**ZONING BOARD OF ADJUSTMENT MAY 1, 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: Terry Vogt

Court Reporter: Jackie Wahler

Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of April 3, 2017 – Mr. Gonzalez

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

Letter from Ron Gasiorowski, Esq requesting to carry **Appeal # 4010 – Congregation Meoros Nosson**, 419 5th Street, Block 69 Lot 4, R-OP zone. Interpretation of site plan from 1972.

Mr. Dasti said that this matter is still in litigation and cannot be heard by this board until the issue is resolved. He has provided notice.

Motion to carry until September 11, 2017 – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

No further notice.

Letter from Brian Flannery **re: Appeal # 3984 – Moshe Neiman**, 1182 Buckwald Court, Block 27 Lot 1.07, R-12 zone. Requested to allow 2 parking spaces where 5 is required.

Mr. Flannery – the plans show 4 parking spaces – permit submitted and then went to engineering and Jeff said that he needs 5 spaces.

Moshe Neiman, affirmed. They have always had 2 spaces and never had a problem. His kids are married now. Do not need more parking spaces. His daughter has a car and is moving out.

There will be no basement apartment.

Mr. Halberstam – he has no problem with this.

Mr. Ribiat – If the ordinance calls for 4 why won’t you have 4?

Mr. Neiman – this block does not need the parking.

Mr. Halberstam – no this is an addition

Mr. Dasti – no it is new construction.

Mr. Neiman - There is one tree and if they had to put in the 4 spots they would have to move the tree.

Mr. Halberstam - He lives there, this is his own house there is no basement apartment.

Mr. Gonzalez – a single family house has 2 driveways.

Open to public.

Shloime Klein, 189 Chateau Drive, affirmed. Parking is a major problem is all over Lakewood. Asked if there is access from the outside to the basement.

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Mr. Flannery – there is a patio door to the basement – it is a walk-out basement. There is no side entrance to the basement.

Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Mr. Halberstam

Nayes: Mr. Ribiat

**Appeal # 3952A – Lakewood Investments, LLC –** James Street, Block 344 Lots 1.01 & 1.02,

R-12 zone. Preliminary and final major subdivision requested for the

construction of duplex housing units.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – April 27, 2017**

The applicant is requesting preliminary and final major subdivision approval to construct a major subdivision including 8 duplex units. The use Variance was granted in Resolution # 3952. Variance relief is necessary for the proposed 10,000 square foot minimum duplex lots. Variance relief is necessary for the proposed lot widths, variance relief is necessary for side yard and

combined side yard setback for each lot.

Adam Pfeffer, representing applicant.

Mr. Halberstam – this is only for a vote because there was a problem with the ownership paper.

Mr. Dasti – they have revised plans and the public should be allowed to comment only on the revised plans.

Mr. Pfeffer – they increased the side yard setbacks.

Open to Public.

Shloime Klein, 189 Chateau Drive, affirmed. The original approval was a safer application.

Mr. Halberstam - His agreement with the neighbor was that they would not have two rear yards facing his sideyard.

Closed to Public.

Mr. Ingber - Like this because they will not be backing out onto James Street.

Motion to approve with no fences between the houses until the back, no obstructions between the buildings and the HVAC units will be on the sides staggered – Mr. Ingber

Second – Mr. Gonzalez

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4015 – Jodi Gelb,** 302 & 306 Dewey Avenue, Block 247 Lots 17 & 18, R-7.5 zone.

Use variance for 2 duplexes on undersized lots.

Secretary read report.

**From: Terry Vogt, Engineer/Planner** - April 26, 2017

Two family and duplexes are permitted provided that newly created lots have a minimum size of 10,000 sf and have a minimum lot width of 60 feet. A use variance is required since the

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proposed lots do not meet the required lots width. Also requesting variance relief for side yard setbacks.

Joseph Kociuba, engineer, sworn. They amended the plan to shift the units over.   
This lot is extremely narrow at the front and wider at the rear. There will be 7 feet for lot 11.12 and in between the duplex units is 6 feet and 6 feet. Parking provided is 4 stalls per unit. There are 5 bedrooms. Basement unfinished in the plans.

A-1 plan dated 12/29

Open to Public.

Shloime Klein, 189 Chateau Drive, affirmed. Asked about parking spaces provided.

William Hobday, 30 Schoolhouse Lane, sworn. Agree with Mr. Klein about the parking requirements.

Yehoshua Piotrovski, 319 Cottage Place, affirmed. Not in favor of this application.

Jacob Schweky, 317 Cottage Place, affirmed. Not in favor of this application. Houses are too close.

Mr. Kociuba - The proposed duplexes will not be in the 15 foot rear setback, there will be a substantial rear yard. Side yard setbacks are 7 feet. In between the 2 duplex units is 6 and 6.

Did not create any rear yard setbacks.

Mr. Naftali- there are only 2 variances requested here. They have more than the 10,000 square feet required for the construction of a duplex.

Mr. Ingber - They are building within their rights.

Malky Olshin, 315 Cottage Place, affirmed. Asked that no variances be given.

Mr. Halberstam - Required is 15 feet to the deck and they have 15.01 feet.

Miriam Schreibman, 313 Cottage Place, affirmed. Requesting to deny.

Mr. Kociuba - The lots are oversized and deep. No bedrooms proposed in the attic.

Closed to Public.

Motion to approve – Mr. Gonzalez

Second – Mr. Naftali

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4019 – Bentzion Weitzner,** 617 Ocean Avenue, Block 189 Lot 133, R-10 zone. Use

variance for duplex.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – February 17, 2017**

The property is located in the R-10 single family residential zone. Duplexes are a permitted use, provided that the minimum lot size of 12,000 square feet is provided. Lot 133 is 9,860 square feet in size, therefore a conditional use variance relief is necessary.

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Brian Flannery, engineer/planner, sworn. The application is for a duplex.

A-1 plans submitted showing lot on the corner of Ocean Ave & Cherry St

A-2 tax map showing subject lot and duplexes in the area.

Mr. Flannery – application is for a duplex just under 10,000 square feet - The recommendation of the 2007 master plan this area was shown as R7.5. The applicant can change the deck to a patio. They will be extending sewer and water. This property in the Smart Growth plan is located in the downtown regional center. This is consistent with the redevelopment of the neighborhood. Building coverage of 32% where 30% is allowed. The applicant is not an investor – he wants to move into this neighborhood. Typical 5 bedroom duplex. They will agree to all the conditions of the zoning board. The applicant is showing an unfinished basement.

Mr. Halberstam – would prefer to see a 2 x 3 landing with steps down to a patio. No deck. That will remove the rear yard setback variance.

Mr. Ingber – Ocean Avenue is a Country Road is there any plans for the road to be widened?

Mr. Flannery – does not know of any road widening plans.

Open to Public.

Shloime Klein, 189 Chateau Drive, affirmed. Concerned about the parking.

David Donner, affirmed. 28 Dena Court. In favor of this application, It will benefit the neighborhood.

William Hobday, 30 Schoolhouse Lane, sworn. Not in favor of this application. Increasing the density too much. This is an established neighborhood.

Tziporah Weitzner, applicant affirmed. They have a large family and would like to move into their own home.

Closed to Public.

Mr. Flannery – applicant will comply with the 5 foot side setback rule for the steps.

Motion to deny – Mr. Halvorsen

There was no second.

Motion to approve – Mr. Gonzalez

Second – Mr. Gelley

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

Nayes: Mr. Halvorsen

Abstained: Mr. Ingber

Recess.

**Appeal # 4018 – Zichron Chaim** – White Street & West Cross Street, Block 251.02 Lots 15 &

100, R-40 zone. Subdivision for 8 single family lots with the requirements of

the R-15 zone.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 23, 2017**

The applicant requests use (and density) variance relief to subdivide existing lots 15 & 100 in Block 251.02 into 8 new single family lots. The new lots are shown as proposed lots 15.01 through 15.08. Seven new single family homes are proposed and the existing two-story dwelling will remain on new lot 15.08 within the R-40 Single family residential zone. The applicant seeks to develop this just under 5 acre property according to R-15 standards.

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Adam Pfeffer represented applicant. Creating 8 lots average lot size will be more than 26,000 square feet. Smallest being 15,000 square feet. There is one existing home that will remain.

Brian Flannery, sworn – Asking for R-15 standards. Density allowed is 1.1 dwelling units per acre they would be allowed to have 6. They are asking for 8. Master Plan amendment recommended density 3.3 dwelling units per acre. There is a school next door. Nobody is doing R-40 developments in Lakewood. This type of development is suited for this area. Looking for the R-15 standards. Typical would be 5-6 bedrooms. Plans showing 4 parking spaces per lot, if needed they can fit more parking. They are 100 foot wide lots. These will be custom built homes. The lots will be on septic, there is public water, trash will be picked up by Public Works.

A-2 shows where the property is located.

Mr. Flannery – the traffic in this area was impacted by the schools. This is a better alternative than a permitted school. Basement steps will be in the rear.

Mr. Halberstam – use some of the standards for the R-40 zone other than lot size. The house does not have to be 70 feet wide.

Mr. Flannery - The County is planning on widening Cross Street. They will be widening the road in front of their property. Street lights are the applicants responsibility. The traffic from the schools has had more impact on the neighborhood that single family homes. This property has a house on it next to a school.

Open to Public.

Shloime Klein, affirmed. Talked about basement apartments. The zone should be changed by the Township Committee not the zoning board.

William Hobday, sworn. Agree with Mr. Klein. Asked about conditionally complete and what that means.

Mr. Vogt - There are a number of technical items that have to be corrected.

Mr. Hobday – Concerned about the congestion on Cross Street.

Nechama Goldstein, 31 Kingsfield Drive, affirmed. Putting in so much more than allowed.

Avraham Honig, 170 White Street affirmed. In favor of nice single family homes.

Menachem Lefkowitz, 23 Olive Court, affirmed. Live across the street and this will help the neighborhood to have more single family homes. They don’t want more schools.

Yitzchok Schreiber, 1403 & also own 1402 affirmed. Do not want the schools.

Closed to Public.

Mr. Flannery - Only asking for bulk relief for the corner lot be a side yard of 10 feet and a combined of 30 feet rather than 40 feet, no rear yard, no front yard.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

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

Nayes: Mr. Gelley, Mr. Halversen

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**Appeal # 4024 – Zissel Morris**, requested to carry until June 12th

Motion to carry – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gonzalez, Mr. Halberstam

**Appeal # 4020 – Chani Halpert –** 240 Hudson Street, Block 108 Lot 1, R-10 zone. To

construct a single family dwelling with bulk variances requested.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – February 17, 2017**

The applicant is seeking approval to remove an existing one-story dwelling and appurtenances and construct a larger, two-story single family dwelling. The applicant is seeking (new) bulk variance relief including side and aggregate side yard setback and impervious coverage. No basement is identified on either the variance plan or the architectural drawings.

Glenn Lines, engineer/planner, sworn. Proposing to construct a new single family home with a basement apartment on a 88… square foot lot where 10,000 is required. They are proposing a 64 foot wide house. Asking for R-7.5 requirement for lot coverage.

Mr. Lines described the lots in the area.

Mr. Lines – They exceed the front yard setback at 38 feet. Will comply with the rear yard setback. 8 foot tall arborvitae and a 6 foot vinyl fence. There is a plan to bring sewer to all the lots on Hudson Street. Currently it is on septic. The lot is 9,000 square feet. There is 3,009 square feet on the first floor. There is a guest apartment for the parents.

Mr. Vogt - Looking at the architecturals there is 8 bedrooms without the basement.

Chaya Halpert, affirmed. They are here from Brooklyn and she wants her parents to have a place to stay when they come to visit.

Mr. Halberstam – the house is too big for this lot and I do not like the guest apartment.

Mr. Lines – there is no kitchen in the guest suite. There is only a bedroom and a sitting area. It is not an apartment. There will be no separate outside door to get into the suite.

Open to Public.

Zev Weintraub, 231 Courtney Road, affirmed. Live back to back to this house. The house is too big, looks like an apartment house. You can’t bring Brooklyn into Lakewood.

Mr. Naftali suggested that they revise the plans and come back.

Mr. Ribiat – good advice – this is oversized, reconsider the plans and come back.

Shloime Klein, affirmed. Asked about the parking.

Mr. Vogt – Based upon the number of bedrooms they will be asking for more parking spaces. There is room on this property for more parking.

Adele Yoffe, 419 12th Street, affirmed. Own 229 Hudson Street. In favor of this application.

Nechama Goldstein, affirmed. House too big for this lot.

Closed to Public.

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Motion to carry to June 12th to revise plans – Mr. Gonzalez

Second – Mr. Ingber

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

Mr. Halberstam

Nayes: Mr. Gelley

Applicant agreed to waive time.

**Appeal # 4025 – Sun Towbin**, 1295 Towbin Avenue, Block 1160.14 Lot 51, M-1 Zone. Add additional use of retail for the existing warehouse building.

Secretary read report.

**From: Terry Vogt, Engineer/Planner** – April 24th 1017

The applicant is requesting a use variance to allow for retail use of up to 12,000 square feet of the existing building for retail use. The remaining floor space will remain for warehouse use.

Adam Pfeffer – would like to add 12,000 retail usage on the existing site.

Terry Vogt - The purpose of the square feet is the maximum retail and still able to maintain the parking.

Brian Flannery, sworn.

A-1 copy of tax map

A-2 zoning map

A-3 use variance

A-4 aerial

Mr. Flannery – This is on the corner of Route 70 and Towbin Avenue in existing building. This is the only piece for the industrial park on route 70. The next lot down is B-5.

Agreed to a landscape buffer.

Mr. Pfeffer – just for use. The total building is 88,000 square feet - building will remain as warehouse or any permitted use.

Mr. Flannery – they have 142 parking spaces. Currently vacant.

Mr. Halberstam – we have no idea what type of retail they want to do.

Open to public.

Shloime Klein, affirmed. Why isn’t he putting in curbs and sidewalks?

Mr. Flannery – the applicant will do everything required by ordinance.

It makes sense based upon the proximity to Route 70.

Closed to Public.

Motion to approve use only – Mr. Ribiat

Second – Mr. Naftali

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

Nayes: Mr. Gelley, Mr. Halvorsen, Mr. Halberstam

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**Appeal # 4022 – Uri Kahanow,** 75 Shady Lane, Block 12 Lot 212, R-12 zone. To construct a

10.5 foot high retaining wall.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 20, 2017**

The applicant is seeking approval to construct a 10.5 foot retaining wall within one foot inside the rear and side yard property lines. A four foot high chain link fence is proposed inside of the retaining wall. No changes to the existing home or accessory structures are proposed.

Brian Flannery - wants to build a pool in his backyard and put up a retaining wall. The retaining wall will make the rear yard useable. The applicant did get an engineering report that will be reviewed by Mr. Vogt. There will be a 4 foot fence on top of the retaining wall.

Eli Schwartz, affirmed - Country Place in favor of the wall. They have a problem with water and this will protect the water from coming down on their property.

Motion to approve – Mr. Ingber

Second – Mr. Gelley

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

Mr. Gonzalez, Mr. Halberstam

**Resolutions**

Resolution approving theLakewood Municipal Utilities Authority for site plan for 390 New Hampshire Avenue, Block 563 Lot 1, to develop a solar field.

Motion to approve.

All in favor.

Resolution to allow the berm to remain to modify the proposed parking area behind building 4-3 and 4-14 in West Gate.

Motion to approve.

All in favor.

**Appeal # 4004 – Mark Properties**, Block 429 Lot 2, Pine Blvd. R-12 zone. Resolution to deny the construction of a single family house with variance requested for side yard setbacks.

Motion to approve.

All in favor

**Appeal # 4017 – Harold Kaufman –**1494 Canterbury Road, Block 25 Lot 19, R-12 zone. Resolution to approve the construction of a single family home with bulk variances.

Motion to approve.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:25 P.M.

Respectfully submitted,

Fran Siegel, Secretary