**ZONING BOARD OF ADJUSTMENT DECEMBER 1, 2014**

**MINUTES**

Meeting was advertised according to the NJ State Sunshine Law.

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

Mr. Gonzalez, Mr. Halberstam

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 11/17//14 – Mr. Gonzalez

Second – Mr. Naftali

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

Mr. Ingber, Mr. Gonzalez

Secretary announced that **Appeal # 3890, Shlomo Sidenfeld**, notice was incorrect and they cannot get heard.

Mr. Penzer – Ms Weinstein asked him to tell the board that she had a wedding and that he should call her towards the end of the meeting.

Mr. Chairman – which application do you want to go first?

Abraham Penzer represented applicant.

**Appeal # 3736C – Prospect Acquisition** – 569 Cross Street, Block 490 Lots 10.113 & 10.115

M-1 Zone. Final major subdivision for Phase III.

Secretary read reports.

The applicant is requesting final major subdivision approval (phase 4) to begin construction of 52 townhouses and a recreational area on a 26.9 acre property located between Cross and Prospect Streets. The property is situated in an M-1 (Industrial) zone. Both property frontages are improved. Virtually the entire property was wooded and/or undeveloped in its current condition, as well as adjacent property east and west of the site. Construction activities for the initial phases of the project are underway.

**Appeal # 3736D – Prospect Acquisition** – 569 Cross Street, Block 490 Lots 10.113 & 10.115,

M-1 zone. Final Major subdivision for Phase IV.

Secretary read reports.

The applicant received use variance approval to construct a townhome development at the June 7, 2010 zoning board meeting, as stipulated per zoning board resolution # 3736, adopted June 28, 2010. The applicant also received preliminary major subdivision approval to construct 1 166-unit townhome development at the October 4, 2010 zoning board meeting, as stipulated per Zoning Board resolution # 3736A, adopted November, 2010. The plan was revised to construct 159 units, have a bigger basin area, more recreational area and a larger relocated community building. Phase 4 of the project (the current application) proposes to construct the remaining 52 units.

Brian Flannery, engineer/planner, sworn. The application is for final major subdivision approval Preliminary was approved and final major subdivisions were approved for section I and 2. This is a 159 unit overall development. Section 3 is 59 and section 3 phase the community building and one of the recreation area. The only new variance is for the clubhouse, they made it bigger, side yard setback, 12 feet required and 10 feet proposed, rear setback 20 feet required, 10.5 feet is proposed. Grading and drainage was all approved with preliminaries. The community building

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is in the northwest corner. The community building; the basement is 6,061 square feet, 1st floor is 6,061 square feet and the 2nd floor is 5,512 square feet. The roadways are 32 feet. It accommodates busses. No variances are needed for parking. The plan is that there will be parking on both sides.

The board discussed a one way road instead of two way.

Mr. Flannery – they have a preliminary approval; in his opinion the layout as is the appropriate circulation pattern.

Mr. Vogt - A one-way would have a retroactive effect on phase 1 and 2.

Mr. Flannery - The busses go however the Board of Education tells them.

Mr. Halberstam – as long as Mr. Penzer agreed would like one-side parking on the side of the homes.

Mr. Flannery – will satisfy Board Engineer. Two hundred foot buffer there is a basin and grass.

The perimeter is woods.

Chaim Abadi requested to carry **Appeal # 3875, Uri Meir Kanarek**. This is the 2nd time under the re-notice.

Motion to carry until the January 5th meeting – Mr. Gelley

Second – Mr. Ribiat

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

Mr. Gonzalez, Halberstam

Chairman announced that this application will be heard for the final time on January 5, 2015.

Continued 3736C

Mr. Flannery said that Appeal # 3736D has no variances.

Open to Public. Closed to Public.

Mr. Flannery - The buffer has to be undisturbed. They can remove the poison ivy. There is a connection to the neighboring property all the way out to Prospect Street. They have CAFRA approval.

Motion to approve Appeal # 3736C, Phase III with recommendation for one side street parking - Mr. Gelley

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

Motion to approve Phase IV – Mr. Gelley

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

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

R-OP zone. Site Plan.

Secretary read reports.

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The applicant obtained use variance relief as stipulated in Board resolution #3881 to redevelop the existing mixed use property, which includes a motel/hotel and multiple businesses into a new apartment building including parking and amenities.

As noted on the Site Plan, one hundred and twenty five parking spaces, including five handicapped accessible spaces are proposed.

As noted on the architectural plans, 125 apartment units are proposed, at 25 units per floor (five floors 2-6). The unit breakdown as identified on Architectural Plan A2 is as follows:

15 studio units,

20 one-bedroom units

85 two-bedroom units and

5 three bedroom units.

Abraham Penzer, represented applicant.

The plans were delivered today to the members and they discussed whether or not the should hear the application.

Mr. Gonzalez – this is a huge project and would have a difficult time approving this project at this time.

Mr. Penzer – the pressure has been put on the applicant because this is a blighted area. His client is paying an exorbitant fee for this property.

Mr. Penzer gave out the review letters to the board members.

The Board took a vote and decided to hear the application.

Brian Flannery, engineer/planner, sworn.

Board accepted his credentials.

Mr. Halberstam stated the discrepencies with the resolution and the plans.

1. Height says 65 feet and the plan says 75 feet
2. 6 floors blueprint says 7 floor
3. 5 delivery parking spaces see none.
4. 2 and 3 bedroom units – see some 3 bedroom units.

Mr. Flannery –

A-1 site plan submitted

A-2 rendering from use variance approval, 7th floor is an indoor recreation area.

A-3 aerial exhibit

Mr. Flannery - Proposing 125 units, 25 units per floor. Grade level will be parking. This will be Yeshiva type rentals. This is in the downtown center and close to the Yeshiva. The parking is short of the RSIS. The applicant offered to eliminate the 7th floor which is the playground. There are 5 proposed 3 bedroom units. If the board feels that the 3 bedroom units are an issue they will make them 2 bedroom units. The rooftop play area would be a valuable amenity. There are 7 floors all together the top one is the recreation area and is enclosed. If they remove the wall the building will only be 6 floors.

Mr. Halberstam – do not see any playground equipment.

Mr. Penzer – they will meet all the playground standards.

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Mr. Flannery reviewed Mr. Vogt’s report. The resolution showed 65 feet and the plan showed 75 feet. They will remove the 7th floor. There is shopping in walking distance. There is 125 units on 1.435 acres, density is 87 units per acre where the ordinance allows 15 units per acre.

This would be private garbage pick-up. Ground floor is the parking lot. There is a green buffer area that will be landscape. The roof of the building will be a recreation area. This now is a 72 unit hotel, with 2 ball rooms, a synagogue and a bunch of stores. There is a housing shortage in

Lakewood. There is now 24 parking spaces on site.

Mr. Halberstam – there is no lobby.

Mr. Flannery – the units are 800 to 1,000 square feet. The garbage stops are located in the parking area in the northeast corner. There is private carting. The trucks will go in under the building.

Mr. Halberstam – there was supposed to be 5 spaces for delivery.

Mr. Penzer - They will provide 5 spaces for delivery even if they have to eliminate 4 units. They are in the middle of something that is confidential now. There will always be one parking space per unit.

Mr. Flannery described A-1 that the Board members did not receive.

Mr. Gelley – where will they put a sukkah?

Mr. Penzer – this board should not have any religious issues that is a church and state issue. One & 2 bedrooms the people go to their parents. The 25 top apartments can have sukkahs.

Open to Public.

Martin Ginsberg, property owner of 7th Street and Clifton Avenue. In his opinion the plans have to be reviewed. It can’t be a top secret plan. This board should have the plans in front of them to review. How can you approve plans that you don’t see. This is an overuse of the property. It’s absurd. Maybe they have to tone the building down a little bit. Somebody has to take a look at the traffic. They may need a traffic light.

Mr. Flannery – they do not have to show hardship.

Closed to Public.

Mr. Halberstam suggested that they vote first for the 7th floor which would need 5 affirmative votes. And then a second vote which would need only 4 affirmative votes.

Mr. Gonzalez – don’t think that we should do two votes.

Mr. Ingber – would feel more comfortable with a traffic engineers report.

Mr. Gelley – would also like to see a traffic study, it is dangerous to be playing on the roof, there are no provisions for sukkahs, parking is not enough, there is no storage, there is too much on this piece of property.

Mr. Lankry – would like to see a lobby, parking, play area for the children

Motion to deny – Mr. Gonzalez

Second – Mr. Lankry

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

Mr. Gonzalez, Mr. Halberstam

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Recess.

**Appeal # 3889 – Osher Eisemann** – East Harvard Street, R-10 zone. Subdivision of 4 existing

lots into 6 proposed lots containing 3 duplex structures.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – November 25, 2014**

The applicant seeks variance relief and zero lot line subdivision approval in accordance with Section 18-911 of the UDO to subdivide an existing 30,000 square foot property known as Lots 11, 12, 13 & 14 in Block 226 into six new residential lots with zero lot lines, designated lots 12.01 through 12.06 on the subdivision plan. Paved off street parking areas (and aprons) serving each dwelling unit are proposed.

The property front the north side of East Harvard Street in between Park Avenue and East End Street. The subdivision plan depicts East Harvard Street as having a 40 wide right-of-way with new curbing and sidewalk proposed along the property frontage. Existing dwellings, driveways, and other associated improvements are proposed to be demolished under this application. Surrounding properties are primarily residential in nature.

Miriam Weinstein represented applicant. This area is zoned R-10 but most of the lots are 50 x 150 which is more typical to the R-7.5 zone. This area has been slated to be rezoned to the

R-7.5.

Brian Flannery, engineer/planner, sworn.

A-1 tax map showing zone lines

A-2 copy of the plan

Mr. Flannery – The Master Plan was adopted. This is an area that should be R-7.5. The whole area conforms with the R-7.5. The variance requested are in accordance with the Master Plan. These properties will all conform with the R-7.5 ordinance and consistent with the area. This application has existing 4 non-conforming lots.

Mr. Gonzalez – this area will eventually be R-7.5 because of the Master Plan.

Mr. Flannery - The Master Plan was adopted in 2007. Townhouses on Rosebank. Steps to the basement will be in the front. There will be window wells on the side, no doors. A/c units will be in the back.

Mr. Halberstam asked Mr. Vogt to do the research and confirm that this property is east of the downtown area and slated for R-7.5.

Open to Public. Closed to Public.

Motion to approve – Mr. Gonzalez

Second – Mr. Lankry

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

Mr. Gonzalez

Nayes: Mr. Halberstam

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**Resolutions**

**Appeal # 3887 – Moshe Zucker,** 353 Hope Chapel Road, Block 11 Lot 7, R-15 zone. Resolution to construct a new home with variances approved for side and rear yard setbacks.

Motion to approve – Mr. Lankry

Second –Mr. Naftali

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

Mr. Ingber, Mr. Gonzalez

**Appeal # 2861B – Eden Terrace,** Hillside Blvd. Block 11.13 Lots 65 & 66, R-15 Zone.

Resolution to approve amended site plan to permit the construction of 150 multi-family units.

Motion to approve – Mr. Naftali

Second – Mr. Ribiat

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

Mr. Ingber, Mr. Gonzalez

**Appeal #3886 – Mesivta Ohr Torah**, Williams & Birch Street, Block 417 Lots 1, 2 & 22.01,

R-10 zone. Resolution to approve the construction of a duplex lot and keep existing house on corner.

Motion to approve – Mr. Naftali

Second – Mr. Lankry

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

Mr. Ingber, Mr. Gonzalez

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:00 P.M.

Respectfully submitted,

Fran Siegel, Secretary