

**ZONING BOARD OF ADJUSTMENT
MINUTES**

JULY 1, 2019

Meeting was advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross,
Mr. Halberstam

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

Arrived late: Mr. Gonzalez

Attorney: Jerry Dasti

Engineer: Dave Magno

Secretary: Fran Siegel

Salute to the Flag.

Motion to approve minutes of June 17, 2019 – Mr. Gross

Second – Mr. Halvorsen

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

Appeal # 4045A – Simon Klein, Laurel Avenue, Block 536 Lots 54 & 156. Letter from Chaim Abadi requesting a 90 day extension to file subdivision map.

Motion to grant request – Mr. Gelley

Second – Mr. Gross

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

Appeal # 45051A – Mordechai Portnoy – 10 Courtney Road, Block 137 Lot 1.01, request to remove “paved off street parking areas (and aprons) servicing the duplex are proposed.

Mr. Halberstam recused himself from this application.

Mordechai Portnoy affirmed. The house is over 100 years old. The resolution says that they have to have 4 paved parking spaces. The new house is on 12th Street. There is an existing sidewalk.

Chaim Abadi, affirmed. The original approval was for a subdivision. The house has 4 bedrooms and the basement is not useable.

Open to Public. Closed to Public.

Motion to approve with the condition that if and when the building is taken down or any modifications, they have to put in the 4 parking spots – Mr. Gross

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross

Appeal # 4115 – Hampton Development, LLC, 133 Ocean Avenue, Block 248.01 Lot 65.01, B-4 zone. Request from Chaim Abadi to carry to the July 22nd meeting.

Secretary said that the taxes were not paid and there was an issue with the notice.

Motion to carry to July 22nd – Mr. Gelley

Second – Mr. Gross

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

Chairman announced that there are only 5 members present.

Appeal # 4119 – Shlomo Korlansky, 53 Forest Drive, Block 12 Lot 206, R-12 zone. To construct a new single family with variances requested for aggregate side yard setback and building height.

Shlomo Korlansky, affirmed.

Brian Flannery, sworn. This is a single family home – the combined setback required is 25 feet where 20 feet is proposed. They are not asking for a height variance.

A-1 sheet 16 of tax map

A-2 map submitted

Mr. Flannery reviewed Terry Vogt's report. The building height is not needed. There will be a walk out basement. They are not requesting a height variance. They will fix the grade. The lot is an existing 50 feet wide lot and a 25 foot wide house would not be suitable for the needs of the family moving in. They can build a 25 foot wide house with no variance but would like a 30 foot wide house. Country Place is behind this lot. There are houses on both sides and houses across the street. There are many 50 foot wide lots in the area and this house fits into the area.

Dave Magno - He has to make the design work.

Mr. Halberstam - Here only for a combined side yard variance?

Mr. Flannery – yes.

Mr. Dasti - No outside attic entrance and only one outside entrance to the basement.

Mr. Flannery – yes. Square foot of the house is approximately 3,400 square feet. The older houses in the area are smaller. There are newer houses in the area on 50 foot wide lots.

Open to Public.

Linda Kelly, 60 Forest Drive, sworn. There was an application for this property in 2007 to this board and was denied. This board approved a small house. The house was appropriately sized. There is a deep drop off. There will be a huge run-off problem. This is a huge 7 bedroom house. Issues with parking now. Road is very narrow. Emergency vehicles cannot get through. Please deny this request.

Inger-Kangur, 80 Forest Drive, sworn. A first responder could not get through the street. The new homes on Forest Drive were built on small lots. There is no room for them to play on their property so they play on the street. This zoning board denied the request to build on this lot to allow the house be no bigger than 2,000 square feet. You should adhere to the previous unanimous vote from the Zoning Board.

Katryn Pillion, Daughter of Mrs. Tootsov, sworn. 61 Forest Drive, next door to the property in question. Had an issue with the notice. Concerned that the road is very narrow, 2 cars can barely pass each other. On street parking is a big issue when there are no shoulders.

Marion LeCompte, 19 Forest Drive, sworn. Said that applicant lied on the application by stating that there was no other variance requested on this lot. The street is a narrow town road. This hinders school buses, etc. There is a school on the corner. Requesting that this application be denied.

Shloime Klein, affirmed

Johni Manno, 52 Forest Drive, sworn. Street is very narrow. Concerned that she cannot even back out of her driveway. She has had to call the police to have cars moved on the street. This house is too big for this small lot. Asked to deny this application.

Michael Manno, 52 Forest Drive, sworn. There is also a deck on the side of the house – sliding glass door in the back of the house with no steps showing. The lot has been dormant since that approval. They never built the house approved.

Closed to Public.

Mr. Flannery – only 24% lot coverage, providing conforming parking spaces – they will widen the road and put in curbs and sidewalks, there will be a re-charge system in place. The drainage impact will be less than it is now. In 2007 the applicant had an undersized lot and was at the mercy of the Board. The ordinance has changed. Today this applicant can build a 30 foot wide house and 97 feet deep with no variances. Providing 4 spaces in accordance with the ordinance. They will widen the road and put in curbs and sidewalks in front of their property. They will put in a recharge system. The drainage impact will be better after development than before. None of it will go to Forest Drive. Will save as many trees as possible. There is a deck in the back of the house. The only question is 25 feet wide or 30 feet wide. The ordinance has changed substantially since 2007.

Shlomo Korlansky – he did not fill out the application but was aware that there was a previous application on this property.

Pinchus Wolhendler, affirmed. He is the builder.

Mr. Flannery - The application is simple, either a 25 foot house or a 30 foot wide house. There will be no deck on the side.

Mr. Ingber – his plans show a deck on the side.

As the board reviewed the architectural plans they realized that there was a discrepancy in the plans that were submitted.

Updated architectural plans and a corrected application.

Motion to carry until July 22nd with updated architectural plans and a corrected application – Mr. Gelley

Second – Mr. Ingber

Roll call vote: affirmative; Mr. Gelley, Mr. Halvorsen, Mr. Ingber, Mr. Gross, Mr. Halberstam

This application will continue on July 22nd at 7 p.m. No further notice.

Chairman announced that after this application one of the members had to leave and there will only be 4 members – asked if the last 2 applications (**Appeal # 4124, Bais Medrash of Pine Street** and **Appeal # 4127, Covington Village Condominium Assoc.**) wanted to wait and be heard or carry to the next meeting.

Abraham Penzer – they have a deadline and want to get heard.

Appeal # 4125 – Karen Mack, 40 Summerwinds Drive, Block 1449 Lot 4.44, R-40 zone. To construct a 10 x 14 sunroom on existing concrete patio. Required setback is 20 feet and requested 15.63.

Karen Mack, owner, sworn.

Dominick Wronko, Project Manager for Sunroom Company, sworn. Build a 10 x 14 3 seasonal sunroom over an area of an existing concrete patio.

Letter dated April 24th of approval from association was submitted

A-1 Association approval letter

Mr. Wronko – the letter grants approval for the proposed sunroom.

Open to Public. Closed to Public.

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Motion to approve – Mr. Gross

Second – Mr. Gelley

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

Recess.

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 from this application.

Agreed to move forward with only 4 members and no vote tonight.

Abraham Penzer, represented applicant. The application is for a synagogue and a religious courtroom. The shul exists across the street in a trailer where there is no parking. The property is split zoned, R-7.5 and R-10. This is a neighborhood shul.

Rabbi Gershon Levy, 18 5th street, affirmed. He is the Ruv of the shul. They would like to build a building that the neighborhood would be proud of. Request that this application be approved.

Brian Flannery, planner/engineer, sworn.

Board accepted credentials.

A-1 copy of sheet 3 of plan submitted

A-2 copy of tax map

Mr. Flannery - Property is in the R-7/5 and R-10 zone at the intersection of Pine Street and Martin Luther King Drive. Described the area and the duplexes in the area. R-7.5. Asking for a duplex on 9,971 square feet where 10,000 is required R-10 asking for a duplex on 10,289 square feet where 12,000 is required. Asking for a shul and a Bet Din. The neighborhood will find this as an appropriate use and beneficial use. There is a traffic light at the intersection. The Bet din lot has parking on both sides.

Mr. Halberstam – This board has never given an approval on a 10,289 square foot lot for a duplex where 12,000 is required. Also need more parking spaces, 38 is required and you are providing 24 spaces.

Mr. Penzer – the existing shul has no parking.

Mr. Flannery - This project meets the needs of the community. They will additional testimony at the next meeting.

Mr. Penzer – this is an inherently beneficial variance. The shul is in a trailer with zero parking.

Mr. Halberstam - 8 offices – no basement plan – will there be a social hall in the basement, etc.

Motion to carry until July 22nd meeting – Mr. Gelley

Second – Mr. Halvorsen

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

This application will be continued on July 22nd.

Michael Gross, attorney for **Appeal # 4127, Covington Village Condominium Association.**

Since there was only 4 members they requested to carry until the July 22nd meeting.

Motion to carry – Mr. Ingber

Second – Mr. Halvorsen

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

Resolutions.

Appeal # 4113 – Pinchas Most -130 Leonard Street, block 228 Lot 6, R-10 zone. Resolution to deny a single family house with bulk variances.

Appeal # 4118 – Uri Kahanow, 75 Shady Lane, Block 12 Lot 212, R-12 zone. Resolution to allow a portion of steps to remain at 6.1 feet where 10 feet is required.

Appeal # 4121 – 58 Drake, LLC, Drake Road, Block 251.02 Lot 17, R-40 zone. Resolution to approve a use variance to construct 6 single family homes on 12,000 square foot lots.

Appeal # 4122 – Michael Backenroth, 726 Albert Avenue, Block 1159 Lot 72, R-20 zone. Resolution to approve a new single family home with bulk variances.

Appeal # 4117 – Ben Weber, Block 175 Lots 6 & 7, Block 174.03 Lot 1, 821-825 Brook Road, R-15 zone. Resolution to approve 13 single family dwellings.

Appeal # 4116 – 27 White Road, LLC, Block 251.02 Lots 85, 86, 87.01 & 87.02, White Street, R-40 zone. Resolution to approve a major subdivision for the construction of 16 single family homes.

Appeal # 3758AA – Lakewood Realty Assoc, LLC, 925 New Hampshire Ave, Block 1160.03 Lots 44.01 & 44.02. Resolution to approve a 5 year extension.

All resolutions were approved by the Board.

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:15 P.M.

Respectfully submitted,

Fran Siegel
Zoning Secretary