

**ZONING BOARD OF ADJUSTMENT
MINUTES**

FEBRUARY 5, 2018

Meeting advertised in accordance with the NJ Sunshine Law.

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

Salute to the flag.

Motion to approve minutes of January 8, 2018 – Mr. Halvorsen

Second – Mr. Ribiat

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

Correspondence:

Request from Adam Pfeffer to carry **Appeal # 4058 – E. 7th Street Developers** to the March meeting with a waiver of time and no renote.

Motion to carry until March 5, 2018 – Mr. Lankry

Second – Mr. Ingber

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

Letter from Chaim Abadi re: **Appeal # 4015 – Jodi Gelb** – 302 & 306 Dewey Avenue, Block 247 Lot 17 – requesting a 90 day extension to file the subdivision map.

Motion to grant 90 day extension – Mr. Naftali

Second – Mr. Gonzalez

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

Letter from Brian Flannery re: **Appeal # 2969A, Faiga Brecher** – Block 2 Lot 139, 15 Tori Drive, Pool constructed in conservation easement. Asking for a modification of the approved resolution. Mr. Flannery testified that there was no definition of the conservation area. The existing pool was constructed with permits. They now want to construct a pool house. Where the pool house will go is completely buffered. The pool house will go in the rear that is already cleared. There is 45 feet of trees to the neighbor.

Mr. Dasti suggested that he make an application so that the neighbors can be notified and ask that the conditions be removed.

Letter from Brian Flannery re: **Appeal # 3974 – Greenes**, Clear Stream Road, Block 2 Lot 23.01. To construct a different house than what was approved by the Board.

Mr. Flannery – there are no new variances. They just want to change the floor plan of the house. They will comply with all approved setbacks but it will not be the same house. They will not be creating any new variances. Original application was approved with a 40 foot front setback and 10 feet and 15 foot side yard setbacks. New applicant will comply with front and side yard setbacks. All other conditions will be the same.

Motion to approve – Mr. Ribiat

Second – Mr. Lankry

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

Appeal # 4053 – Sarah Ziskind, 58 Birch Street, Block 417 Lot 8, R-10 zone. Bulk variances requested for single family home.

From: Terry Vogt, Engineer/Planner – January 25, 2018

The applicant is seeking approval to construct a two-story two family dwelling. Applicant is seeking bulk variance relief including side yard setback, aggregate side yard setback and (pre-existing) front yard setback for a small dwelling which would be removed to construct the proposed home. The application was heard and carried on January 8, 2018 Zoning Board meeting. In response to the Board's input the variance plan was revised to eliminate the original front yard setback requested.

Chairman announced that only 5 members could vote.

Brian Flannery, sworn. Applicant revised plans to comply with the 30 foot front setback. Asking for aggregate side setback of 15 feet, 7.5 feet each side. 3 out of 10 lots on the block have 7.5 and foot side setbacks. Hardship is that the property is 50 feet wide. Applicants intent is to leave the garage for storage. Revised architectural for the steps to the attic.

A-1 tax map

A-2

A-3 – revised architectural

A-4 tax map

Mr. Flannery – the garage is approximately 12 x 20. First floor of house will be 2,175 square feet, 2nd floor is 2,058 square feet.

Open to public.

Abe Auerbach, affirmed, 51 Birch Street, supports this application.

Chaim Dubin, affirmed, 31 Birch Street, in favor of this application.

Avraham Birnbaum, affirmed, 48 Birch Street, in favor of this application.

Meir Gleiberman, affirmed, 18 Williams Street, in favor of the application.

Closed to Public.

Motion to approve – Mr. Naftali

Second – Mr. Gonzalez

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

Appeal # 4054 – Avraham Teichman, 9 Forsgate Way, Block 189.17 Lot 111, R-20 zone. To construct a 12 x 22 deck in the rear yard setback – required 20 feet – proposed 8 feet.

Secretary read report.

From: Terry Vogt, Engineer/Planner – December 12, 2017

The applicant is seeking variance approval and relief to construct a 12 x 22' deck at the rear of a single family dwelling. The applicant is requesting bulk variance relief for rear yard setback for deck; 8 feet proposed, 20 feet required.

Rabbi Teichman, affirmed – Architectural committee approved the deck and he is the only one on the block without a deck.

A-1 picture of the decks on the block.

Chairman reviewed the letter from the Association approving the deck.

Open to Public. Closed to Public.

Motion to approve – Mr. Ribiat

Second – Mr. Ingber

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

Appeal # 4055 - Lakewood Affordable Housing, LLC – Dr. Martin Luther King Drive, Block 765 Lot 4, RM Zone. Use variance for duplexes.

Secretary read report.

From: Terry Vogt, Engineer/Planner – January 8, 2018

The applicant is seeking use (density) variance relief to construct up to 8 single story, 360 square foot duplexes on the subject property. The Zoning Board application indicates that these units would be used solely for the housing of honorable discharged, handicapped, disabled or low/moderate income veterans or seniors”.

John Doyle, attorney for applicant. This is an inherently beneficial use. This is a bifurcated application, they will come back for site plan. They are modest units in a multi-family zone. They are one story.

Michael Intile, professional engineer, sworn.

Board accepted his credentials.

A-1 site map

A-2 aerial

Mr. Intile described the area. This is a 150 x 150 lot. The temporary storage trailers that are on site now will be removed. There will be 4 buildings with 8 units. The parking lot will have 9 parking spaces. Asking for a use variance for density. Bulk variances requested. These are 1 story apartments with no basements.

Mr. Doyle – 5 units or 2 ½ duplexes would be permitted. These will be one owner and non-profit.

Theodore Gooding, affirmed. Ocean Inc. These units will be for seniors and veterans. They are designed to be user friendly. They are 1 bedroom units. Usually there will be one person in the unit, sometimes 2. The bedroom is approximately 10 x 8. This will satisfy the needs of the community. No basements – They are all slab on grade. A-3 architectural rendering

Mr. Gooding – the rates fluctuate on income. Back ground check are done on each applicant. Most of the clients do not have cars. They use public transportation or someone will come and take them to the supermarket, doctor, etc. Parking is not an issue. There is a pressing need for this. The owner is the Church. Seniors and veterans would be a positive.

Allison Coffin, professional planner, sworn.

Board accepted qualifications.

Ms. Coffin - Property is approximately 15,000 square feet with 100 foot of frontage on Dr. Martin Luther King Drive. The units are 360 square feet and will be for honorable discharged, handicapped, disabled, veterans and seniors. This an inherently beneficial use. The applicant is proposing affordable housing. There is a pressing need for this type of housing in Ocean County.

Open to public.

Shloime Klein, affirmed.

Closed to Public

Motion to approve 4 duplexes with 8 units of 360 square feet restricted to veterans, seniors, subject to site plan approval – Mr. Lankry

Second – Mr. Gonzalez

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

Recess

Appeal # 4057 – K-Lakewood Associates, LLC, Route 70, Block 1077 Lot 21, B-5 zone - Use Variance for 3 self storage buildings.

Secretary read report.

From: Terry Vogt, Engineer/Planner – January 15, 2018

The applicant is requesting use variance approval only to construct 3 self-storage buildings on the undeveloped portion of a 9.24 acre commercial property. This property contains the Wawa Convenience store and fueling facility located nearest to the intersection.

Abraham Penzer represented applicant. This application is for use only, there are no variances requested. A WaWa convenience store and a furniture store were approved for this property.

Shaun Nicolay, sworn. He is a representative of the self-storage co. Maybe 20 or 30 vehicles enter each day. There is not a lot of traffic and this is a very quiet business. There are 2 or 3 employees in the office. Office hours are 9:30 – 6. They have about 60% residential and 40% business. There will be 25 units up to 100 square feet. They have rules in place for outside parking. They cannot store vehicles unless they are licensed and driveable. They have designated parking spaces. They do not want to have any unsightly vehicles on the property.

Mr. Penzer – seeking only use variance approval for 3 self-storage buildings. Will come back for site.

Mr. Nicolay - Office hours are 9:30 – 6. Average size unit is 10 x 10. Customer access is 6 a.m. 10 p.m., 7 days a week. Pharmaceutical reps are one of the main people using the facility.

Brian Flannery, sworn. This use is permitted in B-3 and B-4. This use belongs in the B-5 zone. Very low traffic useage.

A-1 architectural rendering
A-2 site plan

Mr. Flannery – described the site plan. This is a good rateable and there is a definite need for it. Entrances on Route 70 will stay the same.

Open to Public.

Shloime Klein, affirmed. Asked about sidewalks on Route 70.

Closed to Public.

Mr. Penzer –sidewalks have to go in the right-of way and would need to check with state. They will address this at site plan.

Jason Kaplan, affirmed, principal of this property and has been their property since 1952. They have been marketing this property and could not find anyone for years. Ashley Furniture decided to go to Toms River by the Ocean County Mall.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

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

Resolutions

Appeal # 4050 – Shimon Shain, 1824 Attaya Road, Block 11.04 Lot 1, R-12 zone. Resolution to approve variance for rear yard setback for pool – required 10 feet – approved 8.2.

Motion to approve – Mr. Halvorsen

Second – Mr. Gonzalez

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

Appeal # 3951B - 525 Chestnut, LLC, Block 1159 Lot 91, R-20 zone. Resolution to approve subdivision for Lot 91 into 91.01 and 91.02

Motion to approve – Mr. Gonzalez

Second – Mr. Ribiat

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

Appeal # 3951C – 525 Chestnut, LLC, Block 1159 Lot 90, R-20 zone. Resolution to approve subdivision for Lot 90 into 90.01 & 90.02.

Motion to approve – Mr. Halvorsen

Second – Mr. Naftali

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

Appeal # 4051 –Mordechai Portnoy, 10 Courtney Road, Block 137 Lot 1, R-10 zone.

Resolution to approve minor subdivision for duplex.

Motion to approve – Mr. Halvorsen

Second –Mr. Ribiat

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

Appeal # 4052 – Aron Ginsberg, 151 Liberty Drive, Block 290 Lot 1.07, R-10 zone. Resolution to approve a single family dwelling with bulk variances.

Motion to approve - Mr. Ribiat

Second – Mr. Halvorsen

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

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor

Meeting adjourned at 10 P.M.

Respectfully submitted,

Fran Siegel, Secretary