

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**APRIL 9, 2018**

Meeting advertised in accordance with the NJ Sunshine Law.

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

Absent: Mr. Gross  
Attorney: Jerry Dasti  
Engineer: Dave Magno  
Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of March 5, 2018 – Mr. Lankry

Second – Mr. Ribiat

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

Request to carry from: Abraham Penzer - **Appeal# 4062 – Yehudis Kreiger**, 34 Congress Street  
–to the May 7, 2018 meeting.

Motion to carry – Mr. Gelley

Second – Mr. Ribiat

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

No further notice and agreed to waive time.

Secretary announced that **Appeal # 4064 – Uri Meir Kanarek** did not advertise and they will  
not be heard tonight.

Request to carry **Appeal # 4068 – Chaim Abadi**, 141-147 Ocean Avenue to the May 7, 2018  
meeting to work out issues with the neighbors.

Motion to carry – Mr. Lankry

Second – Mr. Ribiat

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

No further notice and agreed to waive time.

Secretary announced that **Appeal # 4071- Alexander Hoffman**, - did not advertise and they will  
not be heard tonight.

Letter from Joe Kociuba, **re: Appeal # 3940 – Yosef Weiss - 236 Clover Street**, Block 536 Lot  
181, R-40 zone. Requesting clarification of lot width variance in resolution.

Issue was resolved and no further action is necessary.

**Appeal # 4058 – E. 7<sup>th</sup> Street Developers**, E. 7<sup>th</sup> Street, Block 222 Lot 4 & 5 – R-12 zone. Use  
variance for duplex.

**From: Terry Vogt – Engineer/Planner – January 16, 2018**

The applicant is seeking minor subdivision approval and use and bulk variance relief to  
subdivide an existing 33,443 square foot property into 3 duplex lots. The applicant proposes to  
construct one irregularly shaped duplex structure on two zero lot line properties. The new lots  
are designated as 4.01 and 5.01 on the subdivision plan. A residential duplex building and paved  
off street parking areas (and aprons) serving the duplex are proposed.

Adam Pfeffer represented applicant. Want a duplex for himself and for his children. This is an  
oversized lot.

Brian Flannery, engineer/planner, sworn. There are 30 acres of wetlands. They received a letter of intent from the NJDEP. Not increasing density.

- A-1 copy of tax map
- A-2 aerial
- A-3 copy of minor subdivision
- A-4 rendering of plan

Mr. Flannery – Duplexes are not permitted in the R-12 zone. The applicant wants to build a duplex to accommodate his large family.

Mr. Flannery described the exhibits. The smaller house would be for his youngest daughter. There will be 50 feet to the wetlands. There is one lot that is 9,800 square feet and the other one is 23,000 square feet. There is no increased density. Instead of two single family homes they are asking for one duplex. There will be 8 ½ feet on one side and 114 feet on the other side. The basement is for the family. He has other family living in Lakewood. The trees are staying all the way up to Cabinfield circle where the townhouses were built. There are existing two lots and two lots will remain. There will be bedrooms in the basement for his family.

Andre Herschast, son in law to owner, affirmed. The owner has over 50 grandchildren and they need a large house. This will not be a catering facility. At the Passover seder there was over 30 people there.

Mr. Flannery – the only relief they are asking for is for the use variance for a duplex. There will be 4 parking spaces in front of the smaller one.

Open to Public.

Shoime Klein, affirmed. This is an end user and not a developer. If the basement is going to be an apartment the board should require sprinklers.

Mr. Dasti - The zoning board does not have the right to require sprinklers.

Mr. Lankry - The architecturals show a basement apartment.

Closed to Public.

Mr. Naftali – would like to see more parking.

Mr. Flannery – they can add 2 more parking spaces.

Motion to approve with the condition that the basement will not be for public use and 2 more parking spaces will be added – Mr. Lankry

Second – Mr. Gelley

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

**Appeal # 4049 – Shasnis, LLC, Henry Street, Block 778 Lots 1, 2, 3 & 77, R-10 zone. Minor subdivision from 4 lots into 6 lots to contain 2 duplexes and a single family lot.**

**From: Terry Vogt – Engineer/Planner – November 29, 2017**

The applicant is seeking minor subdivision approval and variance relief to subdivide 4 existing lots into 6 proposed lots. The applicant proposes to construct 2 duplex structures on 4 zero lot line properties and create 1 single family lot and one school lot.

Noah Burton, attorney for applicant.

Brian Flannery, engineer/planner, sworn.

A-1 copy of plan submitted

A-2 copy of tax map

A-3 site plan approved for school

Mr. Flannery – they are adding 18 feet to the school. A duplex is permitted on 12,000 square feet. Asking for 10,000 sf and a single family on 7,500 sf. Lot 1 is the school. There are similar type duplexes across the street.

Mr. Halberstam suggested that the house be 26 feet wide instead of 28 feet to allow for 7 foot side setbacks.

Mr. Flannery – they are all different owners. The school only owns Lot 1.

Mr. Naftali – doesn't work. There are 4 different owners.

Mr. Flannery - Lot 2 can have a duplex and the other 2 would be singles. The benefit is that the school is getting 18 feet x 150 feet. Will be more play area for the children. The side setbacks for the duplexes is 7 and 7.

Open to Public.

Shloime Klein, affirmed. Have an issue with the basements. They will put in an apartment. The zoning board should make sure that this apartment is safe. He thinks that the board can put in this condition.

David Rothenberg, 44 Henry Street, affirmed – too crowded.

Judah Bergman, 105 Henry Street, affirmed – in support of this project.

Benzion Pernikoff, 14 Henry Street, affirmed – Parking is horrendous. Too congested.

Aaron Bernath, 18 Cedar Street, affirmed – not in favor.

Mazel Re....?, 82 Henry Street, In support of this application.

Closed to Public.

Mr. Flannery – applicant offered to sprinkle the apartment and widen the street 4 feet.

Motion to approve 26 wide duplex and widen the street, sprinklers will be installed in the basement of the duplex, side setback for duplex will be 7 feet and combined 14 feet, single family will have 8 foot side setback and 16 combined – Mr. Gelley

Second – Mr. Gonzalez

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Gonzalez, Mr. Halberstam  
Nays: Mr. Halvorsen, Mr. Ribiat  
Abstained: Mr. Naftali

Discussion followed and reconsideration was made by Mr. Naftali  
Second –Mr. Gelley

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

**Appeal # 4059 – Arlington National LLC, John Street, Block 758 Lots 19 & 24. R-M**  
Use variance for partial office use

**From: Terry Vogt, Engineer/Planner – February 20, 2018**

The applicant is seeking use variance relief in accordance with Section 18-902(G) of the UDO to permit conversion of an existing dual church/school facility into an office/school facility.

Adam Pfeffer represented applicant.

Joe Kociuba, Engineer, sworn. Described the area. There is wetlands on the property to the east. First floor will be a boys elementary school for special needs. There will be a limited enrollment of 0 students. Upper floor will be offices of 4,698 sf. Above the gym will be a conference room.

A-1 site plan

Mr. Kociuba – Need a use variance because offices are not permitted in the zone. Current use is a church and a school. They are asking for offices and a school. There is 31 parking spaces now, 26 are required. There is a handicapped ramp and they can provide 2 handicapped spaces.

Open To Public.

Shloime Klein, affirmed.

Closed to Public.

Mr. Kociuba – there will be 4,698 square feet of office space. Offices are not allowed in this zone.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

**Appeal # 4067 – Chaim Dubin, 25 Birch Street, Block 416 Lot 21, R-10 zone. To construct a**  
Single family home with bulk variance requested.

**From: Terry Vogt, Engineer/Planner – February 27, 2018**

The applicant is seeking approval to construct a two-story, single family detached dwelling including an unfinished basement. The applicant is seeking new bulk variance relief including side yard setback, aggregate side yard setback and building coverage. Pre-existing variances include lot area and lot width.

Glen Lines, engineer, sworn. They will be removing the existing single family house and building a new single family. They will provide 4 parking spaces and have a 41 foot front yard setback. This lot is owned by Chaim Dubin and the adjacent lot is owned by Chaim & Este Dubin.

Chaim Dubin, affirmed. He bought the property January 2018. He purchased the lot next door with his wife in 2002.

Open to public.

Shloime Klein, affirmed.

Closed to Public.

Mr. Lines – they are proposing 1 basement apartment. There will be no outside stairs to the attic.

Motion to approve – Mr. Ingber

Second – Mr. Gelley

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

**Appeal # 4069 – Yehoshua Frenkel**, Block 534 Lot 7 (7.03, 7.04, 7.13, 7.14) HD-7 zone. Use variance requested for residential use within 200 feet of Route 9.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 21, 2018**

The applicant applied for and obtained major subdivision approval (SD 2118) from the Planning Board to construct 6 duplexes including the 4 lots in question. The applicant requires and has applied for a conditional use variance approval from the Zoning Board to develop duplex units within 200 feet of the Route 9 ROW.

Chairman announced that there were only 6 members on the board.

Joe Kociuba, Engineer, sworn. Subdivision was approved by Planning Board for duplex units in May of 2016. Residential is not permitted with 200 feet of Route 9 and so a use variance is needed for the 2 duplexes.

A-1 layout plan.

Mr. Kociuba – property is within 200 feet of Route 9. Subdivision created 12 duplex lots. The commercial lots face Route 9. Described other residential lots in the area that are not 200 feet from Route 9. They have not seeked any building permits yet.

Open to Public.

Shloime Klein, affirmed. Talked about crosswalks.

Closed to Public.

Mr. Kociuba – this property is 150 feet from the curb. The auto repair use will be abandoned.

Motion to deny – Mr. Gelley

Second – Mr. Halvorsen

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

Abstain: Mr. Lankry

Mr. Kociuba offered one lot to be a duplex and the other commercial.

Mr. Gelley suggested that he come back with a new plan.

**Appeal # 4070 – Pinchos Lipschitz**, 110 Shady Lane, Block 12.03 Lot 13, R-12 zone. Side yard setback variance requested for single family home. Required 10 feet – proposed 7.4 feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 21, 2018**

New bulk variance relief is necessary as follows: a side yard setback 7.4 feet proposed, 10 feet required; aggregate side setback 24.3 feet proposed, 25 feet required.

Meir Gelley recused himself from this application.

Charles Surmonte, Engineer, sworn. The house was approved last summer. The house is now under construction. When they staked out the curbing they realized that there was a problem with the survey control. The house was set in an incorrect location. The back corner is 7.4 feet, the front right corner is 16.9 feet creates a situation where the combined setback is only 24.2 feet. They did an asbuilt and didn't realize that their control point was in error.

Open to Public.

David Marder, 118 Shady Lane, sworn. Adjacent property owner. Asked to have trees installed because of his privacy issue.

Israel Fink, affirmed, builder – just texted owner and he agreed.

Open to Public.

Shloime Klein, affirmed

Motion to approve with landscaping the length of the home about 120 feet. - Mr. Lankry

Second – Mr. Halvorsen

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

**Appeal # 4072 – Yosef Notis**, 30 Commonwealth Avenue, Block 290 Lot1.42, R-10 zone. To construct an addition encroaching in the side yard setback – required 10 feet – proposed 5 feet.

Secretary read report.

**From: Terry Vogt, Engineer/Planner – March 21, 2018**

The applicant is seeking (new) bulk variance relief including side yard and aggregate side yard setback relief as necessary to construct the proposed addition. Existing non-conforming conditions include a shed less than 5 feet from the northerly side yard line.

Brian Flannery, sworn. The shed will be removed. The addition is for his mother and will be 692 square feet. His father just passed away. There will be one bedroom on the first floor and 2 bedrooms on the 2<sup>nd</sup> floor. Variance requested for side yard setback of 5 feet where 10 feet is required and 19.3 feet combined setback. There is 3 parking spaces now and does not anticipate any additional parking spaces. There will be 25 feet between the houses.

Yosef Notis, 30 Commonwealth Ave, sworn. There will be no basement apartment, no a/c or heating units on that side, no window wells. The bedrooms upstairs are for guests. There has never been an issue of parking on the block. It is in a cul-de-sac. The next house is 20 feet from the property line.

Open to Public.

Shloime Klein, affirmed.

Motion to approve – Mr. Lankry

Second – Mr. Ingber

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

**Appeal # 4027A – Drake Development**, Drake Road, Block 251.02 Lot 98, R-40 zone.  
Subdivision for 9 single family lots.

**From: Terry Vogt, Engineer/Planner – March 26, 2018**

Under resolution # 4027, the applicant received bifurcated use (and density) variance relief to construct up to 29 single family homes within the R-40 (Single family residential) zone. The applicant is requesting preliminary and final major subdivision approval to subdivide existing lot 98 into 9 new single family lots.

Adam Pfeffer represented applicant.

A-1 rendering of 9 units with a temporary cul-de-sac

A-2 tax map

A-3 tax map

A-4 aerial

A-5 rendering of lot 98.

Brian Flannery, sworn. There will be 9 custom houses on 12,000 plus square foot lots on a cul-de-sac. Phase I is off Drake Road. There are no variances and no design waivers requested. Plan is subject to County approval. Reviewed Terry Vogts letter. This plan is being worked on with the County. There are 2 separate owners.

Open to Public.

Shloime Klein, affirmed.

Closed to Public.

Mr. Flannery - This applicant will pay an impact fee to the County to make improvements.

Mr. Gonzalez - One lot is 18,000 sf and one lot is 20,000 sf and the rest are 12,000 sf.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

Mr. Lankry suggested that on the next phase please get them over the 12,000 sf.

**Resolutions**

Resolution to approve a 90 day extension to file the subdivision map for **Appeal # 4030 – Shmuel Zeffren**, Stirling Avenue, Block 189.05 Lot 149, R-10 zone.

All in favor - Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Gonzalez

**Appeal # 2969A – Brecher**, Block 2 Lot 139, 15 Tori Drive. Resolution to approve a modification to the tree conservation easement.

All in favor. Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Gonzalez.

**Appeal # 4061 – Yakov Spero**, 18 Irene Court, Block 11 Lot 1.28. Resolution to approve a variance to construct a 12 x 20 shed in the rear yard setback, required 5 feet – approved 2 feet.

All in favor. Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Gonzalez

**Appeal # 4066 – Marcel Rottenberg**, Block 11.30 Lot 15, Gudz Road, R-12 zone. Resolution to approve the construction of a single family home with bulk variances.

All in favor. Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Gonzalez

**Appeal # 4056 – River Ave Development LLC**, River Avenue, Block 420.01 Lots 12 & 23  
Resolution to approve the construction of a single story bank with associated drive thru, on site parking and site improvements.

All in favor. Mr. Gelley, Mr. Lankry, Mr. Ingber, Mr. Gonzalez

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor

Meeting adjourned at 11:10 P.M.

Respectfully submitted,

Fran Siegel, Secretary



