

**ZONING BOARD OF ADJUSTMENT
MINUTES**

MARCH 4, 2019

Meeting was advertised in accordance with the NJ Sunshine Law.

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

Absent: Mr. Halberstam, Mr. Gross

Attorney: Jerry Dasti

Engineer: Terry Vogt

Secretary: Fran Siegel

Salute to the Flag.

Motion to approve minutes of February 4, 2019 – Mr. Gelley

Second – Mr. Ribiat

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

Terry Vogt – **3924A Big Shop** – they want to shift the building location 10 feet. Seeking approval from the Board to deal with this.

Brian Flannery – Relief is not needed to move the building 10 feet. The building will be the same size and will not impact the parking. There is a letter from the Shul who is the neighbor.

The Board recommended that Terry Vogt handle this administratively.

Adam Pfeffer, requested to table **Appeal # 3773A, Duvie Holdings**. The revised plans were not submitted.

Motion to carry – Mr. Gelley

Second – Mr. Lankry

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

New plans and new notices.

Adam Pfeffer requested to carry **Appeal # 4102 Brook Burnside** until the April 8th meeting.

They are working with the neighbors.

Motion to carry to April 8th – Mr. Halvorsen

Second – Mr. Gelley

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

No new notice.

Appeal # 4093 – Esther Tauber, Congress Street, Block 248.02 Lots 39 & 40, R-7.5 zone. To create duplexes on undersized lots. Required 10,000 square feet – proposed 9,375.00.

Mr. Dasti – this application was heard last month and approved with the condition that plans be submitted to show the basement entrance.

Glenn Lines, engineer/planner sworn.

The basement plans were shown with the basement steps on the left side of the house

Terry Vogt was okay with the plans

Motion to approve – Mr. Gelley

Second – Mr. Ribiat

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

Appeal # 3908 – David Holtz, James Street, Block 338 Lot 3, R-12 zone. Use variance for duplexes.

Jerry Dasti – this application was heard last month but they did not have 7 members present. Tonight there are 7 members and it is just for the vote only.

Mr. Lankry and Mr. Halvorsen stated that they listened to the tape.

Motion to approve - Mr. Naftali

Second – Mr. Lankry

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

Nays: Mr. Ribiat

Appeal # 4103 – Cedarbridge Holdings, LLC. Cedarbridge Ave & Flannery Ave, B-6 zone. A bulk variance for site identification sign area

From: Terry Vogt, Engineer/Planner – January 22, 2019

The proposed sign requires bulk variance for sign area (440 sf propose, maximum 120 sf allowed).

Miriam Weinstein, attorney for applicant. Asking for height variance for a 29 foot high, 15.7 foot wide in front of an existing office building. They need to fit all the tenants names on the sign.

Brian Flannery, engineer/planner, sworn.

A-1 rendering of sign

A-2 copy of plan where sign is located on the site

Mr. Flannery – reviewed Terry Vogt’s report. Maximum height required is 22 feet – asking for 29 feet. Sign area allowed is 120 sf and 240 is requested. The sign is outside the basin area. Quik Check maintains the basin. The signs responsibility is the owner of the building. The sign is not in the site triangle. When the office building got improved the sign was not on the site plan.

Open to Public.

Moshe Zeines, 112 Elmhurst Blvd, affirmed. Asked about the lighting of the sign. Asked about permitting.

Secretary said that they will need zoning, building and electrical permits for the sign.

Brian Flannery – there will be internal lighting – no digital.

Closed to Public.

Motion to approve - Mr. Gelley

Second – Mr. Ingber

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

Appeal # 4101 – Temple Beth Am Shalom, Route 70 & Paco Way, Block 1160.04 Lots 47.01 & 47.02, minor subdivision

Secretary read report.

From: Terry Vogt, Engineer/Planner – January 22, 2019

The applicant seeks minor subdivision approval to subdivide the existing 16,928 acre tract know as lots 47.01 and 47.02 in block 1160.04 into two lots designated as proposed lots 47.03 and 47.04 on the subdivision plan. Three and a half acres are proposed to be conveyed from existing lot 47.02 to existing lot 47.01. New lot 47.03 is vacant. New lot 47.04 will contain the existing synagogue and cemetery.

Michael York, attorney for applicant. Asking for amended use variance to subdivide the lot. Dividing off a piece of the property and selling it.

Carolyn Feigen, engineer/planner, D.W. Smith, sworn.

Board accepted credentials.

Mr. Vogt – the use is intensified.

Ms. Feigen - Take 3 ½ acres from the synagogue/cemetery lot. There will be no development on the vacant lot at this time. That lot will be 6.5 acres. The synagogue/cemetery lot will remain on 47.04. Each lot far exceeds the lot area of the zone.

Mr. York – any building on the new lot would have to come to the board for approval.

Open to Public.

Moshe Zeines, 112 Elmhurst Blvd. affirmed. Asked about sidewalks.

Mr. Gonzalez - When they come in for the building then they will deal with the sidewalks.

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. Ingber, Mr. Gonzalez

Appeal # 4110 – Avraham Naftali, 32 Carlton Avenue, Block 12.12 Lot 5, R-12 zone. Bulk variance requested for side yard setback; required 10 feet –proposed 9 feet. Combined side yard setback required 25 feet – proposed 18.89.

From: Terry Vogt, Engineer/Planner – February 25, 2019

The applicant is seeking bulk variance relief for side yard, and aggregate side yard setback requirements to construct a new dwelling.

Avraham Naftali, applicant, affirmed. Wants to build a single family home on a 12,000 sf lot. The home will be 1,800 sf per floor. Basement will not be finished at this time.

Glenn Lines, engineer/planner. Requesting 2 side yard setback variances of approximately 9 feet on one side and 9.89 feet on the other side. This is a fully developed neighborhood. There are houses on both sides. The existing house has septic in the rear and they cannot move the house back anymore because of the septic.

Mr. Naftali – the shed is conforming and will remain. There will be 2 set of stairs with 2 doors. there will be no outside stairs to the attic. There will be 3 parking spaces in the driveway and 1 space in the garage.

Open to Public.

Motion to approve – Mr. Ingber

Second – Mr. Gelley

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

Miriam Weinstein – letter re: **Appeal # 3967**, Maaolos Hatorah. There are two projects, Chestnut Gardens and Stamford Hill project. Chestnut Gardens project has been fully approved. In exchange for vacating street, the township has approved the road vacations as long as this piece is subdivided.

Graham Macfarlane, engineer/planner, PDS, sworn.

A-1 plan showing outlining the two lots (lot 34 & Lot 88) to be subdivided

Mr. Macfarlane – Concerned in that lot 34 would not have street frontage, lot 89 will be subdivided and the 3 parcels will be subdivided. The purpose is that there will be access to public street.

Mr. Vogt – no issues at this time.

Mr. Dasti –Letter from the Township Attorney that they are in favor of this subdivision and they do not object. Suggest that you vote to approve on this and he will send a letter tomorrow to the Township confirming the subdivision.

Motion to approve subdivision and for Mr. Dasti to inform the Township – Mr. Lankry

Second – Mr. Gelley

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

Appeal # 4108 - Congregation Maalos Hatorah, Gates Avenue, Block 1159.04 Lots 29 & 30, R-20 zone. Consolidate and subdivide lots 29 & 30 into 2 lots.

Secretary read report.

From; Terry Vogt, Engineer/Planner – February 21, 2019

The applicant seeks minor subdivision approval to subdivide 2 existing tracts into 2 new residential lots. The existing tract consists of lots 29 & 30 in block 1159.04 and contains 67,200 sf. The proposed properties are designated as new lots 29.01 through 29.02 on the subdivision plan. No development is proposed. No existing or proposed utility information has been provided.

Miriam Weinstein – this is for a minor subdivision to subdivide lots 29 & 30 into lot 29.01 and 29.02. These two lots appear on both subdivision maps. One would be the mother lot on one application and the other would be the mother lot on the other application. The County can't approve with the same lots showing on both subdivisions. The lots were part of the approval. It was a mistake on the plans. Asking for lot width variance.

Graham Macfarlane, engineer/planner. New lot 29.01 has a stream going through it. That is part of one of the approved applications.

Mr. Dasti - This minor subdivision should have been part of the approved applications.

Mr. Vogt – most of these properties are wet.

Mr. Macfarlane - Lot lines are currently horizontal through the properties – they now need to put the lot line vertically through the properties. These lots cannot be developed on their own. There will be no difference to the application.

Mr. Dasti - The existing lots are now left and right. They now need to subdivide across.

Open to Public.

Brian Flannery read a letter that he wrote for Laurie Leeds who owns lot 20. Concerned that her lot should not be impacted. She would like to see topographic on her lot.

Mr. Dasti - The drainage impact cannot adversely effect her property. There is no requirement that a topo should be prepared on somebody elses property.

Laurie Leeds, affirmed. The topo has to be done on her property. They don't know how to grade it without the typo. All the lots have topos except hers.

Mr. Gonzalez - Nothing will be built without engineering approval.

Mr. Vogt - Any application that is major development they have to reduce stormwater management.

Mr. Macfarlane –accepted the topo from Ms. Leeds for his file.

Aaron Hirsh, Mountainview Drive, affirmed. If there was an error on an approval wouldn't that negate the approval?

Moshe Zeines, 112 Elmhurst Avenue, affirmed. Asked about the grading.

Chaim Sabbagh, 11 Golders Green, affirmed. They will be bringing a lot of traffic into this development.

Closed to Public.

Ms. Weinstein - This application if approved will not change anything. Both applications have already been approved.

Motion to approve the subdivision – Mr. Gelley

Second – Mr. Ribiat

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

Recess.

Miriam Weinstein requested to withdraw **Appeal # 4029A – Congregation Maalos Hatorah,**
Gates Avenue.

Motion to accept the withdrawal of **Appeal # 4029A – Mr. Lankry**

Second – Mr. Gelley

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

Mr. Gelley stepped down on this application.

Appeal # 4105 – Avery Weiss – 1504 Madison Avenue, Block 58 Lot 2, R-12 zone. Use
Variance to allow an office.

From: Terry Vogt, Engineer/Planner – February 18, 2019

The applicant requests use variance relief to convert an existing residence into an office building.
Only interior building improvements are proposed at this time.

Miriam Weinstein represented applicant. This application is to convert the existing residence
into a commercial office. There are currently 2 employees plus the owner. If the applicant lived
in the house they could apply for a home occupation. Interior renovation only. No structural
changes.

Glenn Lines, sworn. Based on the square footage of the building they would require 5 parking
spaces. They will have 2 parking spaces on site.

Mr. Ingber – concerned about backing out.

Mr. Ribiat - Would like to see a minimum of 4 parking spaces.

Mr. Lines – the existing driveway is on 15th Street. They could widen the driveway

Mr. Vogt – there is an existing gas line that could be going through this residence.

Mr. Lines – they will locate where the gas line is and put it on their plans.

Mr. Dasti - If approved will this basement be a separate unit.

Ms. Weinstein - No. It is being used as a playroom now.

Open to Public. Closed to Public.

Motion to approve with 4 parking spaces – Mr. Lankry

Second – Mr. Naftali

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

Appeal # 3971B – KG Investments, 720 Ocean Avenue, Block 548 Lots 66, 281 & 283, OS Zone. Amended use variance.

Secretary read report.

From: Terry Vogt, Engineer/Planner – January 28, 2019

The applicant received a bifurcated use variance approval to allow for the construction of a two-story office building with a catering facility in the basement, parking and amenities on the subject property under resolution # 3971. The property contains two single family dwellings and appurtenances which would be removed if the office building is constructed.

Adam Pfeffer, attorney for applicant. The adjoining property, the church asked us to install a 4 foot vinyl fence along the eastern property line.

Brian Flannery, sworn.

A-1 proposed 2 story building with catering hall with 149 parking spaces,
A-2 tax map

Mr. Flannery reviewed Terry Vogt's report. – The Board granted the use variance and now they need to amend because the catering hall would not be larger than 6,000 square feet. The catering hall does exceed 6,000 square feet. They eliminated the 3rd story. The catering hall will only be used at night when no one is in the offices. This is a 2 story building and not a 3 story that was originally shown so they are not asking for a height variance now. The 2-story would require 119 parking spaces for the office use. They have 149. They are still asking for submission waivers. They also require County Planning Board and a traffic study. They went from 1467 sf to 1535 sf in a 2 story building and not a 3 story building. They felt that they didn't need curbs and sidewalks along Ocean Avenue. There will be approximately 120 employees with 149 parking spaces. Approved a use variance to allow an office building with a Simcha Hall in the basement. The condition of the approval was that the Simcha Hall be not more than 6,000 square feet. The Simcha Hall is 7,000 square feet which can hold about 140 people. The office building is 35,862 square feet including the basement. The kitchen is approximately 2090 square feet. The parking meets the office requirements at 149.

Open to Public. Closed to Public.

Motion to approve - Mr. Naftali

Second – Mr. Ribiat

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

Resolutions.

Appeal # 4090 – 570 Ocean LLC, Ocean Avenue, Block 538 Lots 13, 14 & 42. R-7.5 zone.

Resolution to approve 3 duplexes.

Motion to approve

All in favor.

Appeal # 4099 – Bill Teichman, 879 Hearthstone Drive, Block 425 Lot 12, R-12 zone.

Resolution for addition with variances approved.

Motion to approve.

All in favor.

Appeal # 4110 – Avraham Naftali – 32 Carlton Avenue, Block 12.12 Lot 5, R-12 zone.
Resolution to approve bulk variance requested for side yard setback required 10 feet – approved 9 feet. Combined sideyard setback required 25 feet – approved 18.89 feet.
Motion to approve.
All in favor.

Appeal # 4108 - Congregation Maalos Hatorah, Gates Avenue, Block 1159.04 Lots 29 & 30 R-20 zone. Resolution to approve the consolidation and subdivision of lots 29 & 30 into 2 lots.
Motion to approve.
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

