

**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**MARCH 3, 2020**

Meeting was advertised in accordance with the NJ Sunshine Law

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

Salute to the flag.

Motion to approve minutes of February 2, 2020 – Mr. Halberstam  
Second – Mr. Lankry

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

Request from Adam Pfeffer, Esq. to carry **Appeal # 4137 – Madison Ave Realty LLC**, 100  
Madison Avenue, because he wants a full board, to the March 30<sup>th</sup> zoning board meeting.

Motion to carry- Mr. Gonzalez

Second – Mr. Halvorsen

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

No further notice

Agreed to waive time.

Request from Adam Pfeffer, Esq. to carry **Appeal # 4018A – Zichron Chaim**, White Street –  
until March 30<sup>th</sup> for a full board attendance.

No further notice.

Agreed to waive time.

**Appeal # 4130 – Fairways at Lake Ridge**, Block 524 Lots 2.03 & 77.02. Block 524.23 Lot 1,  
R-40 zone. Interpretation

Mr. Dasti - There will only be 4 people listening to this application, 2 of the members have to  
recuse themselves. Don't know if Ms. Donato wants to go forward.

Michelle Donato, esq. will not want to move forward with 4 members.

Michael J. Gross, represents – they already had 3 hearings and just want to move this along. We  
can move with 4 members and the members that are not here can read the transcript.

Ms. Donato – not available on March 30<sup>th</sup>.

Motion to carry until May 4<sup>th</sup> – Mr. Gelley

Second – Mr. Lankry

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

No further notice and agreed to waive time.

Chairman announced that Fairways at Lake Ridge is carried until May 4<sup>th</sup>.

**Appeal # 4122A – Michael Backenroth**, Block 1159 Lot 72, 726 Albert Avenue, request to  
amend resolution to remove requirement of 1/3 of the front of the building with stucco, stone or  
brick.

There was no one in the audience for this request.

Will wait until later for this request.

**Appeal # 4049 – Shasnis, LLC** – Block 778 Lots 1, 2, 3 & 77, Henry Street, request amended  
resolution to interpret if sprinklers are required in the basement of a single family detached  
home.

Mr. Dasti – did not get a chance to look at this.

A single family house with a basement apartment by code does not require a sprinkler.

Mr. Dasti - That was a condition of the approval.

Noah Burton – attorney for Shasnis.

Secretary – the single family is already built and was built without the sprinklers. He cannot get a CO until the board decides if the single family home needs the sprinklers.

Mr. Lankry – our attorney needs time to read the letter and the resolution.

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

Scott Penick, attorney for applicant. Application is to subdivide the single lot into 2 lots. Leaving approximately 15 acres for the existing units and approximately 10 acres on the other lot which has an approval for 136 units on this lot.

Brian Flannery, engineer/planner sworn. The board asked for a security plan and to meet with the police. The plan was submitted and there is a letter from the police. The original approval was in the R-12 zone and it is now been changed to RM zone. They agreed to comply with all the comments from the police. Both properties are now in the R-M zone.

Mr. Dasti – there is a letter from Captain Steven Allaire, indicating that what is proposed would likely decrease the crime in the area.

Mr. Flannery - There could be a developers agreement and will be done before the map is filed.

Mr. Gonzalez – that site is disgusting – maybe by holding a bond the Home Owners Associates would be responsive.

Mr. Penick - The 10 acres will be auctioned off. They anticipate a nice development will be built.

Mr. Dasti - A condition of the approval would be lights, cameras, etc.

Baruch Manes, affirmed. There was negotiation with the town, they can proceed and build the 136 units. They decided to subdivide and there will be regular homes and will make the area better. They met with the Police Department and the Mayor. They walked the property. They are looking to enhance the property. They need the help from the authorities to help clean the place.

Mr. Flannery - A developers agreements asks for escrows and bonds. The 2 attorneys will accomplish that. A condition of the approval could be a Developers agreement.

Open To Public

Abe Forst, affirmed, Board member and owner in High Point. Spent \$280,000 on a camera system and over 100 heads of LED light. They did have security on the property. If there is a nice development instead of the woods that would help the issues of High Point. The drug dealers are not from High Point. There are 2 full time maintenance people on site.

Mr. Ribiat - There are all sorts of furniture, tires, debris, etc. all over the place.

Shoimy Klein, affirmed. Every development has a management. They have to hire a decent management.

Moshe Zeines, affirmed. Suggest that the road be considered in the site plan.

David Tessler, affirmed. Neighbor. Asked about a 3<sup>rd</sup> lot.

Alan Dyckman, 84 Whisper Court, affirmed. We are not slumlords. Met with the Captain at 8 P.M. in the evening. Went up and down Massachusetts Avenue. They wanted to see how good the lighting is and the cameras. They really wanted to see the woods. The police can now monitor 24 -7. Garbage pick-up is Monday, Wednesday and Fridays.

Mr. Dasti - That was a condition of the approval.

Mr. Penick - The Association has agreed to comply with all the police requests. Development on the vacant site will improve the area.

Closed to Public.

Motion to approve with a developers agreement, planting grass, trees, painting, etc. and include Captain Allaires letter of February 28<sup>th</sup>, site clean-up – Mr. Lankry

Second – Mr. Gelley

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

Recess.

**Appeal # 4049 Shasnis, LLC**

Mr. Dasti – reviewed the application and okay with amending the resolution to remove the requirement of sprinklers in the single family home but will remain in the duplex

Motion to approve – Mr. Gelley

Second – Mr. Lankry

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

Michael Backenroth was still not available. The Board voted to approve without him being present.

Motion to approve - Mr. Gelley

Second - Mr. Halvorsen

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

Abstained: Mr. Lankry, Mr. Ribiat

**Appeal # 4142 –Cheder Bnai Torah**, Rockaway, Turin & Caldwell Avenue, Block 1135 Lot 1  
Block 1142 Lot 1, R-10A zone. To construct a school building. Variance  
requested for front yard setback and height variance of 48 feet.

Noah Burton, attorney for applicant.

Chairman announced that there were 6 members.

Mr. Burton agreed to continue.

Abraham Burszty, affirmed 380 Madison Avenue, administrator of the school. This is an elementary boys school with about 400 children from primary through 8<sup>th</sup> grade. Looking to build a large, spacious building with a lot of classrooms, a dining room and synagogue. Right now there are 20 classes and looking to add more classes and accommodate more people. Would like to build the structure of the building, build 2 floors and leave the 3<sup>rd</sup> floor. They will also have a play area. The times are all staggered. The proposed building will have 80 classrooms. 20 for right now and the rest for the future. Would like to complete the first two floors and leave the 3<sup>rd</sup> floor empty. The basement in the meantime will not be used, they don't have plans yet. Part of the basement will be used for storage and woodworking.

Brian Flannery, engineer/planner, sworn.

A-1 page 138 of the tax map

A-2 proposed site plan showing 111 parking spaces

A-3 copy of site plan showing 30 additional parking spaces shown.

Mr. Flannery - They will put an asphalt driveway for the buses all around the site.

141 parking spaces required, they are leaving the top floor off 47 are needed for the 3<sup>rd</sup> floor.

They will come back to the board with a traffic report and site plan. When they finish the 3<sup>rd</sup> floor they will add the additional 30 parking spaces. There will be an unpaved area in front of the

building which will exceed a ½ acre. The playground is about an half acre (20,000 sf.) Not shown on the plan.

A-4 aerial of the area

A-5 copy of environmentally sensitive area

A-6 – map from the Master Plan and show cluster approach

Mr. Flannery reviewed Mr. Vogt's report. There are a lot of schools in the area. A school is an inherently beneficial use. Applicant is proving for future growth. This is a 53,000 square foot building. Only 27% building coverage. Schools are a permitted use in this zone. They will build the additional 30 parking spaces when they plan on finishing the 3<sup>rd</sup> floor. The 30 spaces are on the property.

Mr. Vogt – they do not have the plan that shows the additional 30 spaces.

Mr. Flannery – This is an appropriate area for a school. Providing an educational facility to meet future needs. This is an inherently beneficial use. There is no negative impact on the area. Asking for a front yard setback variance –provided 30.44 where 50 is required. Not asking for relief from parking.

Mr. Gonzalez – there is only one way in and one way out. This is a massive school.

Mr. Flannery - The school has 9 busses. They will submit revised plans and come back.

Motion to carry with revised plans, traffic study, renote and May 4<sup>th</sup> meeting. Mr. Gelley  
Second- Mr. Halvorsen

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

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

Mr. Halberstam recused himself.

Miriam Weinstein, attorney for applicant. A couple from Brooklyn are building this house to be near their children who live in Lakewood. Almost completely constructed and they decided that they want the front porch to be enclosed and they want a sunroom that would convert to a sukkah. These 2 added front porch needs front yard setback for it is enclosed, the rear sunroom/sukkah now required a lot coverage variance. There will be no apartment in the basement. There will be landscaping and a sprinkler system.

Brian Flannery, engineer/planner/ sworn.

A-1 final plat

A-2 variance map showing subject property

A-3 aerial rendering showing all other houses in the neighborhood.

Mr. Flannery – this will have no impact on the neighborhood.

Ms. Weinstein - Buying/sell letters were sent to the adjacent neighbors.

Open to Public.

Shloime Klein, affirmed.

Motion to approve- Mr. Lankry

Second- Mr. Ribiat

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

### **Resolutions**

Amended resolution **Appeal #3935B – Ketan Mehta**, Route 70, Block 1160.01 Lot 256.02,  
Motion to approve  
All in favor.

**Appeal # 3980A – Joseph Sebbag**, Hope Chapel Road, Block 2.01 Lots 14.01 – 14.05 & 32, R-40 zone. Resolution to approve final major subdivision and site plan

Motion to approve

All in favor.

**Appeal # 4143 - Dov Kaufman**, 54 Cabinfield Circle, Block 208 Lot 218, R-12 zone.

Resolution to approve an addition encroaching in the side yard setback. 5.88/13.53 approved where 10/25 is required.

Motion to approve

All in favor.

**Appeal # 4144 – Ari Tessler**, 1225 J Scott Court, Block 186.12 Lot 25. Resolution to approve the construction of a single family house approving front yard setback variance.

Motion to approve

All in favor.

Motion to pay bills.

All in favor.

Motion to adjourn.

Meeting adjourned at 10 P.M.

Respectfully submitted,

Fran Siegel, Zoning Secretary