

Closed to Public.

Mr. Flannery – They will eliminate one duplex and they could have the single on a 6,000 square foot lot. The other lots will be a minimum of 9,000 square feet. The single will be the corner lot. HVAC will be in the rear yards and screened. The roadway is 50 feet wide with a 32 foot cartway from curb to curb. The code allows 2 ½ stories. There will be no outside entrance to the attic.

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Motion to approve: Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Lankry, Mr. Mund, Mr. Ingber,

Mr. Gonzalez, Mr. Halberstam

**Appeal # 3926 – 5 Oak Street, LLC,** Block 782.01 Lot 5 & 11, HD-7 zone. To construct 9

duplexes and 1 single family.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – September 10, 2015**

The applicant is requesting a use variance and other relief necessary to construct one singlefamily home and 9 duplex building on 18 zero lot lines on the 2.348 acre property. A use variance is required due to single family homes not being a permitted use in the zone. Bulk variance are also sought for lot size.

Chairman announced that there was only 6 members present.

# Applicant agreed to continue with the 6 members.

Ms. Weinstein – last time there was duplexes on slightly below than 8,500 square feet with a roadway that was 40 feet. The board did not like the roadway. They revised their plans with a 50 foot right of way and eliminated 1 unit. This now has 18 duplex units in 9 buildings. Last time there were 20 duplex units in 10 buildings. This time they have 1 single family home. The smallest lot is 8,437 square feet. The single family home is not permitted in the HD7 zone and therefore a use variance is necessary.

Brian Flannery, engineer/planner, sworn. Reviewed Mr. Vogts report. They are doing a 50 foot right of way. The average lot size is 8,800. The smallest lot is 8,437 and the largest lot is 9,937.

Lot 10 will not be built until the temporary cul-de-sac get removed.

Mr. Halberstam - This plan works.

Mr. Flannery – the single family lot is 6,000 and will not get built until the temporary cul-de-sac is removed. If it doesn’t get removed than they cannot build the single family.

Mr. Halberstam - Parking will be on lot 11.09 until lot 11.10 is built.

Mr. Vogt – in addition to what is on the street they have on-site recharge also.

Ms. Weinstein - No plans to have a homeowners association.

Open to Public.

Motion to approve – Mr. Mund

Second – Mr. Gelley

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

Mr. Halberstam

**Appeal # 3927 – Yechiel Rivlin,** 236 Hudson Street, Block 108 Lot 2, R-10 zone. Use variance to construct a duplex on an undersized lot. Required 12,000 square feet – proposed 11,250.

Secretary read report.

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# **From: Terry Vogt, Engineer/Planner**

Duplex residential housing is a permitted use in the zone provided that a minimum lot area of 12,000 square feet is provided. Lot 2 is 11,250 square feet in size, therefore a conditional use variance is necessary.

# Brian Flannery, engineer/planner, sworn. The lot is11,250 square feet where 12,000 square feet is required. Hudson Street is across from the Cemetery on Lexington Avenue. There are other duplexes in the area. The plan submitted shows 15 feet to the deck. Applicant met with the neighbor and agreed to move the deck so that it will be the required 20 feet to the property line.

# Asking for side yards of 10 feet and 10 feet where 10 and 15 are required.

# A-1 tax map of the area

# A-2 map

# A-3 revised plan

# Mr. Flannery - There will be 20 feet to the deck.

# 

# Open to Public.

Zev Weintraub. 231 Courtney Road, affirmed. Back to back to this property. Want to confirm that the decks will be 20 feet to the property line.

Mr. Flannery – confirmed.

Closed to Public.

# Motion to approve – Mr. Gonzalez

# Second – Mr. Ingber

# Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Mund, Mr. Ingber, Mr. Gonzalez,

# Mr. Halberstam

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# **Resolutions**

**Appeal # 3891A – 66 & 68 Henry Street,** Block 777, Lots 12 & 13, R-10 zone. Resolution to approve minor Subdivision.

Motion to approve – Mr. Gonzalez

Second – Mr. Halvorsen

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

**Appeal # 3533** Resolution to remove the condition of 30” from the resolution.

Motion to approve – Mr. Halvorsen

Second – Mr. Ingber

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

**Appeal # 3855,** 195 Ridge Avenue, Block 235 Lot 29Resolution to approve an additional 5 inch variance.

Motion to approve – Mr. Mund

Second – Mr. Gonzaler

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

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**Appeal # 3910 – NJ American Water**, 8 Teaberry Court, Block 27 Lot 29, R-12 zone.

Resolution to approve a use variance to construct a below grade sanitary sewer pump station.

Motion to approve – Mr. Ingber

Second – Mr Gonzalez

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

**Appeal # 3916 – Hirsch Eissenberg,** 22 Independence Court, Block 290.01 Lot 6, R-10 zone. Resolution to approve an addition encroaching in the side yard setback.

Motion to approve – Mr. Ingber

Second – Mr. Mund

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

Mr. Halberstam

**Appeal # 3918 – Steven Streicher,** Carey Street & Squankum Road, Block 150.07 Lot 3

R-10 zone. Resolution to approve the construction of a single family home on an undersized lot.

Motion to approve – Mr. Gonzalez

Second – Mr. Halvorsen

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

Mr. Halberstam

**Appeal # 3919 - Lakewood Township MUA**, 2000 Shorrock Street, Block 1248.23 Lot 82, OS Zone. Resolution to determine that a variance is not required for the construction of a 120 foot lattice tower for microwave radio antennas.

Motion to approve – Mr. Ingber

Second – Mr. Mund

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

Mr. Halberstam

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