**ZONING BOARD OF ADJUSTMENT JULY 28, 2014**

**MINUTES PAGE 1.**

Meeting was advertised according to the NJ State Sunshine Law.

Roll call: attending: Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Ribiat,

 Mr. Gonzalez. Mr. Halberstam

 Arrived late: Mr. Gelley, Mr. Ingber

 Absent: Mr. Pomerantz

 Also present: Attorney – Jerry Dasti

 Terry Vogt, Engineer/Planner

 Jackie Wahler, Court Stenographer

 Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of 7/07/14 – Mr. Gonzalez

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Ribiat,

 Mr. Gonzalez, Mr .Halberstam

**Appeal # 3875 – Uri Meir Kanarek**,, 311 8th Street, Block 97 Lot 13, R-OP zone. Expansion of

 a non-conforming use.

Secretary read report.

**From: Terry Vogt, Engineer/Planner, June 25, 2014**

The applicant proposes an addition to an existing 2 story, single-family dwelling that is used as a two family house. The existing property is a non-conforming lot with respect to minimum R-OP zone lot area and lot width requirements. The expanded house will remain as two-family use.

Chaim Abadi, affirmed. Asked that the application be carried until the September 8th meeting. He just found out that there were objectors and would like time to meet with them.

Motion to carry until September 8th, with no further notice unless there are changes made to the plan – Mr. Naftali

Second – Mr. Mund

Roll call vote: affirmative: Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Ribiat, Mr. Gonzalez,

 Mr. Halberstam

Mr. Abadi agreed to waive any time.

**Appeal # 3876 – MIIA, LLC**. 1340 W. County Line Road, Block 2 Lots 75 & 78, R-12 zone.

 Use variance for commercial office building.

Secretary read reports.

**From Terry Vogt, Engineer/Planner – July 17, 2014**

The applicant is requesting Minor site plan approval to convert an existing single family dwelling on the property for office use. The applicant proposes to reconfigure the interior of the dwelling, construct an ADA access ramp, and construct a paved parking area on the tract. Office space is not a permit use in the R-12 zone therefor a use variance is required.

Miriam Weinstein represented applicant. This property will be the law office for Michael I. Inzelbuch.

Ed Liston represented objectors and requested that the application be carried until the next meeting.

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**MINUTES PAGE 2.**

Ms. Weinstein requested that the application be heard but a vote not taken. They will agree to meet with the neighbors and revise their plans.

Mr. Liston objected and wants to see the plans revised first.

Mr. Dasti – this is a complete application, notices have been sent out and they have a right to

go forward.

Mr. Halberstam suggested that they both go outside and try to discuss the issues.

Mr. Liston refused. He wants to see revised plans first.

Ms. Weinstein asked the board to hear the application and not vote.

Board agreed to hear the application and not vote.

Ms. Weinstein – they will start this hearing and continue at the next meeting.

Ms. Weinstein – this application is for a Preliminary & final minor site plan approval to convert an existing residence into a law office. The property is located in the R-12 where offices are not permitted. This office could meet all the conditions of a home occupation if the Inzelbuchs resided in the house. They will be adding a ramp to comply with ADA. They will be adding parking. There will be no further changes or additions. The exterior will remain as is and maintain the character of a residential use. Residences on County Line Road have been become increasingly difficult to sell. A law office is not an intense use, usually one client at a time. The applicant will provide a buffer with screening along the rear of the property and will provide a lighting plan. The other 2 houses on this block are a chiropractors office and a tax office.

Graham Macfarlane, PDS Engineering, professional engineer/planner, sworn.

A-1 – photo of area

Mr. Halberstam – reviewed the photo – there is no single family homes on the block.

Mr. Macfarlane – the application is for the conversion of a single family house to a law office.

The Township has just adopted a new ordinance to allow commercial uses in some areas on E. County Line Road. Currently the plans show 11 parking spaces.

Ms. Weinstein - No intention of renting any space here. This is just for Mr. Inzelbuch. He may bring in another attorney or paralegal in the future.

A-2 site plan

Mr. Macfarlane – site plan prepared by him. Asking for a variance for the sign.

Mr. Lankry – the sign is too big and looks to commercial. Would like the sign to be more residential looking.

Mr. Dasti reviewed the notice and the receipts from the post office. They were dated 7/18/14 which is 10 days prior to the meeting.

Mr. Liston – there are no landscaping plans, there is also no buffer shown as required by Chapter 18-803E.a. The development behind this proposal is residential.

Mr. Macfarland - there will be no lights in the parking lot.

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Allen Gold, owner of 1316 W. County Line Road, affirmed. He obtained a use variance for the tax office and the sign about 20 years ago. His sign is 4 x 4, not lighted.

Open to Public.

Judie Singer, 11 Cathedral Drive, affirmed. Objected to this request. This is a congested area.

There are many accidents on the corner.

Betty Salvatore, 8 Cathedral Drive, sworn. Received the certified card on Saturday.

Mr. Dasti – the certified is dated July 18th which is 10 days prior to the meeting.

Closed to Public.

Ms. Weinstein – they have already submitted for County approval and will be bound by whatever the County dictates.

There will be no vote – will be continued on September 8th.

**Appeal # 3878 – Sharon Frankel,** 1415 Ardenwood Avenue, Block 43 Lot 16, R-12 zone.

 Second story deck in the side yard setback. 10 feet required 3.3 feet proposed.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner, July 14, 2014**

The applicant proposes to constructing an 8’ x 12’, second story deck onto the existing detached dwelling, within a side yard setback. The existing property is non-conforming with respect to rear yard setback and building coverage.

Miriam Weinstein attorney for applicant.

Brian Flannery, engineer/planner, sworn. They will be using this deck to sleep in for Succoth.

Ms. Weinstein –The neighbors have been notified. The second floor deck cannot cover the first floor deck.

Mr. Lankry – not in favor of this deck. Concerned about the neighbor.

Ms. Weinstein said that the adjacent neighbor was notified and she sent him a fax and followed it with a phone call today.

Ms. Weinstein – this porch is off the master bedroom. There is an overhang and that is why it has to be that large.

Mr. Lankry – The side yard is a serious encroachment. Probably facing someones bedroom. Suggested that he go out the back of the house.

Ms. Weinstein suggested that they would make the deck 8 x 10.

Open to Public. Closed to Public.

Motion to deny – Mr. Lankry

Second – Mr. Gonzalez

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

 Nayes: Mr. Mund, Mr. Ribiat, Mr. Ingber,

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**MINUTES PAGE 4.**

Motion denied. Another motion was made

Motion to approve with the condition that it will be a 6 ½ foot wall which would allow some sunlight with complete privacy for the neighbor subject to board engineer and to maintain the trees at the existing height – Mr. Ribiat

Second – Mr. Mund

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

 Nayes: Mr. Lankry, Mr. Gonzalez

**Appeal # 3877 – Lakeside London, LLC,** River Avenue & Turin Avenue, Block 1050 Lots 2, 3

 & 5, HD-7 zone. Use variance for single family dwelling in the HD-7 zone.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – July 18, 2014**

The applicant is requesting Board approval to construct single family dwellings and duplexes in

the HD-7 zone. As indicated on the submitted plans, they are requesting to construct 3 single family units and one duplex. Existing Lot 3 is to be subdivided, resulting in one duplex built on 2 zero lot line lots (proposed lots 3.02 and 3.02) and a single family dwelling on proposed lot 3.03. Existing lots 2 & 5 are proposed to have single-family dwellings constructed on them.

Ms. Weinstein represented applicant. Seeking 3 single family lots in the HD-7 zone where single family homes are not permitted. Asking to put a single family house where duplexes and townhouses are permitted. The duplex is fully complying with the zone.

Brian Flannery, sworn.

A-1 aerial exhibit

A-2 copy of map submitted to CAFRA

A-3 tax map

A-4 copy of plan

Mr. Flannery – have 30,000 square feet. Just rezoned to R-10A to allow duplexes. The duplexes have a 10 and 10 foot side setbacks.

Open to Public. Closed to Public.

Motion to approve with foundation plantings in the front– Mr. Lankry

Second – Mr. Naftali

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

 Mr. Gonzalez, Mr. Halberstam

Meir Gelley arrived.

**Appeal # 3879 – Arm Developers**, 619 Maple Avenue, Block 235 Lot 30, R-7.5 zone. Duplex

 on 9,563 square feet where 10,000 square feet is required.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – July 18, 2014**

The applicant seeks a use (density) variance and a zero lot line subdivision approval to subdivide and existing 9,563.901 square foot property into 2 new residential lots. A 2-story residential duplex building and paved off street parking areas (and aprons) serving each dwelling units are proposed.

Miriam Weinstein represented applicant.

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Glen Lines, engineer/planner, sworn. They propose to demolish the existing single family home and construct a duplex. Short 450 square feet. The basement entrance is in the front. Garbage will be on a slab on the side – not in the setback. The wells will not be in the side yard setback. The front of the building will be stucco. AC units will be in the rear of the units.

Aharon Mansour, 711 Park Avenue, affirmed. The front of the building will be stucco.

Open to Public. Closed to Public

Motion to approve – Mr. Gonzalez

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Mund, Mr. Ribiat,

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3881 – Prospect Real Estate,** 7th Street & Madison Avenue, Block 96 Lots 8 & 9,

 R-OP zone. To exceed the maximum number of units (Gross Density) allow for

 A Multi-family building.

Secretary read reports.

**From: Terry Vogt, Engineer/Planner – July 22, 2014**

The applicant is seeking use variance relief to redevelop an existing mixed use property, which includes a motel/hotel and multiple business, into a new eight story apartment building including parking and amenities.

Abraham Penzer represented applicant. Lakewood is in the middle of a crisis – they need apartments.

A-1 Matza matin magazine listing apartments in Lakewood.

Mr. Penzer – The township committee has been rezoning areas to allow apartment. This location is well suited for apartments. This is intended for 1 and 2 bedroom apartments for young families.

Brian Flannery, engineer/planner sworn.

Scott Kennell, traffic expert, sworn.

Mr. Flannery – for use variance only – this zone allows multi family units but does not allow this density, 50 units per acre is permitted and they are asking for more. The site is 1.435 acres.

A-2 aerial exhibit

A-3

A-4 rendering of plan submitted

Mr. Dasti – they are asking for a density variance of at least 50 units per acre.

Mr. Penzer – Met with some of the neighbors and there will be l parking space per unit on the site plus 5 additional for deliveries. It will probably be 1/3 less than now.

Mr. Flannery – the proposal is ground level parking and 7 stories. They have 105 parking spaces on site for 120 units.

Mr. Lankry – no guest parking. The Yeshiva is around the block and there is never a parking space available.

Mr. Flannery – it will be similar to the Concord across the street which is about 68 feet. It will be 6 stories above the parking. The apartments are approximately 800 square feet. This is a bifurcated application.

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Mr. Lankry – this is a groundbreaking situation in Lakewood with a first apartment building. Want to make sure that this building is done right and not comfortable voting on a use without seeing some sort of plan that will address the issues. The size and scope of this is totally ridiculous.

Mr. Penzer – there will be a play area.

Mr. Dasti - If the parking layout meets RSIS standards the board will have a hard time denying.

The number of units has to fit on the site.

Mr. Flannery -The Board will have the control over any bulk variances.

Mr. Penzer – we will waive the right to any restrictions.

Mr. Lankry – Think that we all want to see an apartment house on the site but we want to see a plan.

Mr. Ribiat – we are giving up a vote on site.

Mr. Flannery - Asking for the use to exceed the 50 units allowed.

Mr. Penzer – have to vote for use or they lose the deal. Need to have the contract. You will not be bound to anything.

Open to Public.

Mark Ginsberg, owner of 700 Clifton Avenue, affirmed. Not opposed to this project. The Capital has been an eyesore for many years. Will they have any recreational areas and the parking is an issue.

Mr. Flannery – the Lakewood Ordinance does not have any formula for a play area.

Closed to Public.

Mr. Penzer – you will be totally unrestricted.

Mr. Dasti – assuming the use variance is granted Mr. Penzer has stated that the applicant will not be bound by the RSIS bulk standards.

Motion to approve use variance only – Mr. Lankry

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Gonzalez,

 Mr. Halberstam

 Nayes: Mr. Ribiat

**Resolutions**

**Appeal # 3865 - Yeshiva Tifereth Torah**, 75 East End Avenue, Block 208 Lot 140, R-10 & R-12 zone. Resolution to approve 6 duplexes and 1 single family with variances.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

**Appeal # 3871 – Aaron Flam**, 510 & 516 Bergen Avenue, Block l89.02 Lots 181 & 182, R-10

Zone. Resolution to approve the construction of 2 duplexes on 4 zero lot line lots.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Ribiat

 Mr. Gonzalez, Mr. Halberstam

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**MINUTES PAGE 7.**

**Appeal # 3870 – Mordechai Moseson**, 511 Bergen Avenue, Block l89.02 Lot 176, R-10 zone. Resolution to approve the construction of a duplex on a 11,455 square foot lot

where 12,000 is required. Subdivision with zero lot lines approved.

Motion to approve – Mr. Gonzalez

Second –Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Mund, Mr. Naftali, Mr. Ribiat,

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3866 – Rishon Associates**, Block 490 Lot 9, Cross Street, M-1 Zone. Resolution to approve minor subdivision and use variance for existing single family home.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

 Mr. Gonzalez, Mr. Halberstam

**Appeal # 3874 – Rishon Associates**, Prospect & Cross Streets, Block 490 Lots 6, 9 & 41, M-1

Zone. Resolution to approve a use variance to permit duplex housing.

Motion to approve – Mr. Gonzalez

Second – Mr. Lankry

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

Motion to pay bills.

All in favor

Motion to adjourn.

All in favor.

Meeting adjourned at 11:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary