**ZONING BOARD OF ADJUSTMENT DECEMBER 5, 1016**

**MINUTES**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

Absent: Mr. Halvorsen, Mr. Naftali

Also attending: Jerry Dasti, attorney

Terry Vogt, engineer/planner

Jackie Wahler, Court reporter

Fran Siegel, Secretary

Salute to the Flag.

Motion to approve minutes of November 14, 2016 – Mr. Gelley

Second – Mr. Gonzalez

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

Letter from Miriam Weinstein, Esq.requesting to carry **Appeal # 3967, Congregation Maalos Hatorah** to the January 9th meeting.

Motion to carry – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

No further notice and a waiver of time.

Letter from John Doyle, Esq. requesting to carry **Appeal # 4000, Faraday Estates** to the

January 9, 2017 zoning board meeting.

Motion to carry - Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

No further notice and a waiver of time.

Adam Pfeffer, requesting an interpretation on **Appeal # 3938** and **Appeal # 3939**. There was a question about the amount of bedrooms and bathrooms in the basement.

Mr. Dasti – he will draft a letter to the secretary and she will get it to the building department.

Adam Pfeffer, Esq requested to carry **Appeal #4002, Block 458 LLC,** Cross Street & Nassau Street to carry until the January 9th meeting.

Motion – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

No further notice and agreed to waive time.

Adam Pfeffer, Esq requested to carry **Appeal #4003,** Drake Development, 1101 West Cross Street to the January 9th meeting.

Motion – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

No further notice and agreed to a waiver of time.

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Brian Flannery requested to carry **Appeal # 3998, David Holtz**, James Street to the January 9th meeting.

Motion – Mr. Ingber

Second - Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

No further notice. Agreed to waive time.

**Appeal # 3991 - Aaron Finkelstein**, 121 Somerset Avenue, Block 189.05 Lot 148, R-10 zone. To construct a duplex on 10,145 square feet where 12,000 is required.

Secretary announced that this application was heard on October 31, and the board asked for architecturals.

Brian Flannery, sworn. This application was heard October 31 and the Board was concerned about steps to the attic, etc. and wanted to see architecturals. There is no outside stairs to the attic, you have to go through the house. These plans show what the applicant wishes to do.

Mr. Halberstam – want no stairs for the outside to the attic.

Mr. Flannery – these stairs do go through the house on the first floor and the second floor.

Mr. Halberstam asked for no stairs from the outside to the attic.

Mr. Lankry – concerned about turning the attic into an apartment.

Mr. Gonzalez – there should be no outside stairway to the attic.

Mr. Flannery - Will change the stairs and they will be put in along an internal wall.

Mr. Dasti - The front door will not go to the basement

Open to Public.

Noreen Gill, 192 Coventry Drive, sworn. The side entrance and an apartment downstairs – is it a mudroom or an apartment?

William Hobday, 30 Schoolhouse Drive, sworn. Strongly object to this application. The Master Plan was not adopted for this to be a R-7.5 zone.

Mr. Halberstam - It was adopted by the Planning Board as an R-7.5 zone but the Township Committee has not acted upon it.

Shloime Klein, 189 Chateau Drive, affirmed. You are changing this whole section of town to an R-7.5 zone. This board is doing what the Township committee did not do.

Mr. Flannery - The Master Plan from 2007 recommended that this area be zoned R-7.5. The side entrance is used for access to the house or down to the basement.

Ray Montanair, 10 Skylark Lane, sworn. There are two side doors.

Mr. Halberstam - The zoning map only gets changed after the Township Committee adopts the zone.

Closed to Public.

Mr. Lankry - The objective is to prevent a future apartment in the attic.

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**MINUTES PAGE 3.**

Mr. Dasti – the resolution will be clear on that.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

Mr. Penzer requested that **Appeal # 3993, Forest Haven** be carried to the January meeting.

Ms. Donato, objected to the request to carry but the board can hear the application and allow the 7th member to listen to the tape. You can hear the application and hold the vote.

Mr. Dasti - His recommendation is that the board adheres to their policy of carrying. He has asked the Township Committee to appoint 2 more alternates.

Mr. Lankry – this application has an attorney and many objectors.

Mr. Ribiat – agreed with Mr. Lankry. The objectors have a right to.

Mr. Penzer – he is entitled to have 7 people. This is the second time only.

Mr. Lankry – it has been the policy in the past to just carry.

Mr. Dasti – this was on the agenda in October because of an issue with the Microphone, carried to November and he did notify Ms. Donato prior to the meeting. We do not have 7 members and Mr. Penzer is entitled to request to carry.

Mr. Lankry - May be something that we should consider as a board that if someone comes with an attorney and there are many objectors and change our policy of carrying.

Mr. Gelley – his reason is pretty valid.

Mr. Halberstam – we can’t just spring it on someone.

Mr. Dasti – Ms. Donato has been here both times.

Mr. Halberstam -We have to let the public know before we make a change.

Mr. Ribiat – is it the applicants right to carry?

Mr. Dasti – there are good points on both sides of this.

Ms. Donato – it is not a right – this applicant could have carried in the beginning – this is deliberate and intent to wear down her client. This is simply unfair to the residents of this community.

Mr. Gelley - Talking about one hour. Talking about $600.00

Mr. Halberstam – we have never done something like this before. We can set new policy but not change on a fly.

Mr. Ribiat – this could be heard and not voted upon.

Motion to carry – Mr. Gelley

Second – Mr. Gonzalez

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

Abstain: Mr. Lankry, Mr. Ingber,

Nayes: Mr,. Ribiat

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**MINUTES PAGE 4.**

Mr. Dasti – motion to carry passes.

Ms. Donato - 3 is not a majority of 6

Mr. Dasti - A majority would be 4. Motion to carry is denied.

Mr. Halberstam – lets do another motion.

Motion to carry – Mr. Gelley

Second – Mr. Gonzalez

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

Nayes: Mr. Ribiat

This will be one of the changes for 2017.

This application will be heard on January 9, 2017.

Recess.

**Appeal # 3999 – Mordechai Kreitman,** 5 Buttell Avenue, Block 418 Lot 2, R-10 zone. Duplex

on an undersized lot required 12,000 – proposed 10,600.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – September 27, 2016**

The property is located in the R-10 single family residential zone. Duplex dwellings are permitted in the zone provided that 12,000 square feet is provided for lot area. Lot 2 is 10,600 square feet, therefore (condition) use variance relief is necessary.

Brian Flannery, sworn.

A-1 map submitted

A-2 tax map

Mr. Flannery testified that there are duplexes in the area on undersized lots. A duplex is the highest best use of the property.

Mr. Halberstam – there are no architecturals.

Mr. Dasti – the architecturals should have been on file.

Motion to carry to January 9th for architectural plans to be submitted and reviewed by Terry Vogt – Mr. Ingber

Second - Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

**Appeal # 4004 – Mark Properties**, Pine Blvd, Block 429 Lot 2, R-12 zone. To construct a

single family home on an undersized lot.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – October 24, 2016**

The applicant is proposing to construct as single family dwelling on the property 50 x 36 footprint) and requires bulk variance relief for combined sideyard setback 14 feet proposed- 25 feet required.

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**MINUTES PAGE 5.**

John Doyle, attorney for applicant. This is an isolated undersized lot and they want to build a single family. They sent buy, sell letters to the adjacent properties. This lot cannot be expanded. The Township of Lakewood is one of the adjacent property. They cannot meet the side setbacks.

To meet the setbacks they would have had to build a 25 foot wide house.

Brian Flannery, Engineer/Planner sworn. To use the bulk standards of the ordinance they can build a 25 foot wide house and would not need a variance.

A-2 tax map.

Mr. Flannery – There is nothing surrounding the subject property other than a paper street. The applicant would have to improve the street. The applicant intends to install water and sewer to his property and improve the street. Lot 3 is an open lot.

Mr. Lankry - Asking for a variance for an untouched area. Suggested that you wait until some of the other properties come together and developed.

Mr. Dasti asked about the adjacent owners.

Mr. Halberstam - Lot 2 is owned by Mark Properties and 4 Mark Properties and 3 is owned by the Krupnick Family trust Lot 5 is owned by Mark Properties.

Mr. Doyle - 3 is owned by the township. Mark Properties owns several properties and has owned for many decades. There is a commonality but these are separate corporate entities. These are not mergeable lots.

Mr. Flannery – the Master Plan indicates growth and development. The majority of the lots in the area are 8,000 square feet. The Hearthstone area has no connection to Route 9. Improving Pine Blvd will provide alternate access and would be a positive benefit. This is a single family on an isolated lot.

Mr. Halberstam - There are no architecturals.

Mr. Doyle – there has never been common ownership of the two lots. Krupnick Family Trust is different than Mark Properties.

Mr. Flannery - Open space between lots 4 & 5.

Mr. Lankry – concerned that this lot and this area is not ready to be built.

Flannery - asked for sideyard setbacks of 10 feet and 10 feet.

Mr. Lankry – would not have a problem with that

Mr. Flannery asked to amend his application to 10 and 10.

Mr. Ingber – would like to see architecturals.

Mr. Ribiat – would like to see architecturals.

Open to Public.

William Hobday, 30 Schoolhouse Lane, sworn. The house should be conforming with the lot.

This is an undersized lot.

Shlomo Klein, affirmed. R-12 should be 12,000 square feet and this is 7,500 square feet. If this would be an R-7.5 than it would be permitted. Concerned about sidewalks.

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**MINUTES PAGE 6.**

Mr. Flannery - The engineering department will not approve a single family home without sidewalks. Yes they will be installing in sidewalks.

Noreen Gill, 192 Coventry Drive, sworn. Asked about a deck and garage.

Mr. Dasti - Plans show a 12 x 12 deck.

Nechama Goldstein, 31 Kingsfield Drive, affirmed. Asked how far back the house is going.

Mr. Dasti – 46 feet including the deck.

Mr. Goldstein – You can make a very big house with 25 feet wide. This house will go further back than the ones in Hearthstone. Finchley Blvd goes through hearthstone and does go to Route 9. This is not conforming. The houses in Hearthstone is only 1,700 -1,800 square feet also there are no basements or apartments.

Mr. Halberstam - Since this is a single family house there is no need for architecturals. Would like to see a more comprehensive plan with merging some of these lots. Too premature to approve any house now.

Mr. Doyle requested to carry until January 9th to bring more plans.

Mr. Gonzalez – you can go to the Planning Board and build a 25 foot wide house.

Mr. Halberstam - Something is going to happen in this neighborhood.

Mr. Flannery - Will be happy to come back with architectural plans.

Motion to carry until February 6, 2017 meeting – Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

Board asked for architecturals and the buy sell letters.

No further notice.

**Appeal # 4005 – Mark Properties**, New Hampshire Ave, Block 1248.19, 1248.20, 1248.24,

1248.22 Lots 224, 226, Block 1248.21, Lots 194, 223. R-20 zone. Use

variance for duplexes.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – October 25, 2016**

The applicant is seeking use variance relief todevelop this property into multiple uses. As depicted on the Use Variance plan virtually all of Block 1248.24 is proposed to be developed as an 18,720 square foot retail/office building including up to 159 parking spaces. Block 1248 has frontage on the east side of New Hampshire Avenue.

John Doyle - Convert a number of small lots into a larger plan that meets the housing needs of Lakewood. Requested to carry until February 6th to bring back architecturals.

Motion to carry until February 6, 2017 – Mr. Gelley

Second - Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Ribiat, Mr. Gonzalez

Mr. Halberstam

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**MINUTES PAGE 7.**

Resolutions

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

Resolution to approve the construction of a duplex requiring variances. Zero lot line subdivision requested.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

**Appeal # 3996 – Congregation Maalos Hatorah, Inc**. Block 1159 Lots 31-33, & 48

&1159.04 Lots P/O 29 & P/O 30. R-20 zone. Resolution to deny preliminary and final major subdivision with Use variance for mixed use housing project.

Motion to approve –Mr. Gelley

Second – Mr. Ingber

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary