**ZONING BOARD OF ADJUSTMENT JANUARY 9, 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. Halberstam

Absent: Mr. Lankry, Mr. Gonzalez

Attorney: Jerry Dasti

Engineer: Dave Magno

Court Reporter: Jackie Wahler

Secretary: Fran Siegel

Salute to the flag.

Motion to go into executive session – Mr. Gelley

Second – Mr. Ingber

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

Mr. Gross, Mr. Halberstam

Mordy Gross, Obed Gonzalez and Hal Halvorsen were given the Oath of Office.

Motion for Jerry Dasti for Zoning Board attorney for 2017 – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gross, Mr. Halberstam

Motion for Remington, Vernick for Zoning Board Engineer and Planner for 2017 – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gross, Mr. Halberstam

Motion for Abe Halberstam as Zoning Board Chairman for 2017 – Mr. Ribiat

Second – Mr. Ingber

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

Mr. Gross, Mr. Halberstam

Motion for Obi Gonzalez as Zoning Board Vice Chairman for 2017 – Mr. Gelley

Second - Mr. Ribiat

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

Mr. Gross, Mr. Halberstam

Motion for Fran Siegel as Zoning Board Secretary for 2017 – Mr. Ingber

Second – Mr. Naftali

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

Mr. Gross, Mr. Halberstam

Motion for Jackie Wahler as court Stenographer for 2017 – Mr. Ingber

Second – Mr. Gelley

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

Mr. Gross, Mr. Halberstam

Motion to approve minutes of December 5, 2016 – Mr. Gelley

Second – Mr. Ribiat

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

Motion to approve 2017 Calendar – Mr. Halvorsen

Second – Mr. Naftali

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

Mr. Gross, Mr. Halberstam

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Motion to approve Annual report for 2016 – Mr. Halvorsen

Second – Mr. Ingber

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

Mr. Gross, Mr. Halberstam

Motion to approve new Rules and regulations resolution –Mr. Halvorsen

Second – Mr. Gelley

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

Mr. Gross, Mr. Halberstam

Secretary announce that **Appeal #3993, Forest Haven** was withdrawn.

Request from John Doyle, attorney for **Appeal # 4000, Faraday Estates** to carry.

Motion to carry with re-notice and no scheduled hearing date – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Gross, Mr. Halberstam

Request from Miriam Weinstein, attorney for **Appeal # 3967, Congregation Maalos Hatorah** to carry.

Motion to carry with re-notice and no scheduled hearing date – Mr. Ribiat

Second – Mr. Ingber

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

Mr. Gross, Mr. Halberstam

**Clearview Equities, Appeal # 4002 and Clearview Equities Appeal # 3958A** did not notice and will not be heard.

Request from Adam Pfeffer, attorney for **Appeal # 4002, 458 LLC,** to carry.

Motion to carry with re-notice and no scheduled hearing date – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gross, Mr. Halberstam

**Appeal # 3997 – Casa Nova Today, LLC,** 323 2nd Street, R-OP Zone. To construct an

office building.

Secretary read report.

**From: Terry Vogt – Engineer/Planner – December 19, 2016**

The following revisions were made to the initial submission.

. The proposed basement was removed from the design

. The proposed westerly side yard setback was revised from 5 feet to 8 feet.

. The building footprint was reduced from 3,554 sf to 3,347 square feet.

. Trash and recyclables storage and pedestrian access have been provided along the westerly side

of the building.

Adam Pfeffer represented applicant. The application was for a 3 story retail and office building. Upon recommendation from the board members they have revised the plan and there is no retail use now. The site today is a 6 family residential building.

Brian Flannery, sworn. Reviewed Terry Vogts report. The entire building will be office space. Parking demand is lower. Lot area and lot width are existing conditions. This lot is need of redevelopment. Requesting 5 feet on one side and 8 feet on the other. The existing building is 2 ½ feet off the property line. Aggregate is 26 feet and existing is 6 feet. Maximum building

height is 35 and they are asking for 39 feet. This will be a 3 story office building. The zone

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allows multi-family at 65 feet high. They still need a parking variance. In an office people get dropped off. Directly across the street is a municipal parking lot. There is no medical use – general office use only. Probably 3 tenants per floor. The parking requirement would be 34 and they are providing 12 parking spaces. Use variance is needed for height.

Mr. Pfeffer - The tenants usually get dropped off or walk to the office and don’t park. They are improving the site.

Mr. Flannery – They will make an ADA accessable parking spot. They will do an underground recharge acceptable to the Township Engineer. They think that the 12 spots will be enough. One person driving for each office. They will agree to a 6 foot fence.

Open to Public.

William Hobday, 30 Schoolhouse Lane, sworn. That area is dependent on the municipal parking area.

Joseph Ricchiuti, 78 Corey Lane, Jackson, sworn. Parishioner of the Church. Concerned that the building is too large for the lot. Only changed 200 square feet, not that much of a change. There is an eyesore there now. They do want a new building. Parking is an issue. They have a small parking lot that accommodates their parishioners but some of them do use the Municipal Parking lot. This office building will be open on Sundays which will take up the spots in the parking lot.

Brian Terebelo, 8 E. 13th Street, affirmed. Like the idea of the older building being replaced. The parking lot cannot accommodate this building.

David Ted Massey, sworn. Represents the All Saints Episcopal Church. Concerned about stormwater.

Shloime Klein, affirmed. Last meeting they said that there would be no basements. There is a 6 family rental, how bad is the apartment if there is rental Certificate of Occupancy. It has to be in good condition. If this house is dilapidated why is he being a slumlord?

Mr. Dasti - The Zoning Board is here to grant variances.

Closed to Public.

Mr. Pfeffer - His client has just purchased the building.

Mr. Flannery – discussed with the applicant that they can make the first floor 10 feet shorter, cantilever the 2nd & 3rd floor to add two parking spaces. The ordinance will now require 32 spaces and they will have 14 spaces.

Motion to deny – Mr. Gelley

Second – Mr. Halvorsen

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

Mr. Gross, Mr. Halberstam

Mr. Flannery – requested that **Appeal # 3998, David Holtz**, be carried.

Motion to carry with re-notice – Mr. Halvorsen

Second – Mr. Gross

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

Mr. Gross, Mr. Halberstam

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Adam Pfeffer asked to carry **Appeal # 4003, Drake Development,** applicant was not able to be at the meeting.

Motion to carry with re-notice – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gross, Mr. Halberstam

**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

**From: Terry Vogt, Engineer/Planner – December 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 (conditional) use variance relief is necessary.

Brian Flannery, engineer/planner, sworn. Asked that a neighbor speak who could not stay any longer at the meeting.

Tovia Halpern, 41 Buttell Avenue, affirmed. The applicant has been living in the neighborhood for a few years. This is a small house and in favor of the duplex.

A-1 variance map

A-2 copy of the tax map

A-3

Mr. Flannery –application is for a duplex in the R-10 zone. They need to be on 12,000 square feet. It is a difficult lot because of its proximity to Route 9. There are duplexes on the other side of the street which is R-7.5. This lot is on the line between HD-6 & R-10 zone. Asking for 15 feet to the deck where 20 is required. There is no negative impact. The lot has an older house that needs to be developed. The applicant would agree to 10 feet on each side. The applicant does not intend to finish the attic at this point. There are no outside stairs to the attic.

Dave Magno – There are now 4 parking spaces. The architectural plans show 2 bedrooms in the basement and 5 upstairs which would increase the parking.

Mordechai Kreitman, affirmed. There are 4 bedrooms in the house now. The basement entrance is in the front. He is selling one of them and moving into the other.

Mr. Flannery – The building has the 20 foot rear setback. Asking for a 15 foot rear setback for a deck. He guaranteed that on Lot 3 & 4 he will not represent them asking for a variance.

Open to Public.

William Hobday, 30 Schoolhouse Lane, sworn. Not in favor of this application.

Moshe Klein, 133 Hadassah Drive, affirmed.

Jonathon Fine, 33 Buttell affirmed. In favor of this duplex. This duplex would allow him to stay in the neighborhood. The neighborhood has no parking problems.

Moshe Zeines, 112 Elmhurst Blvd. affirmed. No issues with parking. In favor of this duplex.

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Mr. Flannery - Asking for 10,500 square feet and 10 foot side setback and 15 feet from the rear for the deck.

Closed to Public.

Motion to approve – Mr. Naftali

Second – Mr. Gross

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

Mr. Gross, Mr. Halberstam

**Appeal # 4011 – Sammy Wechsler,** 5 Freedom Drive Block 290 Lot 1.47 R-10 zone. To

construct an addition and renovation to a single family dwelling. Variance

requested for side yard setback of 8 feet proposed where 10 feet is required and

combined setback of 23.8 feet where 25 feet is required.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – November 22, 2016**

The applicant proposes an addition and renovation to an existing two-story single family dwelling. Additions to the rear and south side of the existing dwelling are proposed.

Miriam Weinstein, attorney for applicant. This is for a simple addition to a single family home in order to accommodate the applicants growing family.

Brian Flannery, engineer/planner sworn. In order to make the addition that he needs for his family it all occurs on the right side of his existing house.

A-1

A-2

Mr. Flannery – the extra 2 feet does make a difference in the size of the rooms. The 2 a/c units will be in the 8 foot side yard setback. The units do not work properly if moved to the rear. They could do a screening around the units. Also asking for a variance for an existing shed.

Ms. Weinstein – The basement is unfinished. There is no new entrance proposed to the basement. There is no attic.

Open to Public

William Hobday, 30 Schoolhouse Lane, sworn. This is a variance request that should be approved.

Shlomo Klein, affirmed.

Closed to Public.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

Mr. Gross, Mr. Halberstam

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Chaim Abadi requested that he would like to carry **Appeal # 4013 – David Birnbaum.** The applicant is not available.

Motion to carry with scheduled date and re-notice – Mr. Gelley

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

Mr. Gross, Mr. Halberstam

Resolution

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

Resolution to approve the construction of a duplex on 10,145 square feet where 12,000 is required.

Motion to approve – Mr. Gelley

Second – Mr. Ingber

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

Motion to pay bills.

All in favor

Motion to adjourn.

All in favor.

Meeting adjourned at 10:30 P.M.

Respectfully submitted,

Fran Siegel

Zoning Secretary