

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**MAY 4, 2020**

Meeting was advertised in accordance with the NJ Sunshine Law.

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

Absent: Mr. Halvorsen  
Attorney: Jerry Dasti  
Engineer: Terry Vogt  
Secretary: Fran Siegel

Salute to the flag.

Motion to approve minutes of March 2, 2020 – Mr. Gelley

Second – Mr. Gonzalez

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

**Appeal # 4027A – Drake Development**, Block 251.02 Lot 98. Request from Brian Flannery for a one- year extension to file the subdivision map.

Motion to approve – Mr. Lankry

Second – Mr. Gelley

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

Mr. Dasti announced that **Appeal # 4130, Fairways**, will not be heard tonight on the interpretation issue.

Ms. Donato did not want to forward because this was remote.

Mr. Dasti - The case will be dismissed without prejudice.

Motion to dismiss without prejudice– Mr. Gelley

Second- Mr. Naftali

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

Chairman announced that this case was dismissed without prejudice and whenever she is ready she can bring it back.

**Appeal # 4141 – Ruth K. Schuster**, Brook Road, Block 208.01 Lot 23, R-15 zone. To subdivide property into 2 lots. Use variance to keep farm animals on new lots 23.01 and 23.02.

Mr. Dasti – minor subdivision to subdivide property in 2 lots – one lot will have the existing dwelling with the farm land and 23.01 and property in total is about 6 acres. The new agricultural lot will have about 3.2 acres the residential lot will also have about 3 acres. The lot sizes are about the same. The farm is pre existing, non conforming that is the reason for the use variance.

Mr. Vogt – this is a conditional use as an agricultural use Lot 23.01 has existing bulk variances.

Mr. Dasti – pre existing bulk variances.

Open to Public.

Rise up Ocean County – What little farmland that remains in Lakewood contributes to preserving the historic roots of the community and this small addition to that inventory should be welcomed.

Closed to Public.

Motion to approve subject to all comments in Terry Vogts review letter – Mr. Gross

Second – Mr. Naftali

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

**Appeal #4150 - Spruce Care LLC**, East Spruce Street, Block 855.01 Lots 26 and 29, R-20 zone. To subdivide lots 26 & 29 and each lot to be 12,000 square feet fronting Spruce Street. Seeking to consolidate rear portion of lots 26 & 29 and have an access easement through lot 17.

Adam Pfeffer, attorney for applicant. Testimony will be for the 2 applications but will be 2 separate votes. One for subdivision and one for the use variance. This was previously approved at the planning board. There were concerns of the neighbors. The single family homes were fronting on Spruce Street. This plan has been revised to address the concerns of the neighbors.

Brian Flannery, sworn. This is for a minor subdivision of lots 26 and 29 into 3 lots. Two lots will be 90 feet wide and 12,000 sf fronting on Spruce Street and the 3<sup>rd</sup> lot in the back will have the office building and the day care and an easement out to Pine street. All of the lots are 90 feet wide except lot 23 which is the school. This was an A-1 zone and now it is R-20 zone. This Development will have public sewer. This application is for an office and an office is not a permitted use. The day care and the single family homes are permitted uses.

Reviewed Terry Vogts report. The neighbors on E. Spruce Street will have the residential on their street and not the Office and the Day Care. Requesting use variance for the office use. Lot 26.02 and lot 26.03 will be 12,000 square feet, 90 feet wide where 100 feet wide is required. Will provide 4 spaces per dwelling unit. Providing more parking than permitted by ordinance. The residential lots will be picked up by Public Works and the office and day care would be private collection. No parking relief will be required.

A-1 tax map

A-2 aerial photo

A-3 layout – site plan, circulation plan

Site plan was approved by the PB. There is an agreement with the Township to use the parking at OEM. Future lot 26.01 ..... The Day Care is a beneficial use and Oak Street is not conducive for residential. The residential will be on E. Spruce Street. The Day care will be children under school age. There are 16 classrooms. There is loading for parents to drop off.

Mr. Halberstam – this is strictly for day care for children below school age. This is a permissible use and the only variance is for the office on the second floor.

Mr. Flannery – The impact from traffic is predominately from the Day Care which is permitted.

Mr. Gross - Pine Street backs up with traffic at the traffic light. Cannot see how this will work

Mr. Flannery - Does need County approval.

Mr. Pfeffer – they switched from East Spruce Street to Pine Street as per the neighbors request.

Mr. Lankry – the County will reassess the situation.

Mr. Flannery – single family homes will be custom and will comply with board approval.

Terry Vogt – the applicant will abide by all comments of his review letter.

Mr. Flannery - The single family lots are in the R-20 zone.

Open to Public.

Charles Klein – 1421 E. Spruce Street – Due to 2 schools already on the block we feel that as long as we can keep it residential it will retain the character and quality of life. In support of the application. There are now 4 schools on the block creating high volume of traffic and safety concerns. There are no sidewalks, etc.

Mr. Naftali – the County will be advised and they can assess the situation.

Mr. Halberstam - Would rather see this project on Pine Street than Spruce Street.

Motion to approve subdivision – Mr. Gelley

Second – Mr. Lankry

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

Nays: Mr. Gross

**Appeal # 4151 – Spruce Care LLC**, East Spruce Street, Block 855.01 Lots 26 & 29, R-20 zone.  
Use variance to construct a mixed use office space and daycare center.

Open to Public.

Charles Klein, 1421 E. Spruce Street – As a resident of the neighboring block of E. Spruce Street, I am in support of this proposal.

Motion to approve use – Mr. Naftali

Second – Mr. Lankry

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

Nays: Mr. Gross

**Appeal # 4018A – Zichron Chaim**, White Street, Block 251.02 Lots 25.02 – 15.08, R-40 zone.  
To amend the previously approved subdivision to create 10 single family dwelling using R-12 requirements, Lot 15.01 remains unchanged.

Adam Pfeffer, attorney for applicant.

Brian Flannery, engineer/planner, sworn.

Mr. Flannery – subdivision application

Mr. Pfeffer -they tried working with the neighborhood with what was approved, based upon their meeting they now have cul-de-sacs on White Street.

Mr. Flannery – reviewed Mr. Vogts report

A-1 tax map of sheet 75

Mr. Flannery – the property is in the R-40 zone. The neighborhood supports this project. Nobody will build R-40 houses, only schools. Looking for 11 lots. Asking for 2.23 dwelling units per acre. Until such time as the construction of Cross Street has started. They have 12,000 foot lots minimum. The norm of the neighborhood is schools or R-12 and this will be consistent with the area. Trash pick up will be by Public Works.

A-2 sheet 3 of 14

Mr. Flannery – the existing lot will remain and the rest will be a cul de sac. The new houses will all conform with the R-12 requirements. These will all be custom homes. Proposing to widen White Street, county approval for Cross Street is needed. They will satisfy all Terry Vogts comments. Extending water and sewer subject to NJ American water. These will be custom homes.

Open to Public.

Rise Up Ocean County – How many homes were previously approved? Will these single family homes have full basements? If so, is it the expectation of the Zoning Board that the basement will be apartments occupied by non-family tenants? Has consideration been given to additional water draw and sewerage processing?

Zalmen Sorotzkin – 19 Olive Court – In support of this project.  
Yehuda Geller, 17 Olive Court- In support of this project.  
Shaya Prager, 7 Olive Court – In support for the project.  
David Stern 21 Olive Court – in support for the project.  
Devora Moskowitz, 170 White Street -in support for the project.  
Avrohom Honig, 170 White Street – in support for the project.  
Chuck Reiss, 53 W. Cross Street, Jackson – This will enhance the neighborhood.  
Ovadya Levine, White Street – In support of this application.  
Jacob Inzlicht-Sprei, 13 Olive Court – In support for this project.  
Levy Isaacson, 75 White Street – In favor of this application.  
Betzael Chop, 110 White Street, In support off this application.  
Moshe Portnoy, 292 Whitesville Road – In support of this project.  
Binyomin Mandelbaum, 100 White Street – In support of this project.  
Shaul Kuperwasser, 25 Olive Court – in support of this project.  
Menachem Lefkowitz, 23 Olive Court – in support of this project.  
Shraga Waxman, 19 Galassi Court, Jackson, NJ – In support of this project.  
Manny Lefkowitz, 23 Olive Court – In support of this project.

Mr. Gonzalez – would prefer R-15 lots.

Mr. Flannery – there are no R-15 lots in the neighborhood.

Mr. Naftali - An R-12 is plenty

Mr. Flannery - They can only build 8 as allowed in the R-40 until Cross Street is constructed and then they will build the last 3.

Motion to approve – Mr. Lankry

Second – Mr. Naftali

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

**Appeal # 4137 – Madison Ave Realty, LLC**, 100 Madison Avenue, Block 73 Lot 5, R-OP zone. Build a new building and expand convenience store. Add one dispenser and update fueling station. Update site, signs and equipment.

Moshe Lankry recused himself from his application.

Adam Pfeffer, attorney for applicant.

Jazz, architect

Christine Cofone, planner

Eric Hough, engineer/traffic.

Professionals were sworn.

Board accepted credentials.

Mr. Pfeffer, This application is for a gas station that currently exists on the corner of First Street and Route 9. There is currently a convenience store and an auto repair bay for oil changes and minor repairs. Application is to rebuild the building in its existing state removing the automobile bay and extending the convenience store. They will be updating the building and to add a sandwich area. They will be adding one more bay for gas. Not creating any new variances including the sign.

Mr. Vogt - Expanding the non conforming use. Adding the sale of prepared food.

A-1 landscape rendering  
A-2 existing conditions

Jaz – lot is 150 feet on Madison Avenue. The existing building is 2,200 sf and convenience store is 858 sf of that is 1342 sf is the repair garage. The 2200 sf foot print will remain and all of it will be a convenience store they are adding a cooking prep area. Coolers outside will be removed. Will be adding one more pump to make 3 pumps. There are 3 underground storage tanks and will be replaced with new ones. Proposing 12 parking spaces. They will comply with ADA requirements. Currently the site is mostly paved. To buffer the neighboring property they will install a 6 foot privacy fence. There is an existing free standing sign which currently overhangs in the right of way. That sign will be removed and a new one will be constructed. They will need a variance for the height of the new sign. The sign will be illuminated. All other signs will be removed. It will be a one story building with no basement. There will be no shopping carts. They will be selling pre packaged products and a sandwich section. This building will not require a fire sprinkler system.

Eric Hough, traffic engineer – traffic report submitted will not add an impact to the existing station. Described the site with driveway and circulation of vehicles.

Mr. Pfeffer - Applicant agrees to all technical comments in Terry Vogts review.

Jazz - East side is a municipal parking lot - west 2 ½ story residential building, north is a residential site, south side is a 4 story assisted living facility.

Mr. Naftali – this is a heavily trafficked area.

Mr. Vogt – asked about deliveries to the store there are no loading zones identified.

Jaz – the place behind the building will be used. Oil deliveries are once a week, food deliveries are once per day and not on peak hours.

Christine, planner. Proposing to demolish the convenience store and replace with a new one. Provides more opportunity for the residents in the area. The benefits outweigh the detriments. The site will be better and walkable for the residents in the area.

Mr. Halberstam – concerned about this project – does not want this to turn into an Aisle 9. This is a very heavily street, deliveries and parking all hours of the night.

Mr. Pfeffer – the aisle 9 building is more than 2 times the size of this building. They exceed the Lakewood parking requirements. This is an owner operated project. He is just looking to add some sandwiches to his store.

Mr. Naftali – nice plan but doesn't belong here. This cannot work.

Mr. Pfeffer offered to remove the food preparation area. Asking to update the site. No variances are requested. This will not add any major increase to the site.

Mr. Halberstam – no buffer, truck deliveries .....

Mr. Gelley – more food being served there will increase the traffic. That corner is way to busy to add...

Open to public.

Moshe Lankry, - opposed to this project.

Closed to public.

Mr. Ingber – would love to see a facelift but traffic is constantly baked up on this corner. Increasing any retail space would not be a benefit.

Mr. Pfeffer – looking to rehab the site, add one more bay, this is existing – they will remove the food station of the application. The fence for the rear property they could do some landscaping.

Mr. Halberstam - This is a better alternative but the wrong fit.

Motion to deny – Mr. Naftali

Second – Mr. Gelley

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

Abraham Penzer for **Appeal # 4147 – BM of Pine Street** – carried to June 8<sup>th</sup>, no further notice and requested that they may need planning board members. Agreed to waive time

Mr. Gelley asked that the be first t

Motion to carry to June 8<sup>th</sup> – Mr. Ribiat

Second – Mr. Gelley

Mr, Gelley, Mr. Ribiat, Mr. Naftali, Mr. Gonzalez, Mr. Halberstam

Miriam Weinstein for **Appeal # 4148 – Washington Management LLC**

Ms. Weinstein agreed to waive tie and no further notice

Motion to carry to June 8<sup>th</sup> – Mr. Ribiat

Second – Mr. Naftali

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

Brian Flannery for **Appeal # 4145 – Sam Schulman** – agreed to waive time

No further notice

Motion to carry to June 8<sup>th</sup> – Mr. Gonzalez

Second – Mr. Naftali

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

## **Resolutions**

**Appeal # 4107 – Highpoint at Lakewood Condominium Assoc.** RM Zone. Block 423 Lot 156, Massachusetts Avenue & Prospect Street. Resolution to approve minor subdivision of the existing lot into 2 separate lots.

Motion to approve – Mr. Gelley

Second – Mr. Naftali

All in favor

**Appeal # 4146 - Dubin Contracting**, 211 Glen Avenue South, Block 274 Lot 1.09, R-12 zone.  
Resolution to approve bulk variance for building coverage and front setback.

Motion to approve – Mr. Gelley  
Second – Mr. Naftali  
All in favor.

Motion to pay bills.  
All in favor

Motion to adjourn.  
All in favor

Meeting adjourned at 10:15 P.M

Respectfully submitted,

Fran Siegel, Secretary