

**ZONING BOARD OF ADJUSTMENT
MINUTES**

SEPTEMBER 18, 2019

Meeting properly advertised in accordance with the NJ State Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Gross,

Mr. Gonzalez,

Absent: Mr. Lankry, Mr. Naftali, Mr. Halberstam

Planning Board members present: Mr. Stern, Mr. Herzl, Mr. Garfield

Also attending: Jerry Dasti, Board Attorney

Dave Magno, Engineer/Planner

Fran Siegel, Secretary

Salute to the flag.

Motion to approve minutes of September 9, 2019 – Mr. Halvorsen

Second – Mr. Ribiat

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

Appeal # 4124 – Bais Medrash of Pine Street, 307 Pine Street, Block 774.04 Lot 18, R-10 zone. Preliminary and final major subdivision to create 2 new duplex lots and 2 new lots for the construction of a synagogue on each lot.

Mordy Gross recused himself and stepped off the dais

Abraham Penzer, attorney for application. Thanked the Planning Board members for being present. They are starting all over. This application is for a synagogue and a rabbinical court. The UDO does not permit a rabbinical court so a use variance is required. This building will not be populated by many people. It will be high tech. The synagogue exists across the street from the site in trailers.

Rabbi Ben Willner, affirmed. He is a Board member of the shul since its inception. There are about 80 members walking to daven in the trailers.

A-5 list of members in the neighborhood.

Rabbi Willner – the members will walk to synagogue. They will restrict to 1 minyan in the morning at 7:30 a.m. and by 9 a.m. it will be over. Maybe 40 or 50 people attend and at least half of them will be walking. The reason for the larger shul is for Shabbos and holidays. Adding more parking would only make more congestion in the area.

Mr. Penzer - The Rabbinical court will not function at the same time as the shul. Each lot has 24 parking spots available and are more than adequate.

Rabbi Yaakov Nussbaum, affiliate with Bais Havad (Court). This is a consultant court and they come there for guidance in how to run their business to be in sync to Jewish law and common law. Teleconference and skype is about 70%. Arbitration is done via skype. It is a national skype. There is a lot of activity but it does not involve people physically using the building. They need a lot of room to have discreet conversations. The basement is actually the courtroom. Empty most of the time. Approximately 2 court cases a week about 3 hours. There is a court administrator and a court secretary. The first floor is a study hall – they train the judges in house. Some will walk and the rest will drive. There will be one prayer at 1:45 P.M. approximately. The second floor is offices with a total of 5 employees. 3 full time and 2 part time. The rest are meeting rooms. There is a pool of judges – not on site. The 3rd floor is meeting rooms and offices.

Mr. Stern – the basement is about the size of this courtroom.

Rabbi Nussbaum - This is not your standard study hall. There is a lot of research and a lot of books. They need the space.

Mr. Stern – this is a very big room for 14 people.

Mr. Penzer – after the sale they are splitting the lot. There is nothing in the court in the evening. They are sharing and each one is a different function. The times are different.

Mr. Dasti - They will be sharing the parking lot.

Mr. Penzer – there is nobody in the synagogue during the day except on Shabbos and the holidays. The shul can be closed at 9:30 there will be nobody there. The court is open 10:00 – 6:30 court during the week. When the court is in session there will be no one in the synagogue.

Mr. Garfield - Who will own the parking lot?

Mr. Penzer - They can't separate the parking lot. There is a cross access easement.

Mr. Dasti - There could be an agreeable deed restriction.

Mr. Penzer - It could be in the resolution and could be enforced by the police.

Brian Flannery, engineer/planner, sworn.

A-1 plan submitted

A-2 tax map

A-3 revised map

A-4 tax map with zone line

Mr. Flannery – The parking lot will have cross access easements. They need 33 parking spaces - provided 24 plus 10 parking spaces across the street where the trailers are now. The duplexes have their own parking and they comply. There will be 6 lots; 4 zero lot lines and 1 for the bet din and one for the synagogue. The parking lot will be owned by another owner. They will provide documentation that the lease will be for 10 parking spaces. The duplexes will be sold by individual owners. The property is now owned by one person. It is the responsibility of the owners of the shul to make sure that they have the parking spaces forever. The applicant did request for a parking variance. There is a shared use of the parking lot with a cross access easement. There is no specific parking requirement for the rabbinical court.

Mr. Gelley - Parking is a problem – maybe get rid of the duplex and you can have ample parking.

Mr. Flannery -Additional parking will attract people to the area. The applicant feels that the parking is sufficient.

Mr. Penzer - They will guarantee 10 parking spaces with no parking variance.

Mr. Gonzalez - I will only vote on what I see. This application is very dense, this corner is very dense including truck traffic. Two huge buildings with no parking. Huge problem with adding housing and the court and the synagogue.

Mr. Penzer – as a matter of right he can get 9 duplexes on this property.

Mr. Flannery – there was no traffic study done. Sanctuary for the synagogue requires 19 parking spaces the sanctuary for the bet din is 14 parking spaces. Total would be 33 or 34 parking spaces. There will be three owners – one on each lot.

Mr. Stern - We are relying on the 10 stalls across the street.

Mr. Flannery – the operators of the shul will have the responsibility to make sure that they have the 10 parking spaces.

Open to Public

Moshe Zeines, 112 Elmhurst Blvd, affirmed. Would rather have 9 duplexes that conform.

Jeffrey Hoffberg, 511 Martin Luther King Drive, affirmed. The synagogue is okay – a court house should not be in a residential area.

Closed to Public.

Mr. Flannery – asking to carry - there will be no parking variances

Mr. Gelley – it is just too much.

Mr. Penzer- both uses are inherently beneficial.

Motion to deny – Mr. Halvorsen

Second – Mr. Garfield

Roll call vote: affirmative; Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Stern,
Mr. Herzl, Mr. Garfield, Mr. Gonzalez

Motion to deny, approved.

Planning Board members left the dais.

Mr. Lankry and Mr. Ingber sat in

Appeal # 4135 – 1434 Holdings, LLCC, 1434 14th Street, Block 24.02 Lot 18, R-12 zone.
Required 20 feet – proposed 5 feet.

There were 6 members present.

Adam Pfeffer, represent applicant.

Mr. Gelley recused himself.

Brian Flannery, engineer/planner, sworn.

A-1 copy of variance map

A-2 aerial photo

A-3 copy of tax map

Mr. Flannery – this is a corner lot. This deck is for the applicants parents. When you drive down Cedar Row it will not have any impact. This is a C2 variance. The owner will provide a fence and any landscaping that the board wants.

Mr. Halvorsen - How high is the deck and how high is the fence.

Mr. Flannery - The deck is about 3 feet higher that the grade. They can do a 6 or 8 foot fence whatever the board would want. The proposed deck is 12 feet x 30 feet. The front door is on 14th street. There is an entrance on Cedar Row.

Open to Public

Steven Kramer – adjacent property owner, sworn. Concerned about the impact on the bedrooms of his house and the privacy issue. The house is still under construction

Closed to Public.

Mr. Flannery - The deck is for their parents for privacy – they will either have a deck or a raised patio. They could do a row of arbutus.

Mr. Pfeffer – He has no objection to landscaping and fencing. The lighting will be adjusted.

Motion to approve a 10 x 30 foot deck and a 7 foot rear yard setback with a row of arbutus and fencing– Mr. Gross

Second – Mr. Ribiat

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

Nays: Mr. Lankry

Appeal # 4127 –Covington Village Condominium Assoc. Locust Street, Block 1082 Lot 9
Separation of Covington Village to subdivide existing community into 2 separate lots. Amend prior Site Plan approval. Conditional use variance relief.

Michael J. Gross – this is for a division of Covington Village. 360 units was approved by the planning board in 2003 and after 210 units were developed the developer went bankrupt. There was an agreement between the association and the developer about 90% approved this plan. The bank took the property back. The condominium would retain the 210 units and the developer would develop the 150 units.

William Stevens, Professional Engineer/Planner – sworn.

A-1 aerial display map of the property – the majority of the work is complete.

Mr. Gross - There are 5 buildings that still need to be constructed- 18 1 bedroom units and 12 2 bedroom units in each building.

Mr. Stevens – the parking approved was 1 space per unit for the adult community. Proposal is to subdivide the 2 properties. The variance being requested is for 22 parking spaces.

Mr. Ribiat - Why can't they build as approved with age restricted.

Mr. Stevens - The market is just not there for the age restricted.

Mr. Ribiat - Asking for the separation of the lot – why can't it be built as approved.

Mr. Stevens - The market for age restricted is weak in this area.

Mr. Lankry – Are you building new clubhouses or recreation areas for the new units.

Mr. Halvorsen – is there an HOA for the new units.

Mr. Stevens - They will be condos and can be rented. There is an agreement with the Homeowner association that the children will be picked up on Locust Street. They agreed with the home owners association to build a sidewalk out to Locust Street. These will be rentals. The owner will maintain the property.

Mr. Lankry - Can't see mixing older people with children.

Carey Tajfel – developer of this project. The market does not support age restricted. These are condo style 3 story buildings. There will be a fence separating the 2 communities.

Scott Kennel, Traffic Expert, sworn – providing 260 parking spaces. Provided 260 parking spaces 1.73 spaces per unit. This would be adequate parking for the 150 dwellings. Age restricted is usually 1 car per unit.

Mr. Lankry - 150 units for seniors to 150 units for families. Not in favor of this.

Mr. Gross - R-20/12C zone – The density is allowed.

Mr. Lankry - Would like to see the project with access to a clubhouse, pool and other amenities. Seniors are low impact.

Mr. Gross – 83 % voted to approve this plan and they live there. The condo association does not want any buses in the development so that is why they are putting the sidewalk in to Locust Street.

Mr. Ribiat - Who is paying taxes, etc.

Mr. Gross – Mr. Tajfel’s company is.

Mr. Halvorsen – I don’t think that we have the authority to change it from an adult community.

Francine Tajfel – General Council - The basin is owned by the HOA. As part of the agreement the owner of the 150 unconstructed units will contribute.

Mr. Tajfel – The 1 bedroom units are 800 – 875 square feet; approximately 1100 square feet for the 2 bedrooms

Mr. Stevens – This is a C-2 variance – there is enough parking to meet the requirements of the community.

Open to Public.

Yehuda Rottenberg, 331 Sophee Lane, affirmed. Resident of Covington Village for the last 5 years.

Shaya Klein, 32 Vilna Lane, affirmed. There is no parking on Locust Street. There development has its own parking lot and playground. His property is adjacent to the age restricted development.

Mr. Gelley - Are you concerned that Mr. Rottenberg wants to come in and play in your playground?

Vincent Cioffi, 638 Sophee Lane, sworn. Resident of Covington Village for 11 years.

Chairman announced that **Appeal # 3935B – Ketan Mehta**, Route 70 – will be carried until October 28, 2019 No further notice and agreed to waive time.

Appeal # 4107 – High Point at Lakewood Condominium Assoc, R-12 zone – will be carried until October 28, 2019 – No further notice a waiver of time.

Appeal # 4128 – 121 Somerset LLC, will be carried to the October 28th zoning board meeting. No further notice and agreed to waive time.

Appeal # 4131 – 910 Park Lkwd LLC, Park Avenue, will be carried until October 28th, No further notice and a waiver of time.

Appeal # 4127 Covington Village, continued

Moshe Zeines, affirmed. How wide is the main road?

Mr. Stevens - All infrastructure is in – nothing can be changed. The street Jared court is a one way street and is approximately 20 feet wide. The main boulevard coming into the project is 18 foot wide aiseways each way.

Closed to Public.

Mr. Gross - This provides a smaller unit and satisfies the need for more housing.

Motion to approve – Mr. Gelley

Second – Mr. Gonzalez

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

Nays: Mr. Halvorsen, Mr. Lankry, Mr. Ingber, Mr. Gross

Resolutions

Appeal # 4120 – David Herzog – Vermont Avenue, Block 1100 Lots 17, 19 & 23, R-20 zone. Resolution for a use variance to construct 20 single family residential homes on undersized lots. DENIED.

All in favor.

Appeal # 4090A – 570 Ocean LLC, Block 538 Lots 13, 14 & 42, R-7.5 zone. Resolution to approve a one year extension on the approval.

All in favor.

Appeal # 4057AA – K-Lakewood Associates, Route 70, Block 1077 Lot 21, B-5 zone.

Resolution to approve a one year extension.

All in favor.

Appeal # 3773A - Duvie Holdings – Ocean Avenue & Boulder Way, Block 548 Lots 78, 80.75 & 79, RM Zone. Resolution to approve 4 townhomes.

All in favor.

Appeal # 4126 – Congregation Maalos Hatorah, Chestnut Street, R-20 zone. Block 1159 and Block 1159.04 Lots 31, 32, 33, 46, 47 48 & 29 & 30. Resolution to approve a use variance conceptual with preliminary and final major subdivision to allow 22 duplex house unit development.

All in favor.

Appeal # 4132 – Yeshiva Emek Hatorah, West County Line Road, Block 27 Lot 25, R-12 zone. Resolution to approve use variance for a dormitory.

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
Zoning Secretary