**ZONING BOARD OF ADJUSTMENT OCTOBER 31, 2016**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

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

Mr. Halberstam

Arrived late: Mr. Lankry

Absent: Mr. Gonzalez

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of September 12, 2016 – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Halberstam

Correspondence –

Request from Mr. Flannery Re**: Appeal # 3947, Elad Gebus,** Cherry Street & No. Oakland, R-10 zone. Requesting amended resolution to include 35% lot coverage for lot coverage of 35%.

Adam Pfeffer represented applicant – the footprint does not change. It was a computing error.

Brian Flannery - Everything that was shown stays as is.

Motion to amend resolution to allow 35% lot coverage – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Halberstam

**Appeal # 3988 – Elyon Capital LLC**, 110 E. Harvard Street, Block 227 Lot 3.01 R-10 zone.

Single family home with variances requested.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – August 15, 2016**

The applicant proposes constructing a new residential dwelling, off street parking and other amenities. An existing two story dwelling and appurtenances will be removed. The applicant is requesting new bulk variance relief for proposed side yard and aggregate side yard setbacks, 5 feet/15 feet proposed, 10/25 feet required. In addition variance relief for building coverage, 32.68% proposed, 30% allowed is also requested.

Adam Pfeffer represented applicant. This is a single family, Most of the variances requested are existing.

Glenn Lines, sworn. He reviewed Terry Vogts letter. They need a side yard setback variance and a lot coverage variance. This is a 7,500 square foot lot. There are 4 parking spaces proposed.

A-1 Variance plan

A-2 tax map

Mr. Lines – asking for 5 feet on one side and 10 feet on the other, 15 feet combine where 25 feet combined is required. The HVAC units, garbage and recycling will be on the side. There are 2 doors on the side, one is to the house and one is to the basement. The attic steps will be internal. The house is 35 feet wide. Currently the house is 25 feet wide. The proposed house is approximately 4,300 square feet.

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Mr. Pfeffer agreed to the boards recommendation of 10 feet on each side.

Mr. Lines - There are no architecturals.

Open to Public.

William Hobday, 30 Schoolhouse Lane, sworn. There a lot of variances requested. It is too big of a house for the lot.

Mr. Pfeffer - Originally asking for 4 variances 2 of them were existing – agreed to Lankry conditions.

Closed to Public.

Motion to approve 10 feet on each side – Mr. Ribiat

Second – Mr. Gelley

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

Mr. Halberstam

Adam Pfeffer, requested that **Appeal # 4002 –Block 458 LLC,** Cross Street & Nassau Street – be carried to the November 14th meeting.

Motion to carry – Mr. Gelley

Second – Mr. Ingber

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

Mr. Halberstam

No further notice and agreed to waive time.

Mr. Dasti announced that **Appeal # 3995, Josef Neuman,** received a letter from the seller of the property that the contract has been terminated.

Motion to accepted withdraw - Mr. Gelley

Second – Mr. Ribiat

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

Mr. Halberstam

**Appeal # 3989 – 155 Somerset, LLC,** 155 Somerset Avenue, Block 189 Lot 142, R-10 zone.

To construct a duplex needing lot width variance and lot coverage.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – August 18, 2016**

The applicant proposes to subdivide the existing lot into 2 separate zero lot line properties on which a duplex is proposed. The existing lot totals 12,969.37 square feet and is situated within the R-10 single family residential zone. As depicted on the minor subdivision plan both new duplex lots (142.01 and 142.02) are proposed fronting Somerset Avenue. Variance relief (minimum lot width) is required for the project.

Miriam Weinstein represented applicant. This lot is more than 12,000 square feet where 10,000 is required for a duplex. Lot width required is 75 feet and this lot is 70 feet. Asking for 35% lot coverage where 30% is required.

Glenn Lines, sworn. The lot is 12,969.37 square feet. 12,969.36, they are off by 1 100th of a square foot.

Mr. Halberstam – the plans submitted do not match each other.

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**MINUTES PAGE 3.**

Ms. Weinstein – probably a typographical error. The notice is correct and incorrect in the signature block.

Mr. Lines – requesting a lot width variance is 70 and required is 75, asking 7 ½ feet rather than 10 feet. Master plan recommended this area as R-7.5 the 7.5 foot setbacks are in keeping with the R-7.5 zone. Asking for 35% lot coverage where 30% is required.

A-1 tax map indicates duplexes in the area

Mr. Halberstam asked for architecturals.

Motion to carry to November 14 – Mr. Gelley

Second – Mr. Ingber

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

Mr. Ribiat, Mr. Halberstam

No further notice and agreed to waive time.

**Appeal # 3991 – Aaron Finkelstein,** 121 Somerset Ave. Block 189.05 Lot 148, R-10 zone.

Use variance for a duplex on 10,145 square foot lot where 12,000 is required.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – August 18, 2016**

The applicant seeks (conditional) use and bulk variance relief to construct one duplex building. Duplexes are conditionally permitted on 12,000 square foot lots.

Brian Flannery, sworn

A-1 plan submitted

A-2 tax map

Mr. Flannery – The Master plan says that this should be an R-7.5 zone. Access to the attic will be inside. This application is compliant with the 2007 Master Plan. The Planning did adopt this plan.

Mr. Dasti - This is a use variance because it is not in compliance with the Township Ordinance. There is also bulk variances requested.

Mr. Halberstam – there are no architecturals.

A-3 architecturals.

Mr. Flannery – applicant agreed to Lankry upgrades. Side entrance is on the side of the building and goes upstairs in the house or down to the basement. These units have a very nice rear yard useable area.

Mr. Lankry – the plans don’t match.

Open to Public – William Hobday, 30 Schoolhouse Road, sworn. Multiple variances requested.

Closed to Public

Mr. Flannery – the adjacent lots are single family.

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**MINUTES PAGE 4.**

Mr. Dasti - The master plan was approved by the planning board but not implemented by the Township Committee.

Motion to carry to November 14th with revised plans being submitted – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Halberstam

**Appeal # 3993 – Forest Haven,** New Central Avenue & Hillside Blvd, Block 11.12 Lots 1-3 &

Block 11.13 Lot 1,

Abraham Penzer represented applicant. Mr, Penzer objected to the microphone on the podium and asked that it be removed. It is an invasion of his client privilege. It is his first amendment right.

Recess.

Michelle Donato represented objectors. This is a lame excuse. The microphone has a right to be there. This is not right and it should be heard this evening.

Mr. Penzer - His clients protection of privacy is being invaded. He tried to reach Mr. Secare for an opinion but could not reach him.

Mr. Dasti suggested that the application be carried until November 14th to make sure that there is no appealable issue.

Motion to carry to November 14th – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Ribiat, Mr. Halberstam

**Appeal # 3994 – Barry Schreiber**, 1417 Tanglewood Lane, Block 25.08 Lot 3. R-12 zone. Variance requested for lot coverage; 30% required 31.2% proposed.

Secretary read report.

**From Terry Vogt, Engineer/Planner – August 24, 2016**

The property is located in the R-12 zone where single family residential housing is a permitted use. The applicant is requesting new bulk variance relief for impervious coverage, 31.2% proposed where 30% is allowed. Side yard/aggregate side yard setback, 8.4 feet/19.8 feet proposed 10/25 feet is required.

Miriam Weinstein represented applicant. This application is for a lot on Tanglewood Lane. Every lot on this street is non-conforming for the R-12 zone. All the lots are deficient in lot width. The existing width is 75 feet wide where 90 feet is required.

Brian Flannery, sworn.

A-1 rendering of plan submitted

A-2

A-3

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Mr. Flannery – The proposed house is 55 feet wide. Side setbacks requested are consistent with the neighbors. This is a classic C2 variance. Benefits outweigh the detriments. They can do 9.9 and 9.9 side setbacks. There is an existing house that will be demolished.

Open to Public – Closed to Public.

Mr. Flannery – there are no outside stairs on the side. There will be a door on the outside but there will be internal steps to the basement. The lot is 75 x 125. There will be an internal stairway to the attic.

Ms. Weinstein – it is very possible that he will rent out the basement. He is not renting out the attic.

Mr. Ingber – the plans do not correspond with each other.

Mr. Flannery – not asking for height variance. The elevations should have shown a side door.

Motion to approve 10 foot setbacks on each side – Mr. Lankry

Second – Mr. Ingber

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

Mr. Ribiat, Mr. Halberstam

Moshe Ingber had to leave.

There are only 6 members.

Adam Pfeffer requested that **Appeal # 3997, Casa Nova Today**

Motion to carry to November 14, 2016 – Mr. Ribiat

Second – Mr. Gelley

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

Mr. Ribiat, Mr. Halberstam

No further notice and agreed to waive time.

Miriam Weinstein Requested to carry **Appeal # 3996 – Congregation Maalos Hatorah, Inc**. This requires an added use variance and there are only 6 members.

Motion to carry – Mr. Lankry

Second – Mr. Naftali

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

Mr. Halberstam

**Appeal # 3940A – Yosef Weiss,** Clover Street, Block 536 Lot 181, R-40 zone. Subdivision tocreate 3 fee simple semi-attached lots.

**From Terry Vogt, Engineer/Planner – September 8, 2016**

The applicant proposes to redevelop an existing single-family property by constructing a triplex at the site. This project previously received use and bulk variance approval under Appeal # 3940, resolution memorialized on May 9, 2016. The proposed subdivision would create 3 fee simple semi attached units.

Joseph Kociuba, KBA Engineering, sworn. They obtained the use variance for the triplex. Requesting 35.06% lot coverage where 35% is required.

A-1

A-2

A-3 architecturals

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Mr. Halberstam - They were granted a use variance for the triplex so this is for subdivision.

Mr. Kociuba – a variance was approved for rear yard setback and they are reducing that variance.

Looking for rear setbacks for the decks.

Mr. Halberstam suggested removing the deck and put in a concrete patio on lot 181.03.

Mr. Kociuba agreed.

Open to Public. Closed to Public.

Motion to approve – Mr. Halvorsen

Second – Mr. Lankry

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

Mr. Halberstam

Brian Flannery requested that **Appeal # 3998 – David Holtz & Appeal # 3999 – Mordechai Kreitman** to the November 14th meeting.

Motion to carry – Mr. Lankry

Second –Mr. Ribiat

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

Mr. Halberstam

Resolutions

**Appeal # 4001** **– MIZ Construction –** resolution to approve front yard setback variance for new single family.

**Appeal # 3979 – CG RR Properties, LLC,** Parkview Avenue, Block 1021 Lot 2, HD-7 zone. Resolution to deny use variance for a three unit townhouse.

**Appeal # 3980 – Joseph Sebbag,** Hope Chapel Road**,** Block 2.01 Lots 14.01-14.05, R-40 zone. Resolution to approve a use density variance for 6 single family lots that are 15,028 square feet to 24,043 square feet where 40,000 is required.

**Appeal # 3982 – Moses Stern,** 402 Laurel Avenue, Block 548 Lot 1, R-7.5 zone.Resolution toapprove a use variancefor a duplex on a 9,500 square foot lot where 10,000 is required.

**Appeal # 3985 - DC Commercial -**1125 Ocean Avenue, Block 189.03 Lot 76.01. Resolution to approve a variance for free-standing sign.

**Appeal # 3986 -– Faraday Estates, LLC,** Prospect Street, Block 490 Lot 1.02 M-1 zone. Resolution to approve a use variance to construct duplexes

**Appeal # 3987 – Jacob Lipschitz,** 767 River Avenue, Block 782 Lot 36, HD-7 zone. Resolution to approve a major subdivision for 9 single family lots.

Motion to memorialize all the resolutions - Mr. Gelley

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