

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**JUNE 17, 2019**

Meeting was advertised in accordance with the NJ Sunshine Law.

Roll call: attending: Mr. Gelley, Mr. Halvorsen, Mr. Ribiat, Mr. Gross,  
Mr. Gonzalez, Mr. Halberstam  
Absent: Mr. Lankry, Mr. Ingber,  
Arrived late: Mr. Gonzalez  
Attorney: Jerry Dasti  
Engineer: Terry Vogt  
Secretary: Fran Siegel

Salute to the Flag.

Motion to approve minutes of March 6, 2019 – Mr. Gelley

Second – Mr. Halvorsen

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

**Appeal # 4102, Brook Burnside**, Burnside Avenue - Adam Pfeffer, attorney for applicant requested to carry. They will be revising their plans and re-notice.

Motion to adjourn without date and will re-notice – Mr. Gross

Second – Mr. Naftali

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

**Appeal # 4119 – Shlomo Korlansky**, 53 Forest Drive – request to carry to July 1<sup>st</sup> meeting.

Notice was deficient. They will re-notice.

Motion - Mr. Halvorsen

Second – Mr. Gelley

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

Obi Gonzalez arrived.

Chairman announced that **Appeal # 4120 – David Herzog**, Vermont Avenue cannot be heard this evening. Architecturals were not submitted 10 days prior to the meeting and there is no traffic report.

Miriam Weinstein, attorney asked to wait for the applicant to arrive before the board carries the application.

Board agreed to wait until the applicant arrived before carrying the application.

Chairman recused himself because he lives down the block.

**Appeal # 4051 – Mordechai Portnoy**, 10 Courtney Road, Block 137 Lot 1 – request to remove “paved off street parking areas (and aprons) servicing the duplex are proposed” from the resolution of approval.

Mordechai Portnoy, affirmed. There is one house on Courtney and 1 house on 12<sup>th</sup> Street. The house on 12<sup>th</sup> Street has been built and has the 4 parking spaces. The old house is on Courtney and has been there since 1930. Right now the house would be impossible to have a basement apartment.

Mr. Dasti suggested that the neighbors should be notified.

**Appeal # 3787 – TILWY, Inc. – Squankum Road**, Block 172 Lot 9. Letter from Brian Flannery requesting a revision to the architectural design. The number of residential units and all site infrastructure would remain the same.

Brian Flannery, sworn – 94 apartments were approved and there still would be 94 apartments.

The footprint of the buildings is what is changing. They are garden apartments.

Chairman asked to see elevations.

Mr. Dasti suggested that this be noticed and be an amended application be submitted.

**Appeal # 3758AA – Lakewood Realty Assoc. LLC**, 925 New Hampshire Avenue, Block 1160.03 Lots 44.01 and 44.02. Requesting a 5 year extension.

Abraham Penzer, attorney for applicant.

Brian Flannery, sworn. Asking for 5 year extension – Approval is for 250 units. Phase one apartments are built. This is for the 2<sup>nd</sup> phase. Storage facility is still there.

Motion to approve 5 year extension - Mr. Gelley

Second – Mr. Naftali

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

**Appeal # 4113 – Pinchas Most** -130 Leonard Street, block 228 Lot 6, R-10 zone. Single family house with bulk variances requested.

Brian Flannery, sworn.

A-1 plan

A-2 copy of map submitted

A-3 properties in the area

Mr. Flannery – this would be appropriate in this area. This is a house that need redevelopment. Front setback

Open to Public.

Shloime Klein, affirmed

Closed to Public.

Mr. Flannery - Asking for lot coverage of 35%. If this was a vacant property they would be allowed the 35% lot coverage.

Mr. Halberstam – this house does not fit on the property. Will this size house fit on this lot.

Mr. Flannery – Most of the houses in the area meet the R-7.5 criteria. The applicant will be living in the house.

Pinchas Most, 130 Leonard Street, affirmed.

Open to Public.

Shloime Klein, affirmed. How many bedrooms in this house.

Mr. Flannery - 6 bedrooms and 3 in the basement. There will be 4 parking spaces.

Closed to Public.

Mr. Dasti – They are asking for lot coverage of 35% where 30% is required, requesting front setback 25 feet where 30 feet is required, side setback of 5 feet requested on one side and 18.7 combined where 25 feet is required.

Mr. Flannery - The applicant would agree to move the house over 2 feet.

Motion to move house 2 feet over so the setbacks would be 7 on one side and 11.7 on the other side – Mr. Naftali

No second.

Motion to deny – Mr. Halvorsen

Second – Mr. Gonzalez

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

Nays: Mr. Naftali, Mr. Gross

**Appeal # 4114 – 118 Ocean Avenue, LLC**, Spruce and Vine, Block 836 Lot 1, Block 837  
Lot 1, R-40/20 zone. Use variance to create 9 single family lots with R-10 zone  
requirements.

Miriam Weinstein requested to carry this application. They have been with the neighbors and  
have not been able to come to any agreement.

Mr. Liston – objected to an adjournment. They can withdraw.

Ms. Weinstein – their request is to adjourn.

Ms. D’Maria – object to an adjournment. Professionals are here.

Ms. Weinstein – think that they can work something out.

Mr. Gross suggested that her client pay for the professionals.

Ms. Weinstein – absolutely no.

Mr. Dasti suggested that they take the next application and they go outside and try to work things  
out.

**Appeal # 4118 – Uri Kahanow**, 75 Shady Lane, Block 12 Lot 212, R-12 zone. To allow the  
existing covered landing to remain at 6.1 feet where 10 feet is required.

**From: Terry Vogt, Engineer/Planner – May 8, 2019**

The applicant is seeking approval for an existing covered landing to remain within 6.1 feet of the  
westerly property line.

Brian Flannery, engineer/planner, sworn.

A-1 copy of map showing where the house is.

A-2 tax map

Mr. Flannery – request is to allow steps at 6.1 feet where 10 feet is required. This was a  
construction error. There is no impact on the neighbor.

Open to Public.

Closed to Public

Motion to approve – Mr. Gross

Second – Mr. Gelley

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

**Appeal # 4114 – 118 Ocean Avenue, LLC**

Miriam Weinstein requested an adjournment with no return date and will re-notice.

Mr. Liston – does not agree to an adjournment.

Ms. D’Maria – do not agree to an adjournment.

Mr. Liston asked that they withdraw the application.

Motion to adjourn with no return date and will re-notice – Mr. Gelley

Second - Mr. Naftali

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

Nays: Mr. Halvorsen, Mr. Gross

Ms. Weinstein agreed to waive time.

**Appeal #4117 – Ben Weber**, Block 175 Lots 6 & 7, Block 174.03 Lot 1, 821-825 Brook Road, R-15 zone. To construct 13 single family homes.

Miriam Weinstein, represented applicant. This is an R-15 zone. The use is conforming for single family houses. There is a pre-existing non-conforming use on the property that they want to remain. They do not require a density variance. Asking for a Use variance for the non conforming single story retail/office building. Lot sizes are from 12,650 square feet to 14,059 sf.

Brian Flannery, engineer/planner, sworn.

A-1 copy of tax map

A-2 existing conditions map

A-3 copy of layout plan

A-4 copy of zoning map

Mr. Flannery – buffered by power lines. There will be an above ground storm water system. They have permission from the Township for the storm water system. They are intensifying the non-conforming use. R-15 zone allows 2.9 units per acre, they are asking for 2.74 units per acre. Mr. Flannery reviewed Terry report.

Mr. Vogt – asked about waivers requested.

Mr. Flannery – will provide shade tree and utility along Brook Road. They will provide sidewalks on Brook Road but not Old Brook Road. They will do curb and sidewalk in the entire development. Asking for 13 single family homes and the existing commercial/office building to remain. They can have a basement apartment.

Mr. Vogt – traffic study was favorable for the intersection.

Mr. Flannery - Submitted to OC Planning Board.

**Appeal # 4120 - David Herzog**

Ms. Weinstein - Architecturals have been submitted but not 10 days prior.

Chairman said that he did not have a traffic report.

Ms. Weinstein - Request to carry until July 22<sup>nd</sup> meeting.

Motion to carry until July 22<sup>nd</sup> – Mr. Gelley

Second – Mr. Gonzalez

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

Chairman announced that the July 29<sup>th</sup> meeting will be cancelled.

**Appeal # 4117 - Ben Weber** (continued)

Ms. Weinstein – these are custom homes there are no elevations.

Joseph Kociuba, Engineer, sworn. The cul-de-sac will be compliant with RSIS standards. There will be on street parking on both sides. There will be 4 off street parking spaces on each lot. Standard curb side pick-up for garbage.

Open to Public.

Shloime Klein, affirmed. Are you asking for a waiver to improve Kennedy Blvd.

Mr. Flannery – yes.

Closed to Public.

Motion to approve – Mr. Gross

Second – Mr. Naftali

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

**Appeal # 4122 – Michael Backenroth**, 726 Albert Avenue, Block 1159 Lot 72, R-20 zone. To construct a new single family home with bulk variances requested.

Glenn Lines, engineer/planner, sworn.

A-1 variance plan

Mr. Lines – this is a 57 ½ foot wide lot fronting on Albert Avenue. Need variances for side yard setback and combined side yard setback. There will be one entrance to the basement in front of the house. The house is 40 feet wide.

Motion to approve – Mr. Gonzalez

Second – Mr. Ribiat

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

**Appeal # 4116 – 27 White Road, LLC**, Block 251.02 Lots 85, 86, 87.01 & 87.02, White Street, R-40 zone. Major subdivision for the construction of 16 family homes.

Adam Pfeffer, represented applicant. Proposing 16 single family homes in the R-40 zone. Asking for R-12 standards. The majority of the homes exceed 12,000 square feet.

Brian Flannery, Engineer/Planner sworn. The 2017 Master Plan indicates that this area should be R-12.

A-1 tax map showing subject property and schools in the area

A-2 rendered copy

A-3

Mr. Flannery – 16 new lots plus existing. They need County approval and all other approvals before the project can start.

Mr. Pfeffer – will build 7 new buildings until the County starts to widen Cross Street. They are customized homes.

Mr. Halberstam said that they should build 7 new buildings and wait until the County starts to widen Cross Street before the other homes are started.

Mr. Pfeffer - Applicant would agree to that requirement.

Mr. Flannery – The County will get the impact fee on all 17 lots.

Mr. Dasti - The subdivision map will be filed for the 17 lots but only 7 lots will be built until the road widening begins.

Mr. Vogt - Satisfied with the traffic study.

Open to Public.

Shloim Klein, affirmed.

Walter Lucas, Newport Avenue, sworn. This area needs residential homes, not schools. Should be R-12. We need family zoning.

Avraham Honig, 170 White Street, affirmed. In favor. Area needs residential homes.

Asher Brodt, affirmed. R-12 belongs here. This area needs residential homes.

Moshe Portney, affirmed, 292 White Road. In favor of this application.

Levi Isaacson, 75 White Road, affirmed. In favor of this application. Want to see residential no more schools.

Menachem Lefkowitz, 23 Olive Court, In favor of residential homes.

Motion to approve with only 7 buildings being built and when construction is started on Cross Street they can build the rest of the homes – Mr. Gross

Second – Mr. Gelley

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

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

**From: Terry Vogt, Engineer/Planner – May 13, 2019**

The applicant requests bifurcated use variance relief to construct up to 6 single family homes within the R-40 single-family residential zone. The depicted density request is in general conformance with R-12 zoning standards.

Adam Pfeffer, attorney for applicant. This is a bifurcated use variance to construct 6 single family lots on 12,000 + square foot lots.

Brian Flannery, sworn.

A-1 rendered copy of plan submitted.

A-2 copy of tax map

A-3 subject property

A-4 aerial

Mr. Flannery – this is a 2 acre property in the R-40 zone. They will come back with subdivision application.

Chairman suggested that only 2 homes be built until the improvements for the road is started.

Open to Public.

Shloime Klein, affirmed.

Robert McKinley, 56 Drake Road, sworn. Adjacent property owner. Would like high fencing or a wall along the property line. Looking for privacy.

Mr. Flannery – will address it at site plan.

Ann Richardson, 56 Drake Road, sworn. There is a buffer that he needs to protect. He needs his privacy.

Chairman – they cannot touch anything on your property.

Walter Lucas, Newport Avenue, sworn. In favor of this application.

Moshe Zeines, 112 Elmhurst Blvd. affirmed. Asked for sidewalks and street lights.

Mr. Flannery - Street lights are done through resolution compliance.

Closed to Public

Motion to approve with only 2 homes being built until improvements for the road is started - Mr. Gelley

Second – Mr. Naftali

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

Resolutions.

**Appeal # 4123 -1865 Swarthmore Avenue**, Block 1609 Lot 10, M-1 zone. Resolution to clarify the permitted uses for 1865 Swarthmore Avenue.

All in favor.

**Appeal # 4109 – A. Landynski** – 215 Hudson Street, Block 107 Lot 8.01, R-10 zone.

Resolution to approve the construction of a 12 foot fence in the backyard.

**All in favor.**

**Appeal # 4112 – Lotzarich, LLC** – Stratford Street, Block 1077 Lot 15, B-5 zone. Resolution to approve a use variance for duplex dwellings.

All in favor.

**Appeal # 4111 – Heshy Weiss**, 246 E. County Line Road, Block 106 Lot 12.01, R-10 zone

Duplex on an undersized lot, proposed 10,001 square feet where 12,000 is required.

APPLICATION WITHDRAWN

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  
Secretary