

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**JULY 24, 2017**

Meeting advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Naftali, Mr. Ribiat, Mr. Ingber,  
Mr. Gonzalez, Mr. Halberstam  
Absent: Mr. Lankry, Mr. Gross  
Attorney: Christopher Dasti  
Engineer: Terry Vogt  
Court Reporter: Jackie Wahler  
Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of July 10, 2017 – Mr. Halvorsen  
Second – Mr. Gonzalez

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

Chairman announced that **Appeal # 4029, Congregation Maalos Hatorah** will not be heard tonight as per zoning board attorney, Jerry Dasti.

Motion to carry until September 11, 2017 -Mr. Ingber

Second – Mr. Gelley

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

Correspondence from Miriam Weinstein, re: **Appeal # 3954, Belz Center of Lakewood**, Block 1081 Lot 12,42 for a subdivision for the clubhouse to be on a separate lot.

Ms. Weinstein – they were granted a larger shul and did not include a subdivision. The lot with the shul now contains all the open space.

Brian Flannery, engineer/planner sworn. Proposing that the shul be on its own lot. Open spaces will be taken care of by the Homeowners Assoc. The shul will be taken care of the by the congregation. It will be new lot 12.42. Sidewalks are there now.

A-1

A-2 rendering of subdivision

Open to public.

Shlomo Klein, affirmed.

Closed to Public.

Motion to approve – Mr. Ingber

Second – Mr. Naftali

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

Correspondence from Brian Flannery requesting a one year extension to file the map for **Appeal # 3934, 363 Chestnut Street**, Block 1096 Lot 2.

Mr. Flannery, sworn - They are waiting for DEP approval.

Shloime Klein, affirmed.

Motion to approve – Mr. Gelley

Second – Mr. Halvorsen

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

**Appeal # 4024 – Zissel Morris**, 5 James Street, Block 415 Lot 16, R-10 and HD-6 zone. Side yard setback variance requested for a duplex.

Abraham Penzer represented applicant. This application was heard on July 10<sup>th</sup>. The notice was deficient so they have to start over again.

Brian Flannery, sworn. Lot is in a split zone. No residential permitted to Route 9 within 200 feet. This lot is within 200 feet of Route 9.

A-1 use variance plan submitted

Mr. Flannery – Requesting variance for 50 foot wide lot; Side yard setback of 9’6” where 10 feet is required; property is within 150 feet of Route 9 where 200 feet is required. There are duplexes going up next to this property. The unit itself is in the R-10 zone.

A-2 copy of zoning map with zone line indicated.

Mr. Flannery – 55 feet is in the R-10 zone and 20 feet in the HD-6 zone. The property is currently being used as a residence. R-10 would allow a duplex on a 12,000 square foot lot. This lot exceeds the lot area required for both zones. James Street is a very busy street and it is all being redeveloped. Basement entrances are on the side and they will be 5 feet from the side to the entrance to the basement. There will be an easement. There will be 5 feet of grass on each side and 5 feet in the middle. They will provide 4 parking spaces per unit. Applicant agreed to a 6 foot fence along the property line of lot 13. Applicant will agree to a 6 foot fence for 75 feet along property line of Planned Parenthood.

Open to Public.

Shloime Kle

in, affirmed. Asked about sidewalks. Concerned about the shared driveway.

Mr. Flannery – The plan does not show a sidewalk - the intent is that they will install curbs and sidewalks.

Mr. Halberstam - All lots facing James Street must have curbs and sidewalks.

Closed to public.

Mr. Flannery – there will be double stacked parking.

The Board members were concerned about the parking area and the safety issues.

Mr. Flannery – they can work out a parking configuration so that there is no double stacked parking.

Motion to approve the duplex with the condition that they come back with a plan for parking –

Mr. Gelley

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Natali, Mr. Ribiat, Mr. Gonzalez,

Mr. Halberstam

Nayes: Mr. Ingber

**Appeal # 3743A – David Seebag**, 52-68 Madison Avenue. To construct an addition to existing retirement living facility. Variance requested for number of parking spaces and front yard setback to 1<sup>st</sup> Street.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 6, 2017**

On July 25, 2011, the applicant received Preliminary and Final Major Site Plan approval to construct an expansion to the existing Lakewood Courtyard assisted living facility with no nursing care. The expansion will contain 37 new dwelling units. The applicant also received a “D” variance for the proposed height of the expansion. The applicant is returning before the Board at this time to amend the application to revise the configuration of the expansion at the northern end of the property.

Sean Gertner, attorney for applicant.

Brian Flannery, Engineer/Planner, sworn  
Scott Kennel, Traffic expert, sworn  
Lorne Schechter, CEO of Spring Oak, sworn  
Eliezer Ralbag - Rabbi of Lakewood Courtyard, affirmed

A-1 proposed plan submitted  
A-2 original approved plan

Mr. Flannery – there are 11 parking spaces under the building – they want to put a community room instead of the 11 parking spaces. This is an inherently beneficial use.

A-3 rendering of building  
A-4 rendering of community room

Mr. Flannery – relief is limited to parking of 56 spaces where 64 spaces is required per the ordinance. The number of parking spaces approved is more than is needed. The setbacks and everything is the same. The building is up. Not changing building coverage that was previously approved. It makes more sense to have the community room than the parking that is not needed.

Mr. Vogt – relocating generator close to the community room

Mr. Flannery – It is a state of the art generator and comes up not frequently and will not create any noise impacts for the residents. The original approval was for 66 parking spaces. The addition was approved in 2011 and there was no parking variance. Provided more parking than the ordinance required. All the units are the same.

Mr. Gertner – the resolution as approved is the governing document. The apartments are assisted living and meet the parking standards.

Mr. Schechter, he manages the day to day operation of the Lakewood Courtyard and has been employed for 3 years. There are 80 current assisted living residents and only 4 use a vehicle. It is very important to provide socialization. This room will provide socialization in lieu of parking spaces. In the new wing there are 37 apartments.

Mr. Halberstam - The question is do they want socialization or parking?

Mr. Flannery – there will be 128 units in both buildings. Parking was based on the RSIS.

Mr. Ribiat – What about the kitchen staff and the workers, where will they park.

Mr. Schechter - The ratio of staff to residents is much greater. Most of the workers use public transportation or get rides. 7-3 shift there are 16 employee cars

Rabbi Ralbag – The sun room will enhance the quality of life of the residents. Being there for about 13 years – the parking lot is now with construction vehicles – before there were 4 or 5 cars parked there during the day. It is being connected to the other building. They are looking for in-house independent living. The parking lot is empty – the employees just get dropped off.

Mr. Kennel – the 56 spaces proposed are adequate. His opinion would be that 50 parking spaces would be sufficient. Visitors on a weekday is approximately 13. The new residents will probably not be having automobiles. The median age for the residents is 75.

Mr. Ingber - Will this be open to the Public?

Mr. Gertner – the intent not to utilize this for the Public. There is a kitchen and 3 lounges. The people that are living there do have the right to utilize the room.

Mr. Halberstam – the new wing is not assisted living.

Mr. Gertner – the rooms are designed as assisted living.

Mr. Halberstam – there is a full kitchen in the room.

Mr. Kennel - There are 28 – 1 bedrooms, 400 – 600 square feet  
4 – 2 bedrooms  
2 bedrooms for super

Open to Public.

Shloime Klein , affirmed.

Closed to Public.

24 employees – 16 parking spaces utilized  
56 parking – 16 employees come with cars

Mr. Gelley – would rather have a solarium than the parking

Motion to approve –Mr. Gelley

Second – Mr. Ribiat

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

Recess.

**Appeal # 4037 – Zalmy Rosenberg**, 4 Honey Court, Block 171 Lot 4.03, R-7.5 zone. To construct a 15 x 16 deck in the front yard setback 34” above ground. Required 25 feet – proposed 4 feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 28, 2017**

The deck encroaches into a six-foot wide Shade Tree Easement. The applicant is requesting bulk Variance relief for: Reverse from yard setback for deck (4 feet requested, 25 feet required)

Brian Flannery, sworn.

A-1 map showing subject property  
A-2 shows deck

Mr. Flannery – applicant bought a home and the builder told them that they can build a deck after receiving a CO. The backyard fronts on County Line Road. There is a 6 foot privacy fence around. This deck is 34 inches high. The structures for the sukkah will be taken down. There is no impact on the surrounding properties.

Chairman – concerned about the deck being in the easement.

Mr. Gelley - Ignorance of the law is no excuse.  
Mr. Flannery – they did not obtain permits.

Mr. Gonzalez - We don't even know if that is a safe deck.

Mr. Flannery - If approved they will have to get a permit The builder put sliding glass doors on and then told the applicant that after closing they can put in a deck.

Zalmy Rosenberg, 4 Honey Court, affirmed. The builder told him that he had an issue with the Zoning Board and after closing they can put in a deck. He built the deck by himself with a friend.

Open to Public.

Shloime Klein, affirmed. There are hundreds of decks without permits. He got caught because he lives on County Line Road. He should not be penalized.

Closed to Public.

Mr. Flannery - 2 feet would have to come off the deck to be out of the easement.

Motion to deny – Mr. Gelley  
Second – Mr. Gonzalez

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

**Appeal # 4034 - Bashy Frenkel**, 6 Honey Court, Block 171 Lot 4.02, R-7.5 zone. To construct a 16 x 20 deck in the front yard setback of East County Line Road. Required 25 feet – proposed 4 feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – June 28, 2017**

The applicant is seeking variance relief for an 18” high, 16 x 20 deck within a reverse frontage along East County Line Road. The deck encroaches 2 feet into a six-foot wide Shade Tree Easement.

Brian Flannery – the height of this deck is only 18 inches above ground. The applicant has a child with downs syndrome and he needs a safe place to play. Same as the other one the builder did not tell them that they cannot have a deck. They bought a home and was told that they can put in the deck after closing. This deck cannot be seen from County Line Road. They did not get a permit.

Chairman - Can it be pushed back from the shade tree easement and can it be lowered?

Bashy Frenkel, affirmed.

Open to Public.

Shloime Klein, affirmed. These people should not be penalized.

Closed to Public.

Mr. Gelley - This deck is much lower and not visible from County Line Road

Motion to approve – Mr. Naftali

Second – Mr. Gelley

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

Mr. Halberstam

Nays: Mr. Gonzalez

**Appeal # 4036 – County Line Alliance**, 1104 East County Line Road, Block 207 Lot 1.01 & 3  
R-15 zone. To create 4 new single family lots.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – July 19, 2017**

The applicant is requesting approval for a major subdivision including use (and density) variance relief to subdivide existing lots 1.01 and 3 in Block 207 into 4 new single family lots. The site contains a one-story dwelling, a pool, a shed and appurtenances. All existing improvements are to be removed. The new lot areas range from 11,060 sf to 11,514 sf where 15,000 sf is required.

Adam Pfeffer represented applicant.

Brian Flannery, sworn.

A-1 Tax map

A-2 Map submitted.

Mr. Flannery – Need a density variance. Projects to the east of this side were approved by Planning Board on 12,000 square foot lots. These will be single family homes. There is a stream corridor and it won't be developed. This applicant by right can get 3-15,000 square foot lots on septic. Providing sewer and water is a benefit. This application would provide 4 lots with public sewer. The applicant would provide substantial buffering to the neighbor.

Reviewed Mr. Vogt's report.

Density is 3.7 where 29 is permitted.

Ronald Wronko, attorney opposing this application. representing owner of Block 197 Lot 1 All the houses will face his residence. There is a waterway - a 300 foot DEP buffer runs through lot 3.

Mr. Halberstam - The plans should show the waterway and if there is a 300 foot DEP buffer.

Mr. Wronko – The lots in the area are all single family lots and are environmentally protected.

Mr. Pfeffer – asked to carry to check the buffer and any waterways that would affect the property.

Mr. Halberstam – need new sets of engineering plans or a certified letter if there is no DEP issues and show the waterway.

Mr. Pfeffer – they will obtain certification. Agreed to a waiver of time.

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

Resolution to approve a one year extension to file subdivision map for; **Appeal # 3940, Yosef Weiss**, Block 536 Lot 181, 236 Clover Street.

All in favor.

Resolution to approve a one year extension to file subdivision map for **Appeal # 3563, Aaron Ginsberg**, Block 774.04 Lot 13, 307 Pine Street.

All in favor.

**Appeal # 4027 – Drake Development**, Drake & Cross Street, Block 251.02 Lots 90 & 98, R-40 zone. Resolution to approve a use variance for single family homes on undersized lots.

Chairman asked that to make sure that we are not tied down to lot sizes or number of units.

Chairman asked that the resolution be revised to say that there is no minimum or up to.

Mr. Dasti – approve it with the change.

All in favor.

**Appeal # 3971A – KG Investments**, 742 Ocean Avenue, Block 548 Lots 66, 281, 282, R-20 zone. Preliminary and final major subdivision and site plan

**Application withdrawn**

**Appeal # 4030 – Shmuel Zeffren**, 644 Stirling Avenue, Block 189.05 Lot 149, R-10 zone.

Resolution to approve the construction of a duplex on an undersized lot.

All in favor.

**Appeal # 4031 – Gerald Posen**, 45 Sunset Road, Block 76 Lot 17, R-12 zone. Resolution to approve the construction of a single family house with side yard setbacks.

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:15 P.M.

Respectfully submitted,

Fran Siegel  
Secretary