**ZONING BOARD OF ADJUSTMENT JUNE 8, 2015**

Meeting was advertised according to the NJ State Sunshine Law.

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

 Mr. Gonzalez, Mr. Halberstam

 Absent: Mr. Gelley, Mr. Mund,

 Also present: Attorney – Jerry Dasti

 Terry Vogt, Engineer/Planner

 Jackie Wahler, Court Reporter

 Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of May 4, 2015 – Mr. Halvorsen

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Halvorsen, Mr. Naftali, Mr. Gonzalez, Mr. Haberstam

**Appeal # 3899, NAPCO Const**. will not be heard tonight. Plans were not finalized. They did not advertise.

**Appeal # 3910, NJ American Water Co.** Request from Neil O’Brien, attorney for applicant, to carry to July 6th meeting to address the concerns of neighbors.

Motion to carry – Mr. Naftali

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Halvorsen, Mr. Naftali, Mr. Gonzalez, Mr, Halberstam

No further notice. Agreed to waive time.

**Appeal # 3884 – DRMY Holdings,** will not be heard tonight since the plans were not received in time for review.

Motion to carry until July 6th meeting – Mr. Naftali

Second – Mr. Halvorsen

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

 Mr, Halberstam

No further notice. Agreed to waive time.

Moshe Lankry arrived.

**Correspondence**

Letter from Miriam Weinstein re: **Appeal # 3821,** MalkyBernath, 1503 Tanglewood Avenue.

Ms. Weinstein – the stipulation of the resolution required that there be no protrusions in the side yard setback. There are 6 a/c units. The generator will go in the rear. They are 3 ton units. There will be 6 units on one side and none on the other.

Daniel Snyder, affirmed. They will be about a foot for the wall and will have at least a 5 foot setback. There may be one 4 ton unit.

Ms. Weinstein – there are no cantilevers or protrusions on the sides of the house.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

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

 Mr. Halberstam

**ZONING BOARD OF ADJUSTMENT JUNE 8, 2015**

**MINUTES PAGE 2.**

**Appeal # 3874A – Rishon Associates**, Block 490 Lots 6, 9 & 41, M-1 zone. To construct 35

 duplexes, 4 single family homes and 1 shul.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – April 23, 2015**

The applicant is seeking preliminary and final subdivision approval to construct a major subdivision on the property. The subdivision plan depicts 35 duplexes. The applicant also proposes the construction of five single family dwellings and a Shul on the tract. The applicant has previously bifurcated this application receiving use variance in July of 2014.

Steven Pfeffer, attorney for applicant. Previously received a use variance for duplexes and the resolution was clear that there was no guarantee on the amount of units. They were asked to look at the design to have an egress on Cross Street. They met with the adult communities and they do not want an access on Cross Street. The only change was that they eliminated a few duplexes and replaced them with single family units. They will need a new use variance approval.

Brian Flannery, sworn. Reviewed Mr. Vogt’s letter. They are proposing 70 duplex units and 4 single family units at the end of the cul de sac. There is also a basketball court located on the south easterly portion of the property. There is a recreational area in the middle. There is a bus shelter for the kids to wait on Prospect Street. They will satisfy all the comments in the review letter. There are 4 parking spaces per unit. The shul is 4,000 square feet per floor. There is a basement and two floors. The cul de sac is RSIS compliance, They will meet with Public Works to see if they have any issues.

Mr. Gonzalez - There should be at least 2 entrances.

Mr. Flannery - The County feels that it is safer with the one entrance and exit. Cross and Prospect are both County roads. The original plan showed two entrances and the County denied it. They will have access to the roads to the adjacent development. The shul will not be used as an office or retail commercial.

Scott Kennel, Traffic Engineer - The County makes the final decision if they have a dedicated left turn lane or not.

Open to Public. Closed to Public.

Motion to approve – Mr. Naftali

Second – Mr. Lankry

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3903 – Max Wosner,** Shelley Lane & Cedar Court, R-7.5 zone. To subdivide the

 properties to provide 3 duplexes on 6 zero lot line lots with lot area deficiency.

Secretary read report.

**From; Terry Vogt, Engineer/Planner - March 18, 2015**

The applicant seeks a zero lot line subdivision approval and bulk variance relief to subdivide an existing 27,935 square foot property into 6 new duplex unit lots to accommodate 3 two-story residential duplex structures. Paved off street parking areas for each dwelling unit are proposed.

Abraham Penzer, attorney for applicant.

Brian Flannery, Engineer/Planner, sworn.

**ZONING BOARD OF ADJUSTMENT JUNE 8, 2015**

**MINUTES PAGE 3.**

A-1 plan submitted

A-2 tax map showing location of property

Mr. Flannery – This is for a subdivision of a 27,935 square foot lot for 3 duplex structures or 6 units. This area was recently re-zoned to a R-7.5 zone from a R-10. The property is located directly across the street from the hospital. The two end lots are 9,467 square feet and 9,006 on the center lot. There are 3 existing lots at present. There is a duplex being constructed on the street now. As of right they could put in 2 duplexes and a single. They meet all the setbacks. They meet the parking requirements. Only variance is for lot area. If they do 2 duplexes and a single in the middle they would all be conforming and would have to go to Planning Board.

Mr. Ingber, concerned about the amount of cars on the duplexes with all the driveways and these are small streets.

Open to Public.

Eli Steinberg, 70 Birch Street, affirmed. The zoning change was made by the Township Committee. This zoning was done after the Hospital Support Zone. Objected to the duplexes. This is not the area for duplexes.

Gabriel Fiddle, 60 W. Spruce Street, affirmed. Two of the duplexes border his property. Concerned about the safety of the children with so many cars. It is like a suburban block.

Baruch Sasoon, 213 William Street, affirmed. His backyard is to Shelley Street. The rest of the area is an R-12 zone. They were told that there would not be any duplexes. There will be 12

families with 24 cars. Concerned about the amount of cars.

Leyma Neumann, 216 Elaine Street, affirmed. When the zoning was changed they were told that there would not be any duplexes. Concerned about the amount of cars.

Israel Lowinger, 66 Cedar Court, affirmed. Concur with the neighbors and very concerned with the traffic this will create.

Moshe Fishman, 220 Williams Street, affirmed. This was a quiet, serene block and it is getting worse and worse. This area cannot absorb any more traffic.

Avrohom Hess, 210 Williams Street, affirmed. Agree with neighbors.

Uriel Grossman, 107 Summit Court, affirmed. Agree with neighbors.

Yona Levy, 47 Cedar Court, affirmed. These duplexes do not belong here.

Mr. Penzer offered arbitration. If this is turned down they will go to the Planning Board. There will be duplexes at this site, either two or three.

Closed to Public.

Motion to carry to July 6th meeting so applicant can go to arbitration with neighbors –

Mr. Lankry

Second – Mr. Ribiat

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

 Mr. Gonzalez, Mr. Halberstam

No further notice and a waiver of time.

**ZONING BOARD OF ADJUSTMENT JUNE 8, 2015**

**MINUTES PAGE 4.**

**Appeal # 3900 – Congregation Maalos Hatorah, Inc.** Gates Avenue off New Hampshire Ave,

 Block 1159, various lots, Block 1159.04, various lots, R-20 zone.

**Secretary read reports.**

**From: Terry Vogt, Engineer/Planner – March 23, 2015**

Applicant is seeking a use variance to construct a major subdivision on the 5.5 acre property.

The property is the “Stamford Hill” townhouse development to the west, and “Andrews Corner” apartment to the east. The property is undeveloped and predominantly wooded. Applicant is proposing 6 duplexes (12 units) and one 3 unit townhouse structure. Duplexes nor townhomes are permitted in the R-20 zoning district.

Miriam Weinstein, attorney for applicant. This application is for a use variance to permit duplexes and a triplex located in the R-20 zone. This application has been bifurcated and asking for use variance only. If approved they will return with a full blown site plan. Proposed 12 fee simple duplex units and a triplex. The property is sandwiched between Andrews Corners which is an apartment complex and Stamford Meadows which is a townhouse project. The project would require an extension of Golders Springs Road from the Stamford Meadows project which is a private right-of way.

Graham Macfarland, Engineer for applicant, sworn.

A-1 aerial display showing subject property and surrounding parcels

A-2 site plan

A-3 cover sheet

Mr. Macfarlane – current state of property is wooded. Stamford Meadows project is currently under construction. Proposed for a mixed use project consisting of 12 duplex units and one townhouse unit consisting of 3 townhouses. The density proposed is 6 dwelling where 8 is permitted per ordinance. They have obtained a sewer service plan. Wetlands bisect the parcel and restrict access to the site. A letter of interpretation was issued.

A-4 development plan - shows site bisected by the stream corridor

Mr. Macfarlane – A CAFRA permit is not required for the construction of this project.

A-5 – copy of letter that no CAFRA permit is required.

Mr. Macfarlane – proposed development is compatible with the adjacent properties. Public water is available. There is a need for housing units. Will not create a detriment to the zone plan.

Mr. Halberstam – this is strictly a request for a use variance.

Ms. Weinstein - there is a stream that runs crosses Clinton Avenue and the DEP would not allow another bridge access across that stream because they have already granted one crossing to the Stamford Hill project.

Mr. Halberstam - the only way into this property is now through Stamford Hill project.

Mr. Macfarlane - They do not have a written letter from the DEP only phone conversation

Mr. Lankry – there is no way of getting to your project without going through Stamford Hill. We need to see if the Stamford Hill project could handle the traffic.

Ms. Weinstein - Met with the people in the hallway and they would like to voice their concerns to the board.

**ZONING BOARD OF ADJUSTMENT JUNE 8, 2015**

**MINUTES PAGE 5.**

Paul Schneider, attorney, representing an objector, Andrew Bleir. Object to Ms. Weinstein testifying.

Mr. Macfarlane – Stamford Hill is 68 townhouses. It is a dedicated public right-of-way dedicated to the township. This project satisfies RSIS criteria for both developments.

Dave Magno - This should be a townhouse development.

A-6 relocation plan

Mr. Macfarlane – the dumpster will be relocated and received a letter back that the plan was acceptable. Reconfigured the parking spaces.

Dave Magno - How can you change something that is being built by someone else?

Mr. Macfarlane - It will be their obligation to make those improvements get approved.

These are all site plan technicalities.

Aaron Perlow affirmed. Purchased the property when the Board approved Stamford Hill. Purchased from foreclosures and some of the property was purchased from the Township of Lakewood but he hasn’t closed yet.

Ms. Weinstein - There is an ordinance that specifies this sale.

Rabbi Perlow – this board said that the best use for this property was a townhouse development.

To build more than 74 units he would have needed CAFRA approval and that is why he did not purchase this property.

Recess.

Paul Schneider, attorney representing objector, Andrew Blier. Contract purchaser in 26 Stamford Hill Road. Cross examined Rabbi Perlow and Mr. Macfarlane.

Rabbi Perlow – Congregation Maalos Hatoras, INc. is the owner of the property. The Township

did not ask what the property was to be used for. Was purchased for a yeshiva investment.

Mr. Macfarlane – they asked the DEP a question and they relied on that response and then went forward with this application. This application is proposing 15 units. The Board will determine the amount of units at site plan if approved. The application is reasonable with the density proposed. The smallest duplex is on 7,638 square feet.

A-7 – overall development plan

Mr. Macfarlane – The plan submitted shows 20 feet as a rear yard setback. Lakewood has a need for housing. This property is located between two high density projects to the east and west and lower density projects to the north and south. Consistent with the Master Plan. It will be an attractively designed project. You cannot get into Clinton Avenue without crossing the stream.

Rabbi Perlow – there are two streams one under the property and one over the property. He spoke to Jeff Alpert at the DEP.

Mr. Lankry recommended that the applicant meet with the objectors.

Motion to continue until July 6th – Mr. Lankry

Second – Mr. Ingber

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

 Mr. Gonzalez, Mr. Halberstam

No further notice and application agreed to waive time.

**ZONING BOARD OF ADJUSTMENT JUNE 8, 2015**

**MINUTES PAGE 6.**

Motion to carry **Appeal # 3901,** **Appeal # 3908**, **Appeal # 3909**, **Appeal # 3905**, to the July 6th agenda – Mr. Naftali

Second – Mr. Halvorsen

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

 Mr. Gonzalez, Mr. Halberstam

Resolutions

**Appeal # 3907 – Michael Fish**, Maplehurst Avenue, Block 494 Lots 52 & 53, R-40 zone. Resolution to approve a use variance for undersized single family lots.

Motion to approve – Mr. Naftali

Second – Mr. Lankry

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3898 – Lakewood Automotive Center,** 650 James Street, Block 385 Lot 6, M-1 zone. Resolution to approve site plan to allow a 18,000 square foot warehouse facility.

Motion to approve – Mr. Gonzalez

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Halversen, Mr. Naftali, Mr. Gonzalez, Mr. Halberstam

**Appeal # 3902 – Chaim Burstein,** 1797 Lanes Mill Road**,** Block 187.15 Lot 18, OT Zone. Resolution to approve a use variance for an office for a mechanical HVAC contractor and to park commercial vehicles.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

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

 Mr. Halberstam

**Appeal # 3772A -170 Melville Holdings, LLC**, 150 Locust Street, Block 1081 Lot 5.01, B-5A & R20/12 zone.

Mr. Dasti asked that this resolution not be approved tonight because he was asked to review the permitted uses in the B-5A zone until the next meeting.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Respectfully submitted,

Fran Siegel