**ZONING BOARD OF ADJUSTMENT AUGUST 31, 2015**

**MINUTES**

Meeting properly advertised as per sunshine law.

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

 Mr. Gonzalez,

 Arrived late: Mr. Halberstam

 Absent: Mr. Lankry, 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 July 6, 2016 – Mr. Naftali

Second – Mr. Gelley

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

 Mr. Gonzalez

Motion to approve minutes of July 13, 2015 – Mr. Mund

Second – Mr. Ingber

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

Mr. Penzer asked that **Appeal # 3912** be carried to the next meeting because plans have been revised to include use and site.

No further notice and agreed to waive time.

Motion to carry to September 21st – Mr. Gelley

Second – Mr. Ingber

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

 Mr. Gonzalez

**Correspondence**

Chaim Abadi requested to withdraw **Appeal # 3908 – Yehoshua Frenkel,** 612 Cross Street, Block 524 Lot 4, M-1 zone. Use variance for duplexes in the M-1 zone. Mr. Gonzalez announced that the application has been withdrawn and will not be going forward.

Letter from Brian Flannery re: **Appeal # 3891A – 66 & & 68 Henry Street,** Block 777 Lots 12 & 13, R-10 zone. Minor Subdivision.

Brian Flannery, sworn. Received approval for the use for 3 duplexes

Mr. Vogt - What is shown on the minor subdivision plans is consistent with the bulk and use variance that were granted.

Motion to confirm subdivision approval – Mr. Ingber

Second – Mr. Gelley

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

Letter from Chaim Dubin re: **Appeal # 3533** requesting a condition be removed from the resolution.

Chaim Dubin – they now allow basement apartments – they do have the 4 parking spaces.

Motion to remove 30” from grade condition from resolution – Mr. Naftali

Second – Mr. Gelley

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

**ZONING BOARD OF ADJUSTMENT AUGUST 31, 2015**

**MINUTES PAGE 2.**

Letter from Chaim Abadi re: **Appeal # 3855,** 195 Ridge Avenue, Block 235 Lot 29 requesting amended variance.

Motion to approve additional 5 inch setback – Mr. Gelley

Second – Mr. Naftali

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

 Mr. Gonzalez, Mr. Halberstam

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

 variance to construct a below grade sanitary sewer pump station.

Neal O’Brien, attorney for applicant. Presented testimony at last months hearing. Applicant is seeking to install a sanitary sewer lift station to serve the surrounding neighborhood. The topography is very low and they need a force main to force the affluent from the neighborhood back down to the sewer system at County Line Road where it would be taken to New Jersey American Water treatment facilities and processed like all the other wastewater in the Township.

Public Utilities are not permitted as a permitted or conditional use. Asking for an 8 foot high fence around the substation perimeter for safety reasons. It will replace 2 existing pump stations which are nearing the end of their useful life and located in front yards. They are going from 2 to 1. This will also have a backup generator. They have revised their plans to take into consideration the neighbor’s concerns. They changed the board on board fence to a green vinyl. Shrunk the design of the sewer station and will landscape on the outside of the fence. Moved the facilities towards the front of the property. There will be a red brick design and installing odor control measures. This is a public utility facility. Designed to serve the neighborhood. The existing facilities are in the front yard and is a large metal box. No back up source of power and cannot be upgraded.

Mr. Gasiorowski, representing Isador Bleir, owner of adjacent property. Mr. Bleir’s daughter is getting married tonight and his client could not be here.

Adam Kane, project manager for NJ American Water, sworn.

Mr. Gasiorowski cross examined Mr. Kane about another property that could have been bought by the Water Company.

Brian Dougherty, Engineer, sworn. They found that this property was more feasible.

Mr. Gasiorowski first witness was Baruch Kleiman, 1153 Buckwald Court, affirmed.

O-1 survey of block 44 lot 7

Mr. Kleiman – owns the property that the water company wanted to buy that contains a partially burned down house. They got this property for cheaper. They do need the new pumping station but his property would be less intrusive on the neighborhood.

Second witness Samuel Levi, 603 West County Line Road, Suite 2, affirmed. He is an appraiser.

Mr. Gasiorowski - He will testify as to the adverse price impact that this project will have on his clients property.

Mr. Levi – a potential buyer will look for an alternate site.

Mr. O”Brien – cross examined Mr. Levi.

Mr. Gasiorowski’s third witness.

Alexander Litwornia, engineer/planner, sworn. He testified that the property across the street would be better suited and less intrusive to the neighborhood.

Mr. Dasti – The applicant testified that they will meet all the requirements for noise control.

Mr. Litwornia – the property across the street has a 20 foot wall which would act as a buffer.

Norman Dotti, professional acoustic specialist, for the applicant, sworn. The proposed generator is a gas powered unit inside a building exhausted through a muffler. The building itself is an acoustical enclosure.

Mr. Gasiorowski – this is a commercial use that is being requested in a residential area.

Recess.

Mr. Chairman announced that we will not be able to finish the agenda.

Paul Snyder represented **Appeal # 3920 – Mordechai Eichorn** and requested to carry until the next meeting September 21st.

No further notice and agreed to waive time.

Motion to carry – Mr. Gelley

Second – Mr. Ingber

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

 Mr. Gonzalez, Mr. Halberstam

Sam Brown represented **Appeal # 3922 – 1500 Prospect Street** requested to carry until September 21st. No further notice and agreed to waive time.

Motion to carry – Mr. Gelley

Second – Mr. Mund

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

 Mr. Gonzalez, Mr. Halberstam

Adam Pfeffer represented **Appeal # 3923 – Prospect Land Development –** requested to carry

until September 21st. No further notice and agreed to waive time.

Motion – Mr. Mund

Second – Mr. Gelley

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

 Mr. Gonzalez, Mr. Halberstam

NJ American Water Company, continued

Witness for Mr. Gasiorowski; Peter Steck, professional planner, sworn.

Mr. Steck – Reviewed the application file. This property has an existing single family house on it. The proposal is to demolish the house and construct a small building 22 x 22, one story behind a fence with landscaping in front of it. There have not been any proposed changes to the Master Plan. The Master Plan also suggests buffering. This will not look like a single family house. This site is not suited for the proposed use and will impact the neighborhood. Approving this would be detrimental to the public good.

Mr. O’Brien – the generator is tested once a month for one hour. The structure will have a red brick façade. There will be no windows. His client disagrees that there was any contract or agreement with the other property.

Open to Public. Closed to Public.

Motion to approve subject to acoustic louvres, interior sound proof walls to reduce the sound levels, red brick façade, 8 foot fence, generator will be tested upon completion to assure that it meets states standards - Mr. Gelley

Second – Mr. Naftali

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

 Mr. Gonzalez, Mr. Halberstam

 Nayes: Mr. Halvorsen

**Appeal # 3919 - Lakewood Township MUA**, 2000 Shorrock Street, Block 1248.23 Lot 82, OS

 Zone. To construct a 120 foot lattice tower for microwave radio antennas.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 9, 2015**

As illustrated in the application and design plans, the LTMUA proposes construction of a 120 foot high metal lattice tower in the rear of its Shorrock Street water treatment plan facility. Microwave radio antennas will be installed on top of the tower to facilitate transmission of vital data to LTMUA personnel.

Norman Smith, attorney for applicant. They believe that they don’t need a variance because this is municipal owned property. The Commissioners are appointed by the Township Committee. This is a municipal facility and only provide water and sewer service to residents of the township. Since this is a municipal facility they should be exempted from the variance, Chapter 18 Section 1012.

Brian Flannery, engineer/planner, sworn. The entire facility is fenced.

Mr. Smith – They are building this because they have wells over miles and they have to know how much water each well is producing. This will house a microwave antenna which will give them instantaneous information to the centralized computer. It will increase the efficiency. It will be compunicating 24/7 videos of their critical well installations.

Open to Public. Closed to Public.

Motion to interpret that this facility is exempt from variance is necessary that this entity is a municipal facility – Mr. Gonzalez

Second – Mr. Gelley

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

 Mr. Gonzalez, Mr. Halberstam

A**ppeal # 3916 – Hirsch Eissenberg,** 22 Independence Court, Block 290.01 Lot 6, R-10 zone.

 To construct an addition encroaching in the side yard setback.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 8, 2015**

The applicant is seeking bulk variance approval to construct a two-story addition as illustrated in the application documents. As illustrated in the architectural plans, 6 bedrooms will result after the construction of the addition.

John Doyle, represented applicant. They would like to stay in their neighborhood and they are having their 8th child and need a larger house. Asking for a side yard setback variance.

Brian Flannery, engineer/planner, sworn.

A-1 proposed addition

A-2 aerial

A-3 tax map

Mr. Flannery – The adjoining home lines up with the rear of the subject property. The front lot line is narrow than the rear lot line. Asking for 6 feet from the front of the addition and 8 feet from the back. The benefits outweigh the detriments. This variance has no impact on the neighbor.

Open to Public.

Zalman Raber, 117 E. Caranetta Drive, affirmed. No objection to this variance.

Elliot Levy, 5 Independence Court, affirmed. No objection to this variance.

Closed to Public.

Motion to approve – Mr. Mund

Second – Mr. Halvorsen

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3918 – Steven Streicher,** Carey Street & Squankum Road, Block 150.07 Lot 38

 R-10 zone. To construct a single family home on an undersized lot.

Secretary read report.

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

The applicant proposes to construct a 2-story single family residential dwelling. The property is located at the southwest corner of the intersection of Carey Street with Squankum Road. Both frontages are paved and contain existing curb. Sidewalk is depicted on the Variance plan as existing along the Squankum Road frontage and proposed along the Carey Street frontage. Off street parking access from Carey Street is proposed.

Abraham Penzer, represent applicant.

A-1 variance map

A-2 existing zoning

A-3 prior zoning map

Miriam Weinstein, representing **Appeal # 3921 – Gefen Construction** requested to carry until

September 21st meeting. No further notice and agreed to waive time.

Motion – Mr. Gelley

Second - Mr. Ingber

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3918, Streicher**, continued.

Brian Flannery, engineer/planner, sworn. This is an existing undersized lot. This lot is a 5,512 square foot triangular shaped lot. This house was designed to fit this lot. Set back from Squankum Road as far as it can. Asking for front setback variance from Carey Street and 13.8 feet from Squankum Road.

A-4 rendering with parking, trees, etc.

Mr. Flannery – The main entrance is Carey Street. The prior application was a square house on a triangle lot. The driveway is in the front of the house on Carey Street. There will be nothing in the site triangle.

Open to Public.

Mordechai Rosenberg, 23 Carey Street, affirmed. Directly across the street. Concerned about safety issues. It is a very busy corner. The homes on the block are smaller.

Closed to Public.

Mr. Dasti - They are entitled to relief but the size of the house can be taken into consideration.

Mr. Flannery – This house is 1,300 square foot per floor. They would be able to build a 20 x 24 foot triangle house. This is a safe intersection with the setbacks proposed. No basement apartment or attic. There will be a guest room and bathroom in the attic.

Motion to approve – Mr. Halvorsen

Second – Mr. Mund

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3917 – Primeland Holdings, LLC**, James Street, Block 366 Lot 1. M-1 zone. Use

 variance for duplexes with an existing commercial warehouse to remain.

Secretary read report.

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

The applicant proposes to construct up to 28 duplexes (56 dwelling units) on the referenced property which is located in the M-1 Industrial Zone. The project is proposed on a portion of Block 366 Lot 1, on 600 James Street. Duplexes are not a permitted use within the M-1 zoning district. The applicant has bifurcated this application and is only seeking approval for the use variance at this time.

Sam Brown, represented applicant. The applicant proposes a use which will be a natural buffer

from the school and commercial uses. This is a needed use.

Brian Flannery, engineer/planner, sworn. There is an existing warehouse and an existing school. /there is also a contractors warehouse and recently approved a car repair and car sales. This property is on the non CAFRA side of the tracks. The intent is to leave the warehouse. This is a less intense use than what is permitted in this zone.

A-1 use of duplexes

Motion to carry and continue until September 21st – Mr. Naftali

Second – Mr. Ingber

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

 Mr. Halberstam

**1059**

**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, 2014**

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.

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

 construct a duplex with variance for sideyard setback requested.

**From: Terry Vogt, Engineer/Planner – August 19, 2014**

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 variance have been requested for both lots for 7.5 feet and 9.51 feet where 10 feet is required.

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

 duplexes.

**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.

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

 Use variance for 10 duplexes.

**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.

Resolution for Selective Coating determining that ink as processed is a permitted use in the M-1 zone.

Motion to approve – Mr. Ingber

Second – Mr. Naftali

Roll call vote: affirmative: Mr.

Resolution for Nitto Denko Automotive determining that glue as processed is a permitted use in the M-1 zone.

Motion to approve – Mr. Mund

Second – Mr. Gelley

Roll call vote: affirmative: Mr.

**Appeal # 3884 – DRMY Holdings**, River Avenue, Block 534 Lot 7, HD-7 zone. Resolution to deny the request for duplex units, mikvah/daycare and commercial garage.

Motion to approve – Mr. Naftali

Second – Mr. Mund

Roll call vote: affirmative: Mr. Gelley, Mr. Halverson, Mr. Mund, Mr. Naftali, Mr. Halberstam

**Appeal # 3897 – NAPCO Cons.,** 415, 419 & 421 Manetta Avenue, Block 243 Lots 34, 35, 36 &

38 R-7.5 zone. Resolution to approved use for up to 7 units.

Motion to approve – Mr. Halvorsen

Second – Mr. Naftali

Roll call vote: affirmative:

**Appeal # 3900 – Congregation Maalos Hatorah,** Inc. Gates Avenue off New Hampshire Avenue, Block 1159, various lots, Block 1159.04, various lots, R-20 zone. Resolution to approve a use variance to construct duplexes.

Motion to approve – Mr. Halvorsen

Second – Mr. Naftali

Roll call vote: affirmative:

**Appeal # 3901 – 363 Chestnut Street,** Caldwell Avenue, Block 1096 Lot 2, R-20 zone. Resolution to deny the construction of duplex housing.

Motion to approve – Mr.

Second – Mr. Halvorsen

Roll call vote: affirmative:

**Appeal # 3903 – Max Wosner** – Shelley Lane & Cedar Court, Block 423.01 Lots 17, 18 & 29, R-7.5 zone. Resolution to approved 3 duplexes on 6 zero lot line lots with lot area deficiency.

Motion to approve – Mr. Halvorsen

Second – Mr. Naftali

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

**Appeal # 3905 – 5 Oak Street, LLC,** Block 782.01 Lots 5 & 11, Oak Street, HD-7 zone. Resolution to deny a use variance to construct 10 duplexes on 20 zero lot line lots with lot area

deficiency.

Motion to approve – Mr. Mund

Second – Mr. Halvorsen

Roll call vote: affirmative:

**Appeal # 3909 – Harriet Zitter,** 102 No. Oakland Street**,** Block 189.05 Lot 137, R-10 zone.

Resolution to the construction of a duplex on 11,206 square feet where 12,000 is required.

Motion to approve – Mr. Ingber

Second – Mr. Naftali

Roll call vote: affirmative:

**Appeal # 3913 – Congregation Tiferes Shulem**, 415 Monmouth Avenue, Block 159 Lots 18 and 19. Resolution to approve an addition.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

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

 Mr. Gonzalez

Motion to pay bills.

All in favor

Motion to adjourn.

Meeting adjourned at 11:10 P.M.

All in favor.

Respectfully submitted,

Fran Siegel, Secretary