

**ZONING BOARD OF ADJUSTMENT
MINUTES**

FEBRUARY 1, 2021

VIRTUAL MEETING

Meeting advertised according to the Sunshine

Roll call attending: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Gross,
Mr. Halberstam

Arrived late: Mr. Ingber

Also attending: Jerry Dasti, Zoning Board attorney
Terry Vogt, Engineer/Planner

Salute to the Flag

Motion to approve minutes of January 4, 2021 – Mr. Naftali

Second – Mr. Gelley

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

Motion to approve minutes of January 11, 2021 -Mr. Natali

Second – Mr. Ribiat

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

Request from Baila Ungar from Newlines Engineering re: **Appeal # 4170 – Jacob Miller**

Notice was given to property owners but the notice was not published in the newspaper.

Motion to carry to March 1 – Mr. Lankry

Second – Mr. Gelley

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

Re-notice only in the newspaper.

Correspondence

Appeal # 3966A – Newport Estates, Block 490 Lot 2 -request from Brian Flannery for 3 one
year extensions of the original approval.

Mr. Dasti – asking for 3 one year extensions of the original approvals.

Brian Flannery, sworn. Approved December 2017 applicant trying to get public sewer and
asking for 3 one year extensions.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

Roll call vote; affirmative: Mr. Gelley, Mr. Lankry, Mr. Naftali, Mr. Ribiat, Mr. Ingber,
Mr. Gross, Mr. Halberstam

Mr. Dasti – will be good until December of 2022.

Old Business

Appeal # 4168 – David Bernstein, Attaya Road, Block 11.04 Lot 7.01, R-12 zone. To construct
a residential home with variance requested for combined side yard setback of 20 feet where 25
feet is required. Also seeking retaining wall approval.

Miriam Weinstein, attorney for applicant. This lot was purchased by the applicant June30, 2020.
They want a 55 foot wide home. The lot width of this lot is 75 feet and they are asking for a
combined side yard setback of 20 feet where 25 feet is required. Also asking for a variance for

the retaining wall. In 2010 this lot was part of a subdivision. This is not a self imposed hardship. This owner is 2 owners down from the original subdivision.

Mr. Dasti - Not a self imposed hardship.

Mr. Halberstam concerned about the Planning Board minutes saying that there was testimony saying that there will be a regular 50 foot wide house will be sufficient for this lot.

Brian Flannery, sworn. When the Planning Board granted this 75 wide lot there were 8 lots similar in size in the area. Driving down Attaya Road nobody will notice that there is 10 feet on both sides. There is no detriment to the neighborhood and will fit in. There is no adverse impact. The retaining wall is 6 feet high and that is because of the grading. They will meet with neighbors, maybe he could provide some grading on the neighbors property. They want a level useable back yard. Grading will be done according to township standards. Will work with the Township engineer.

Mr. Vogt –with regard to the retaining wall, he discussed with Glenn Lines that he would submit information on the adjacent property which we do not have and should be a condition of approval.

Mr. Flannery – this will look appropriate in the neighborhood. The plans show an unfinished basement. This does not have a side entrance to the basement.

David Bernstein – affirmed. Will not have a rental basement.

Mr. Halberstam – still believe that he could have a 50 foot wide house without needing a variance.

Mr. Flannery – could be a block wall – they will work that out with the engineer and the adjoining neighbor. Lot 1 is undeveloped.

Ms. Weinstein – they will have an agreement with the neighbor before building the retaining wall.

Mr. Flannery - Lot 20 has a house on it.

Mr. Lankry – would feel more comfortable with letters from the adjoining neighbors.

Motion to approve combined side yard setback of 20 feet and letter from neighbors re: retaining wall approval – Mr. Lankry

Second – Mr. Gelley

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

Nayes: Mr. Halberstam

Appeal # 4115 – Hampton Development, LLC, 133 Ocean Avenue, Block 248.01 Lot 65.01, B-4 zone. Proposed 3 story residential apartment building with ground floor parking.

Secretary read report from Terry Vogt, Engineer/Planner

The application is for Preliminary and final major site plan approval to construct a three-story, multi-family apartment building above a ground floor parking garage with 99 units on existing lot 65.01 in block 248.01. The proposed apartment building will contain 37 one-bedroom units and 62 two-bedroom units. Accessory uses such as a business center, shul, social hall, gym, recreation room and outdoor common terrace areas are also proposed. The project will also

include 252 parking spaces including 9 ADA spaces. Two hundred twenty eight of the off street parking spaces will be located within the ground level parking garage and the remaining 24 will be located within 2 parking areas around the building.

Adam Pfeffer, attorney for applicant. Use variance for 99 unit multi family building that is not permitted in the zone. Not seeking any parking variances. Asking for small bulk variances.

Brian Flannery, sworn.

Board accepted credentials.

Scott Kennell, traffic expert,sworn.

Board accepted credentials.

Mr. Pfeffer – first floor recreation room is about 2800 square feet, shul is approximately 3400 square feet, business center is about 1450 square feet, gym is approximately 1200 square feet and rec room is about 1275 square feet.

Mr. Flannery – described the area of the proposed multi family building. Reviewed Mr. Vogts report.

A-1 sheet 3 of 11

Mr. Flannery – building runs adjacent to the Railroad tracks. Asking for a height variance of 49 feet where 45 feet is required. 37- 1 bedroom, 62-2 bedroom, proposing 252 parking spaces and 209 is required. This is in close proximity to downtown. Front yard setback proposing 9 feet where 25 feet is permitted. 228 inside the parking garage underneath the building. Remainder outside on their property. They will provide sidewalks along Ocean Avenue. No place to put sidewalks or trees on E. 2nd Street. Tbis property is in close proximity to the B-2 zone where this would be a permitted use. Parking spaces will be assigned. Conrail approval or proof of no jurisdiction is required. Will agree to satisfy all items in Mr. Vogts report. The building will have maintenance personal. 15 x 16 trash enclosures.

Joe Kociuba, engineer, sworn.

Scott Kennell – prepared traffic impact study on February 2019. A year before Covid. This apartment complex will not generate more traffic than if the building supply business was in effect. There will be a right in and right out only from Route 88. Full movement on E. 2nd Street. They are providing in excess of RSIS requirements. 1 space per unit balance will be open for visitors.

Mr. Flannery – B-4 zone allows all uses in the B-3 district except for Multi-family, B-1 allows groceries, food stores, drug and pharmaceuticals, townhouses at 8 units per acre. Could get 25 townhouse here. This property is close to the bus station and the downtown area and makes this project fit in the area. Duplexes could also be permitted at about 20 duplexes.

Mr. Dasti - Taxes are not a reason to approve or not approve.

Chairman recommended that we carry **Appeal # 4169, Cellco Partnership** to the March 1st zoning board meeting.

Motion – Mr. Gelley
Second -Lankry
All in favor.

No further notice and Mr. Schneider, attorney for applicant agreed to waive time.

Mr. Kennell – traffic counts were done from 7 a.m. to 10 a.m and 3 p.m. – 6 p.m. Suggested that the site access be limited to right in and right out so there are no left turns out.

Mr. Flannery - It is a walkable community. The site is suited for the proposed use. The other permitted use promote much more intent traffic. These are 1 and 2 bedroom apartments. There will not be than many children.

Mr. Ribiat – what recreation area will be for the children.

Mr. Pfeffer – recreation room is 1,275 sf; shul is 400 sf; business center is 1,450; gym is 1200 sf; social hall is 3400 square feet. For the building residents only.

Mr. Ribiat asked about a play area for the children.

Mr. Kennell -Not expected to have school age children on site, or it would be a low number. If there are buses will be worked out with the transportation board.

John Saracco, licensed architect in new Jersey, sworn. Reviewed drawing # 3 of 11. There is a drop off 2nd street. They did not want buses off Ocean Avenue.

Mr. Saracco reviewed each page of the architectural plans. There is a generous parking ratio. Each floor was explained with elevators, lobbies, package room, and mail room. Bicycle storage and management and support services office on the main level. First residential floor plan is above parking garage. There is a common terrace. The social hall is for functions of the tenants. The business center is for office equipment, computers and a fax machine and a conference room. There are 3 common terraces. There is an area for stroller common storage. The 3rd floor is just the apartments. All apartments have their own washer, dryer. There is no retail or outside rental for any use. There is an apartment downstairs for the super. These are large courtyards, plenty of room for playing. Activities for the girls and activities for the boys.

Mr. Ribiat - Any toys or playground for the children.

Mr. Saracco – these are large courtyards, plenty of room for playing. He explained how the garbage will be picked up. In the trash room there is a refuse trash chute and a recycle chute. Those chutes go into compactors and the super will wheel out the compacted bundles to the trash area and the garbage truck will then pick it up.

Recess.

Open to Public.

Yosef Schustal, 12 Midtown Circle, affirmed. Concerned about this proposal. There are multiple compelling reasons to deny this proposal. They cannot build a 50 foot building up to his property line. Please deny.

Mr. Dasti – the letters that were e-mailed were all sent to the Zoning Board members.

Objectors to application.

Yaakov Svei – 89 Midtown Circle
Yitzchak Katz, 774 Marlin Avenue
U Piller, Midtown Circle
Yonah Augenbraun, 9 Giti Road
John Onollo, 1281 Medina Court
Benzion Magid, 213 Pearl Street
Feiga Berenbbaum, 8 Midtown Circle
Rachel Katz, 4 Midtown Circle
Yale Nutt
Shneur Schustal, 12 Midtown Circle
Avrohom Birnbaum, 935 East County Line Road
Yaakov Herskowitz,
Rabbi Naftali Ganzweig, 714 Park Avenue
Yitzchok Katz, 94 Aspen Court

Eileen Fiorentino, 79B Fairway Court
Shmuel Heilnbron
Tova Feifer, 436 Ocean Avenue
Yisroel Ganzweig, 15 Midtown Circle
Mark Becker, Vine Street
David Koleditsky
Nate Brody
Miriam Rosenberg

In favor of this proposal

Tzodek Katz, 5 Kedma Drive
R. Svei
Yekutiel Israel, 19 Regal Court
Rabbi Avi Benssoussan
Abe Shapiro
Feivy Schreiber, Regal Court

Closed to Public.

Mr. Dasti – all letters are on file.

Mr. Pfeffer – all objectors are from one development. This use is much less intense than the permitted uses. The benefits outweigh the negatives. This is a beautiful building. This will change the look and feel of the neighborhood. They will not ask for a tax abatement.

Mr. Naftali – the plan is beautiful but not convinced that this is the right place for it. The traffic was not convincing, concerned about the traffic. This plan is way too aggressive.

Mr. Dasti – we cannot approve or disapprove an application based on taxes. Application is for 99 residential units, 4 floors, first floor is garage level and 3 floors of residential, 37 1 bedrooms, and 62 2 bedroom which are 1169 sf, Multi family is not permitted in the B-4 zone and therefore a use variance is required. The social hall will be about 2900 sf on the first floor, the shul is about 3400, the business center is about 1450 sf gym is 1200 recreation room 1275, this building will replace an old lumber yard which has deteriorated over the years; 209 parking spaces are required and they are proposing 252 spaces. 99 parking spaces will be assigned. There will be 4 trash chutes. There will be a play area for children. Three common terraces. There will be no retail on the property.

Motion to approve - Mr. Gelley

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gelley, Mr. Lankry, Mr. Ribiat, Mr. Ingber, Mr. Halberstam
Nayes: Mr. Naftali, Mr. Gross

Mr. Dasti - There will be a condition of this approval that taxes must be paid 60 days from memorialization.

Motion to carry **Appeal # 4167 – Jeffrey Jerman** until March 1

All in favor.

No further notice and agreed to waive time.

Resolutions

Appeal # 4166 – Mordechai Ehrman, 340 Laurel Avenue, Block 536 Lot 48, R-7.5 zone.

Resolution to approve the construction

**ZONING BOARD OF ADJUSTMENT
MINUTES**

**FEBRUARY 1, 2021
PAGE 6.**

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:45 P.M.

Respectfully submitted,

Fran Siegel, Secretary