

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**SEPTEMBER 9, 2019**

Meeting was 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: Martin Buckley

Engineer: Terry Vogt

Secretary: Fran Siegel

Salute to the Flag.

Motion to approve minutes of September 22, 2019 – Mr. Gelley

Second – Mr. Ribiat

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

**Appeal # 4115 – Hampton Development, LLC**, 133 Ocean Avenue, Block 248.01 Lot 65.01, B-4 zone. Request from Adam Pfeffer to carry while they work out issues with neighbors. He agreed to waive time and will re-notice when they are ready.

Motion to carry – Mr. Lankry

Second – Mr. Gelley

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

**Appeal #4129 – Faige Pearlstein**, 1305 Forest Avenue, Block 60 Lot5, R-12 zone. Request to carry until the October 28<sup>th</sup> zoning board meeting. Agreed to waive time and no further notice.

Motion - Mr. Lankry

Second – Mr. Gelley

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.

**Appeal # 4134 – Abraham Tikotsky**, E. County Line Road, Block 174.04 Lot 58, R-15 zone. Request to carry until October 28<sup>th</sup> meeting. Agreed to waive time and no further notice.

Motion – 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.

Request from Miriam Weinstein, esq that **Appeal #4114 – 118 ocean Avenue, LLC**, be carried to October 28.

Motion to carry – Mr. Gelley

Second – Mr. Halvorsen

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

Chairman announced that **Appeal # 4124 – Bais Medrash of Pine Street**, 307 Pine Street, Block 774.04 Lot 18, and **Appeal # 4127, Covington Village** will be heard at the Special meeting on Wednesday, September 18, 2019.

**Appeal # 4090A – 570 Ocean LLC**, Block 538 Lots 13, 24 & 42, R-7.5 zone. Requesting a one year extension on the approval.

Miriam Weinstein, Esq. – They do not have DOT approval

Motion to approve – Mr. Lankry

Second- Mr. Naftali

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

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

Requesting a one year extension.

Brett Kaplan

Motion to approve – Mr. Gelley

Second – Mr. Lankry

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

**Appeal # 3787A – TILWY, LLC**. Squankum Road, Block 172 Lot 9, B-4 zone. Amended site plan for the purpose of revising the architectural design to give it a more updated look.

Gerald Klein, Esq - Looking for updated architectural – revision to specific sizes of the apartments.

Brian Flannery, engineer/planner, sworn.

A-1 rendering of proposed architectural

A-2 site rendering – tot lots between the buildings – added recreation

A-3 approved site plan – townhouse looking project

A-4 floor plan

Mr. Flannery – This is a much better plan. There are now tot lots between the buildings. The approved plan had 94 apartments in 3 story buildings and they have 94 apartments in 3 story buildings. The approved plan has 37-2 bedroom units and 19-3 bedroom units – 38 -4 bedroom the proposed is predominantly 3 bedroom units. Proposed is 84-3 bedroom units and 10-2 bedroom units. Total number of bedrooms in the original approval was 283 proposed 272 - less bedrooms. Total square footage approved was 506 asking for 6 additional sq. feet. The use variance and bulk variances were previously granted and they are not asking for anything new. The separation between buildings is compliant with building requirements. There is approximately 50 feet between buildings. The original plan had one tot lot and this plan has 3 tot lots. They will comply with all the conditions of the original approval.

Mr. Ribiat - There are more apartment that will have more children. They may be less bedrooms but there will be more children.

Mr. Flannery – there is 11 extra bedrooms in the approved plan.

Mr. Naftali – there is a much bigger difference from a 2 bedroom to a 3 bedroom unit.

Mr. Ribiat - These people will be there longer

Mr. Halberstam - In a 2 bedroom apartment the people move out much soon than in a 3 bedroom unit. The children get older and there could be more cars.

Mr. Flannery - Parking spaces with the unit mix they need one less parking spaces than approved on the original plan. There is 197 parking spaces provided for the 94 units.

Mr. Halberstam - A bus cannot come into this project.

Mr. Flannery - Each 3 bedroom unit is approximately 1300 sq. feet. The entire site is about 7 acres. The playgrounds will be in the 3 areas indicated. The rest of it the kids can run around.

Mr. Lankry – where are the 12, 13 and 14 year old children going to play?

Mr. Flannery – there is open space. There is a storm water basin, a grass area. The 2 bedroom apartments are in the building towards Squankum Road. All the units will have a washer, dryer. Will agree to all the conditions in the original approval. There is no contamination – the DEP has signed off on it. There will be synagogue in the front building. These are all rentals.

Mr. Gonzalez – would like to see a larger community center.

Open to Public

Moshe Zeines, 112 Elmhurst Boulevard, affirmed. Asked about a bus shelter.

Mr. Flannery – aisles are 24 feet wide – there will be private garbage pick-up. The community center is 4,000 square feet on 2 floors. Its up to the board if they want a bus shelter.

Closed to Public.

Mr. Naftali suggested that the building with the 2 bedrooms be removed and make a bigger clubhouse or somewhere where the kids can play.

Busses cannot get into this development. Should carry with information on the bus issues. Board suggested that they come back with a bus shelter, etc.

Motion to carry with revised plans for the bus issues and bedroom situation and parking – Mr. Gelley

Second – Mr. Naftali

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

Nayes: Mr. Gonzalez

**3980AA –Joseph Sebbag, 122-128 Hope Chapel Road, Block 2.01 Lots 14.01 – 14.05 & 231, R-40 zone. Requested subdivision to construct 6 family lots.**

Sean Gertner, attorney for application requested to carry until October 28<sup>th</sup> meeting

Alan Weiss, attorney for objector Dr. Munk.

Mr. Weiss objected to carry this application. The application needs to be renoticed because it is in violation of the original use variance resolution.

Motion to carry to October 28<sup>th</sup> – Mr. Gelley

Second – Mr. Naftali

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.

**Appeal # 4135 - 1434 Holding, LLC** – there was objector and they wanted to wait it out.

**Appeal # 4120 - David Herzog** – Vermont Avenue, Block 1100 Lots 17, 19 & 23, R-20 zone. Use variance to construct 20 single family residential homes on undersized lots. Required 20,000 square feet – proposed 13,000 – 19,870 square feet.

Miriam Weinstein represented applicant – this is for preliminary and final major subdivision. Asking for use variance (density variance) for single family homes on undersized lots.

Brian Flannery, sworn.

A-1 lot layout plan  
A-2 tax map

Mr. Flannery reviewed Mr. Vogts engineering report. Need variance for density permitted is 2.18 – proposed 2.39. This fits in the area. It is 2 additional units above the density.

Mr. Gonzalez suggested that there be a second access either Caldwell or Vermont.

Mr. Halberstam - The grid and the traffic has to work.

Mr. Flannery – the road will be 32 feet wide. There will not be a Homeowners association.

Mr. Ingber - Maybe if you opened up the road it would be beneficial.

Open to Public

Moshe Zeines, 112 Elmhurst Blvd, affirmed. Concerned about the cul-de-sac.

Closed to Public.

Mr. Flannery – these will be custom homes and will meet all the required setbacks.

Justin Taylor, traffic engineer, sworn.  
Board accepted credentials.

Mr. Taylor – They did a traffic count on the corner of Vermont Avenue. The intersection of Chestnut and Vermont during commuting hours will operate and continue at level “C”. The roadway can handle the additional capacity. The one access point will operate efficiently. There will be an additional 15 vehicles in the morning and 20 in the evening.

Reopened to public.

Moshe Zeines, 112 Elmhurst Blvd, affirmed. He says everything is going to work but the road should still go through.

Mr. Taylor - Do prefer a cul de sac so as not to allow the vehicle from cutting through.

Closed to Public.

Ms. Weinstein - Custom home buyers do not want to live on a street that will become a thoroughfare.

Mr. Flannery - The applicant would study a connection and come back.

Mr. Vogt - If they do a cut through it may affect the amount of lots.

Motion to deny – Mr. Gelley

Second – Mr. Gonzalez

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

Nayes: Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gonzalez

**Appeal # 4133 – Robert Kirschner**, Florence Street & Stradford Street

Motion to carry to October 28<sup>th</sup> – Mr. Gelley

Second – Mr. Lankry

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

No further notice.

**Appeal # 4135 – 1434 Holdings, LLC** – objector wants to wait.

Recess.

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

Adam Pfeffer, attorney for applicant. This application has an approved use variance on the site for 6 units. They have been working with the Homeowners association. They are now proposing 4 townhouses.

Brian Flannery, engineer/planner, sworn.

A-1 aerial

A-2 copy of tax map

A-3 copy of plans

Mr. Flannery - This is a bifurcated application – asking for use only. Will come back for site plan.

A-4 plan that was approved

Mr. Flannery – reviewed Mr. Vogt’s report. Went from 6 apartments to 4 townhouses. There is no access on to Boulder Way. Per an agreement with the homeowners association they will extend the parking facilities in the adjoining property. The units front on the parking. It is a 3,200 square foot print. They received a use variance for the 6 apartments and they need a new use variance for the 4 townhouses. The townhouses are 30 x 40 foot. They will agree with the architectural upgrades, etc. Asking for bulk variances for front yard setback and rear yard setback because the front is on Boulder Way. There will be less units but same amount of bedrooms. They will come back and show all the drainage, etc.

Open to Public.

Eli Sternbuch, 6 Rivka Lane, affirmed. Can we oppose the site plan?

Mr. Halberstam – they have to make sure that it works.

Mr. Sternbuch, he opposes this application – the application has 20 x 40 homes all Lakeview homes are 20 x 30. There are 120 homes in Lakeview. A 25 foot setback is required and they are asking to build up to the property line. Written statement from adjoining neighbor submitted to attorney. Asked the Board to vote no on this application. This proposal is better.

Mr. Naftali - Only approving the amount of units.

Eliezer Mozes, 26 Aspen Court, affirmed. There has been no formal agreement with the HOA. 3 townhouses on the lot would be better. There will be more traffic in the parking lot. There is not enough parking spots. These units are larger and they will look larger. 4 Townhomes is just too much. There have been discussions but there is no agreement.

Mr. Pfeffer showed the board that the application of ownership has been signed by the association. This application was jointly filed with the HOA.

Mr. Buckley - This is a bifurcated application when this comes back for site plan there should be an agreement.

Benzy Fink, 84 Aspen Court, affirmed. He is a member of the Association. There was a discussion between a former board member. This is a compromise that we felt was better than 6 units.

Mike Berman, 33 E. 8<sup>th</sup> Street, affirmed. On the Board of the HOA of Lakeview. The original application is unacceptable. Mr. Gestetner made a donation of \$10,000 to the shul for the property. Mr. Fink is a board member. They signed to the fact that they own the property.

Mr. Halberstam – if this is not approved they have the approval to build the 6 units.

Mr. Pfeffer - This is a better plan.

Mr. Berman - Everyone agrees this is a better plan. Four units are better than 6 and then if there are issues we will fight the site plan.

Chaim Berelowitz, 4 Rivka Lane, affirmed. It is only 10 feet from Boulder Way. There should be 3 units.

Mr. Lankry – they still have to come back for site plan approval for the 4 or the 6.

Aryeh Berman, 76 Aspen Court, affirmed. It is possible that the 6 units cannot fit into this space at site plan.

Mr. Lankry - He has to make it fit. He doesn't lose the approval.

Closed to Public.

Mr. Pfeffer – they will sit down with the association and work out the issues. Open space is not a choice.

Mr. Gonzalez – If the 4 units are approved than the 6 units go away?

Mr. Pfeffer - They have to come back with the 4 or 6 unit site plan. When one of them is approved they will withdraw the other.

Motion to approve, would prefer smaller units – Mr. Gonzalez

Second – Mr. Gelley

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

Abstained: Mr. Lankry

**Appeal #4135 – 1434 Holdings, LLC – 1434 14<sup>th</sup> Street, objector from out of town(Virginia) and wants to wait.**

**Appeal # 4107 - High Point at Lakewood Condominium Assoc**, R-12 zone. Block 423 Lot 156, Massachusetts Avenue & prospect Street, Minor subdivision of the existing lot into 2 separate lots.

Motion to carry until Wednesday, September 18, Mr. Gelley

Second – Mr. Ribiat

All in favor.

**App4eal # 4131 – 910 Park Lkwd, LLC, Park Avenue**, Block 232 Lots 2-5 B-4 zone.

Preliminary and final major subdivision approval for creating 18 duplex lots.

Motion to carry to the September 18<sup>th</sup> zoning board meeting – Mr. Gelley

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. Use variance conceptual with preliminary and final major subdivision to allow 22 duplex house unit development.

Miriam Weinstein, attorney for applicant. 32 units chestnut gardens. This is an extension of the Golders Green road - Use variance has been granted, added to the plan - 2 lots 46 & 47. The MUA would not permit parking in the easement area and also created a shul in a basement area. The road improvements along Chestnut Street have already commenced. Only for the 2 new lots do they need use variance relief. Deed restricted a shul in a basement in one of the units.

Graham Macfarlane, engineer/planner, sworn

A-1 aerial map showing subject property

A-2 colored version of the application previously approved

A-3 development plan – 22 units proposed

A-4 development plan approved that did not include lots 46 and 47

Mr. Macfarlane – No bulk variances requested. Unit will be deed restricted for a shul in the basement.

Aaron Perlow, affirmed. Applicant. The shul is in the basement and the owner will live upstairs.

Ms. Weinstein - It will be owned by a private person or in the name of a congregation.

A-5 Letter

Open to Public.

Moshe Zeines, 112 Elmhurst Blvd, affirmed – Is this a 30 or 32 foot wide road? How is the hammerhead road going to work? Will there be a sidewalk all around?

Mr. Halberstam - 30 foot wide and sidewalks all around and the hammerhead is 55 feet wide.

Mr. Zeines suggested a 32 foot wide road.

Lazer Nagel, 19 Golders Springs Road, affirmed. Do not oppose the project as represented. Went to arbitration with other people and agreed.

Andrew Bleier, 26 Stamford Hill Road, affirmed. Part of the negotiations and do not object to this project. Accepted arbitration agreement as presented.

Closed to public.

Applicant agreed to widen the road to 32 feet.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

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

Nayes: Mr. Gonzalez

**Appeal # 4132 – Yeshiva Emek Hatorah**, West County Line Road, Block 27 Lot 25, R-12 zone. Site plan and use variance for a dormitory.

Use variance and site plan to construct a dormitory for an existing high school. This will service the existing school; 13 rooms for boys, and 1 dorm counselor. There will be a recreation room in the basement along with laundry machines, a student lounge and additional showers. Boys not permitted to drive to school. There will be sidewalks all the way to from the dormitory to the school – no cars.

Brian Flannery – agree with all Terry Vogts site plan comments. The boys are already renting in the area. The school is about 1,000 feet from the dorm. Showing 3 parking spaces, 1 handicapped. They will construct a 6 foot vinyl fence as per the request of a neighbor. There is no dining room in this dormitory.

Ms. Weinstein - 13 rooms 4 beds in each room. There will definitely be a sprinkler system. The outside is brick and stucco. Trying to keep it as residential as possible

A-1 layout plan

A-2 sheet 19 of the tax map

Mr. Flannery – There is no kitchen. There is 45 parking spaces on the campus. They will agree to 5 stacked parking spaces.

Open to Public.

Yaakov Weinberger, 12 Sharon Court, affirmed. He is running the school and these boys have been in the neighborhood. Applying in Howell Township for an addition to the school.

Closed to Public.

Motion to approve – Mr. Gelley

Second –Mr. Lankry

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

**Appeal # 4135 – 1434 Holdings, LLC**, 1434 14<sup>th</sup> Street, Block 24.02 Lot 18, R-12 zone.

Motion to carry until next Wednesday, September 18<sup>th</sup>.

All in favor.

No further notice.

**Appeal # 3935B – Ketan Mehta**, Route 70, Block 1160.01 Lot 256.02 B-5 zone.

Motion to carry until next Wednesday, September 18<sup>th</sup>.

No further notice.



**Appeal # 4128 – 121 Somerset, LLC, Cherry & North Oakland Street**  
Motion to carry to next Wednesday, September 18<sup>th</sup>  
No further notice.

Motion to pay bills.  
All in favor.

**Resolutions**

**Appeal # 4119 – Shlomo Korlansky, 53 Forest Drive, Block 12 Lot 206, R-12 zone.**  
Resolution to approve the construction of a construct a new single family with variance approved  
for aggregate side yard setback of 20 feet where 25 feet is required.  
All in favor.

**Appeal # 4042A - Tress - Amended Resolution for basement**  
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