

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable, comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL & SWEARING IN OF PROFESSIONALS

Mr. Stern, Mr. Flancaum, Mr. Herzl, Mr. Rennert, Mr. Meyer, were present.

Mr. Terence Vogt, P.E., P.P., C.M.E. was sworn.

3. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 2310 The Parke at Lakewood, LLC**
752 & 688 Cross Street Block 524; 524.23, Lots 2.03 & 77.02; 1
General Development Plan for a Planned Unit Development

This resolution was carried to a future meeting date.

Mr. Jackson said we have to have the members who voted on that here to make up a quorum. Members who have conflicts cannot be part of the quorum.

Mr. Herzl said then we have to call in members of the Zoning Board, Mr. Gonzalez.

Mrs. Morris said is that special for a General Development Plan? We don't usually do that.

Mr. Jackson said yes you need a quorum to have a meeting.

Mrs. Morris said I mean only three people tonight can vote on resolution number 3.

Mr. Jackson said that's true but our quorum has two people that have conflicts. So once they step down we lose our quorum.

Mrs. Morris said I thought for resolutions we only need two members.

Mr. Jackson said you only need two members to pass it, you only need one to pass it but you need a quorum to have the meeting.

Mrs. Morris said ok.

Mr. Herzl said Ally when it's scheduled we're going to have to call Mr. Gonzalez to come.

Mrs. Morris said ok.

Mr. Rennert said what about for Eli Schwab (number 3)? We don't have quorum for that.

Mr. Flancbaum said no we do, we have a quorum for the meeting.

- 2. SP 2344 Mesivta Ahavas Hatorah**
355 & 363 Chestnut Street Block 1096, Lots 1 & 2
Preliminary & Final Major Site Plan for a school with dormitories

This resolution was carried to a future meeting date.

- 3. SD 2063 Eli Schwab**
Joe Parker Road Block 189.16, Lot 157
Extension of Minor Subdivision to create three lots

A motion was made and seconded to approve. Mr. Stern, Mr. Herzl, and Mr. Meyer were in favor.

- 4. SP 2347 Yeshiva Yaaros Devash**
1420 Oak Street Block 1159.01, Lot 33
Preliminary & Final Major Site Plan for a school

A motion was made and seconded to approve. Mr. Stern, Mr. Herzl, and Mr. Meyer were in favor.

5. PUBLIC HEARING

- 5. SD 2337 Chaim Tzvi Hershkowitz**
Towers Street Block 855.03, Lot 37
Extension of Minor Subdivision to create two lots

Mrs. Morris said this is an application for an extension. There is no new review letter from the Board Engineer but you have a copy of the approval resolution.

Mr. Rennert said were there any variances granted?

Mrs. Morris said I'm sorry I don't know off-hand.

Mr. Chaim Tzvi Hershkowitz appeared and was affirmed. He said this is a minor subdivision on Towers and New Hampshire.

Mr. Herzl said what do you need the extension for?

Mr. Hershkowitz said because the County has been delaying us.

Mr. Herzl said when do you hope to have it.

Mr. Hershkowitz said we are at the end of that process now.

Mr. Rennert said what kind of a waiver was given for sidewalk?

Mr. Hershkowitz said we waived fifteen feet of sidewalk because the County has a headwall and sidewalk will never continue. The County owns the lot behind it which has a drainage pit, so sidewalk is going to end anyway so it was waived for fifteen feet.

Mr. Flancbaum said how much time are you asking for.

Mr. Hershkowitz said I have no idea how long they're... they keep on asking for new things. I would ask for as long as I can get.

Mr. Herzl said it's generally a year.

Mr. Rennert made a motion to approve and Mr. Flancbaum seconded. All were in favor.

- 6. SD 2432 Yehuda Rotberg**
136 & 138 Gudz Road Block 11.10, Lots 70 & 71
Minor Subdivision to realign lot lines

Mrs. Morris said this applicant didn't provide proper notice. The application will be heard at a future meeting date with proper notice, I expect that to be on March 3rd.

5. COMMITTEE DOCUMENTS REVIEW

- **Resolution 2020-137:** Plan Amendment to the Cedarbridge Redevelopment Plan

Mr. Vogt said the Township received a request to rezone Block 931 Lot 1 to R-7.5 which is consistent with the properties across Vine Street. T&M prepared a reasonable report, they are in support of the rezoning for a number of reasons. I agree with their findings. One, the existing lot is undersized for the current zoning of 3 acre minimum where this is 1.9. The area surrounding it is a conservation area, so they wouldn't be able to acquire developable land nearby.

Mr. Herzl said this isn't considered spot zoning?

Mr. Jackson said no, it's across the street from the R-7.5 zone. The recommendation says it's consistent with the character of the neighborhood, it's consistent with the surrounding zoning, and they thought that it made sense that that should have been addressed in the Master Plan. It blends into the area and the Committee is very much behind this. There's also a little notch of property in the middle, a much smaller piece, that also has this problem.

Mr. Rennert said I think it's premature, the street is closed and it's gravel. I know they're working with the DEP. If the street gets open, maybe we should consider changing the zoning to residential. In the meantime, we should leave it as it is.

Mr. Herzl said its undersized.

Mr. Rennert said you could put commercial and you could come for a variance.

Mr. Flancbaum said I think the street is going to be improved, maybe with a traffic light. They could put something there, but to do it now...

Mr. Jackson said I received a call from the Mayor today that this is important for the Committee to get done.

Mr. Stern said 931 is what we are talking about? Or the little one?

Mr. Vogt said 931 Lot 1, the shaded area in the corner. Lot 5 is undersized for R-7.5 or DA-1, but the request in question is for Block 931 Lot 1 as I understand it.

Mr. Jackson said I understand it takes in that smaller lot.

Mr. Vogt read from T&M's report. The parcel surrounds a 6,000 square foot parcel, Lot 5, fronting on Vine Avenue and owned by Lakewood Township. So Lakewood owns that small property.

Mr. Rennert said the Committee doesn't need our approval, right? My recommendation would be to wait until the street gets open.

Mr. Jackson said I think with the rezoning done in this manner, it makes a difference whether the Planning Board approves it. Otherwise it has consequences that require a super majority of the Committee to override the Planning Board's determination whether or not it is consistent with the Master Plan.

Mr. Stern said if we don't support this, they have to have a super majority on the Township Committee? What is a super majority? Unanimous?

Mr. Jackson said I think its four or five. I don't know the numbers for the Committee.

Mr. Herzl said I think it's four out of five. Normally you need three.

Mr. Jackson said it might be four out of five.

Mr. Stern said why wouldn't this go to the Zoning Board instead of the Planning Board?

Mr. Jackson said the Planning Board makes the Master Plan. The question is whether or not it's consistent with the Master Plan.

Mr. Stern said a change in zoning doesn't go to the Zoning Board?

Mr. Jackson said no the Master Plan has a much larger view of what is appropriate for the community. It's not just the zoning of particular districts, it's also what goals and objectives are, the balance of the different zoning districts, accommodating different uses. It's much more than just a particular zone.

Mr. Stern said how is this consistent with the Master Plan if this was zoned for the Cedarbridge Redevelopment Area?

Mr. Herzl said because the surrounding uses are residential.

Mr. Stern said well then you could say that the whole thing in the Cedarbridge area should be residential.

Mr. Jackson said as to what's a wise use of the land, you could say this is surrounded by environmentally sensitive areas, it's undersized, it can't be used for three-acre zoning, there's really no use you could put it to. If you make it consistent with the R-7.5 then you provide appropriate housing and you meet the housing demands of the Town, etc. So that's what the question is.

Mr. Vogt said the property in the current zoning, DA-1, this is a 3-acre minimum. The property is undersized by almost a factor of two.

Mr. Stern said it's not the size, it's the use. It's supposed to be a corporate park. I don't think there's going to be any office buildings on this little corner, but...

Mr. Rennert said there could be. It's an acre, it could be a small office building.

Mr. Flancbaum said it's almost two acres.

Mr. Jackson said probably the best argument is from the Planner. Mr. Slachetka's report of February 3, 2020, talks about the current zoning and surrounding zoning. It discusses existing land uses and the wetlands nearby.

Mr. Rennert said it also says that across the street it's R-40.

Mr. Jackson said it does. I think everyone should read that memo from T&M.

Mr. Stern asked when we got this.

Mrs. Morris said last week.

Mr. Flancbaum said I agree with Eli, I think this is more appropriate if the Vine Avenue were improved.

Mr. Stern said or do we have to hear it tonight? This is the first time we're seeing it, it's a zoning change, I don't even know why we're doing... Can this wait two weeks?

Mrs. Morris said I know the Committee intends to have their second reading at the next meeting. Or to hear it at their next meeting pending receipt of the Board's comments tonight.

Mr. Klein asked to speak... He said if you approve this, it's opening a can of worms. You're going to have a bunch of people asking for this, to change the zone instead of going to the zoning board. This is a new way of you being the Zoning Board.

Mr. Jackson read into the record what T&M wrote. In our opinion the subject property would be appropriate for rezoning to R-7.5 for the following reasons. 1. It's in a sewer service area. 2. It's in the PA suburban planning area in the State Plan. 3. The 2013 Smart Growth Plan shows the tract outside of the Cedarbridge Town Center boundary. 4. The subject property is physically separated by a large conservation easement from the commercial development area of the Cedarbridge Redevelopment Plan, therefore the property cannot be practically integrated with the commercial development and the other portions of the Redevelopment Plan Area. 5. The uses permitted in the DA-1 zone are not appropriate for the subject site. The DA-1 zone contemplates large office parks and commercial uses on sites with a minimum of three acres. The subject tract is undersized for the DA-1 zone and is located across Vine Avenue from existing residential development. 6. The proposed rezoning will be consistent with the R-7.5 zoning located across Vine Avenue. Based on the above analysis, we recommend that the Cedarbridge Redevelopment Plan be amended to indicate that Lots 1 and 5 in Block 931 are to be developed as R-7.5. In addition, the Township zoning map shall be similarly revised. That is the recommendation from the Planner.

Mr. Herzl said why are they coming here and not the Zoning Board.

Mr. Jackson said the Zoning Board is where an applicant goes on a particular application when it comes... when the Committee wants to amend the zoning, that is the sole province of the Committee. And the process requires the Committee to send it to the Planning Board for review and comment. So that's the stage we're at now.

Mr. Stern said based on what criteria?

Mr. Jackson said well the criteria is, is it appropriate in light of what Mr. Slachetka identified. He talked about it not being appropriate for the DA-1 zone because it's separated and it's undersized, and it's across from existing residential development. So you could say under the Master Plan it's not going to creep into the wetlands that are all behind it. He asked Mrs. Morris to put up the zoning map. It's one little island that can't connect with the commercial and is right across from residential.

Mr. Herzl said but if we don't approve the resolution, they could always go to the Zoning Board and get whatever they want.

Mr. Rennert said or the Committee could still pass it if they want.

Mr. Flancbaum said the Committee could pass it anyway.

Mr. Jackson said they could, but...

Mr. Flancbaum said my personal opinion is that even if it's consistent with the Master Plan, we should still wait until the road is improved.

Mr. Jacksons said you could say it's consistent with the Master Plan but you'd like for the road to be improved before it's developed as R-7.5, and make that recommendation along with it.

Mr. Rennert said should it be an R-7.5, it's across from an R-40? Should it be R-7.5, R-12...

Mr. Herzl said you have R-7.5 on the other side.

Mr. Rennert said I know, there's also R-40 on the other side. I think we understand that there should be residential here possibly, but we should move forward with the residential after we have an approved road.

Mr. Stern said or at least give ourselves two weeks to actually read the thing and understand it.

Mr. Flancbaum said why don't we do that.

Mr. Herzl said ok. I think we should move on.

Mr. Jackson said look at the tax map.

Mr. Stern said it's a big trapezoid, and this is at the end of the trapezoid, and it's surrounded by wetlands. But the question is...

Mr. Vogt said the Board has a copy of that.

Mr. Jackson said yeah this map is what I'm looking for.

Mr. Herzl said John, the consensus of the Board is we should wait two weeks.

Mr. Jackson said ok.

Mrs. Morris said is there more information I should get from someone for you? I missed what the intent of waiting is.

Mr. Sabel said what the other lots in the area are. We know across the street is R-7.5...

Mr. Herzl said you have it right here, R-40...

Mrs. Morris said I can open the zone map.

Mr. Sabel said ok I see.

Mr. Flancbaum said across the street is R-7.5 My position is just that we should wait until the road is improved to change it to residential.

Mr. Sabel said how about further down south on Vine Street, those are R-7.5?

Mr. Rennert said I don't know, the whole Vine Street is one big mess. It has to be opened up. The DEP needs to give a permit.

Mr. Flancbaum said right, the Township has to wait for DEP approval to do anything. Once DEP gives approval, Township can approve the road and then it could be appropriate for residential.

Mr. Herzl said ok. We would like to have more information before we vote on it.

- **Ordinance 2020-006: Affordable Housing Provisions**

Mr. Jackson said this is to appoint an affordable housing administrator. The way affordable housing works is you have a designated official who takes the application, administers affordable housing, etc. They're basically an administrator. Based upon the settlement and the consent order and all those legal machinations that go along with having our affordable housing plan be adopted, the recommendation is that this ordinance be adopted. I wondered why this is a Planning matter, but since it's in the UDO, Harold said the Planning Board does have to sign off on it.

Mr. Herzl asked what rights are we giving to this administrator.

Mr. Jackson said is they take the applications and act as the administrative agent in fulfilling the regulations. They decide who gets the COAH units, they decide... They don't decide it, but they administer the process that decides it.

Mr. Herzl said what does this have to do with us.

Mr. Jackson said I asked the same question, and Harold said to me well it's in the UDO, therefore we need the Planning Board to sign off on it.

Mr. Flancbaum made a motion to approve and Mr. Stern seconded. All were in favor.

5. PUBLIC HEARING

1. SD 2422 Bais Pinchos

1947 & 1951 New Central Avenue Block 11, Lots 117 & 120
Preliminary and Final Major Subdivision to create 7 lots and Preliminary and Final Major Site Plan
for a school accessory building

Mr. Rennert stepped down. Mr. Sabel had previously arrived.

Mr. Vogt said a submission waivers are required including B-2, B-4, B-5, which are waivers for topo, contours, floodplains, and wetlands within 200'. C-6 plans and profiles of utility layouts, C-13 EIS, C-15 Tree Protection management, and C-21 architectural drawings of the structures. The first paragraph afterwards in our letter indicates that we can support waivers B-2, B-4, and B-5, in terms of features within 200 feet. We have enough information for design purposes. Continuing on, a submission waiver is also required from providing a Letter of Interpretation for the transition area, a field study has been indicated that freshwater wetlands are not present on site but the 50' buffer encroaches the site. We support this waiver for hearing purposes, with the understanding that if the Board approves, the applicant has to obtain all necessary outside agency approvals including DEP. With respect to plans and profiles of utilities, we support this for hearing purposes only with the understanding that they will provide any necessary information later. A submission waiver has been requested for an EIS, which we support. We have a wetlands field study instead which is adequate. A waiver is also required from providing a Tree Protection management, which we can support pending review of that during compliance and compliance with the township tree ordinance. A waiver was requested for providing architectural plans but the applicant indicated they would be presenting renderings with elevations at the public hearing and I see a number over there that we will have testimony on.

A motion was made and seconded to support the submission waiver requests in accordance with the engineer's recommendations. All were in favor.

Mr. Vogt continued under zoning, we have comments on Van Buren Avenue and the extension of Adams Street. Per RSIS standards, a secondary access is required. They've provided emergency access through the property and that needs to be properly dimensioned for emergency access purposes at a minimum 12' width and a circulation plan will have to be provided to confirm egress for emergency vehicles. A lot width variance for Lot 117.03 appears to be required. Our final comments are under design waivers. They are required for proposing non-radial side lot lines as well as side lot lines that are not perpendicular to the right-of-way. The board has granted those in the past.

Mr. Sabel asked what non-radial means.

Mr. Vogt said it has to do with perpendicularity. Brian can go through that in testimony.

Mr. Vogt said continuing on, we have design waivers from curb and sidewalk along New Central Avenue and sidewalk along Adams Street. Design waivers are required from shade tree and utility easements along the frontages of the new lots as well as street trees along the frontages of all new lots.

Mr. Abraham Penzer appeared on behalf of the applicant. He said this is a major subdivision approval. He presented Mr. Brian Flannery, P.E., P.P., who appeared and was sworn.

Mr. Flannery introduced A-1, a copy of the tax map showing the two existing lots in orange. A-2 is a copy of the Existing Conditions Plan showing an existing school and the back of the property out to Adams Street. I highlighted the wooded areas. A-3 is a google map, you can see the school and basketball court and the property open back to Adam Street, and the adjoining developments that are closing in on this. A-4 is the Final Plat, in pink the lots that are being created and the school lot out front is being expanded. The house lot out front is being minimized, and the cul-de-sac is being extended. A-5 is the site plan with the existing buildings in blue. We are proposing a 30x100' building for community type services, a study and library, as a supplement to the school which will remain. A-6 is the grading plan. It's a unique piece of property. There's an 11-foot drop in grade along Central Avenue from one side to the other, or a 4.4% slope. In hilly parts of NJ you see that all the time, but in Lakewood it's rather steep. And then when you go down the side property line, we have a 42-foot change, or a 5.6% slope. It creates situations that have to be dealt with, like with retaining walls in order to make this work. I've indicated on A-2 the wetland area in the back. All the water on this property drains into the back. A-7 is a subdivision that was done on Adams Street and it shows where the wetlands corridor is, where the water from this property currently flows and then across Miller Road and to Lake Carasaljo, and it will continue to flow like that. We have to comply with the state stormwater management regulations, which means the flows will be attenuated or less than before development. On A-7 and A-6 you can see the huge grade change. The developed area and adjoining house are much higher than the wetlands corridor. A-8 is a house plan, but these lots will be custom and probably won't look like that but it shows what could be built. On page 4 of the report, it indicates the relief. First comment under zoning it says it's a permitted use. Second comment is about Adams Street, which has more traffic that RSIS allows. By us adding to it, we are adding to it and would be creating an unsafe situation except for the fact that we are adding emergency vehicle access so we are benefitting that area. It's called out prominently on A-4, at the end of the cul-de-sac on the left-hand side of that lot. It shows on A-6, the grading plan. We'll deal with police and public works during resolution compliance to have some mechanism so that isn't open for all traffic, it's not a short cut, it's emergency access.

Mr. Sabel asked about RSIS standards.

Mr. Flannery said yes, 250 trips per day which translates to 25 units. I counted 26 already on Adams Street and we are adding four more, to thirty.

Mr. Flancbaum asked for clarification of where the emergency access is.

Mr. Flannery pointed for the Board and the Board discussed the map.

Mr. Sabel said 25 houses is enough for RSIS, and we are proposing a total of 30.

Mr. Flannery said correct.

Mr. Vogt said the existing homes are slightly over the threshold. RSIS came in in '96 or so. This neighborhood was built prior to RSIS. If they came with this now, they couldn't build it because there is no turnaround and no secondary access. What they are doing is better than what's there now. What's there now is a preexisting non-conforming condition.

Mr. Herzl said you feel comfortable that all emergency vehicles can get through there?

Mr. Vogt said our recommendation is for them to provide a circulation plan to demonstrate that. They may have to make tweaks during compliance.

Mr. Flannery said we are adding 38 parking spaces. The worst case would be to eliminate one or two spaces to increasing the turning radiuses. We are providing more parking than is required by ordinance. Anyone familiar with this neighborhood knows that this is a well parked school. We have 32 spaces and are adding 38.

Mr. Herzl said 70 spaces total?

Mr. Flannery said yes.

Mr. Penzer said triple the requirement.

Mr. Meyer asked how they would stop cars from using the emergency access.

Mr. Flannery said some sort of a gate, we have to work with DPW and the police.

Mr. Meyer said one block over, on Shawnee and Irene, they have the same thing and it was a disaster, people were cutting back and forth all day. They had to close it off and now there's no emergency access. How are you going to stop someone coming from Westgate who wants to get out to Hope Chapel faster?

Mr. Flannery said the typical way to do that is you have a gate, you give access button to police and public works and any other emergency official. When an emergency vehicle comes, the gate isn't going to stop them. The average resident isn't going to drive through a gate.

Mr. Sabel said I'm a Hatzolah member, I'm not breaking up my car for this. I'm not going through a gate.

Mr. Flannery said Hatzolah will have a button.

Mr. Sabel said all 120 of us? My keys are going to end up on Van Buren. And this ends up on somebody else's property? What's in the back?

Mr. Flannery said this is the school. Adams Street currently ends. The emergency access will come from the end of the cul-de-sac past the school.

Mr. Stern said it shows a really well-worn path there currently. Is it pedestrian or cars?

Mr. Flannery said cars don't go there. I assume it's pedestrian.

There were multiple discussions away from the microphone.

Mr. Flannery said our preference with the road was to impact only the one house, but if the Board wants differently, we can make changes.

Mr. Stern said are you opposed to that?

Mr. Flannery said I'm opposed to it because it impacts two houses rather than one. Mr. Flannery spoke away from the microphone about slopes and retaining walls in the back yard of the lots.

Mr. Stern said on the emergency access? Terry, you said... you had your little pow-wow internally, right? The Plan Review meeting. Didn't we talk about instead of saying oh, let's pass it, do the resolution, and we'll clean it up afterwards, that in the tech session I imagine you brought these issues up.

Mr. Vogt said the issues were brought up in the tech review, however I think the applicant needs some direction from the Board as to whether it's comfortable with this concept as presented or are there changes that would be more favorable such as taking out a few spaces and realigning that access.

Mr. Stern said you highlighted for them that you wanted to see traffic flow for this new emergency road that's not even on these plans.

Mr. Vogt said yes, we requested a circulation plan for this layout.

Mr. Stern said when did you request that?

Mr. Vogt said I believe that went back to the initial review at the tech meeting.

Mr. Stern said which was when?

Mr. Vogt said I couldn't tell you, maybe January. Our revised review was prepared January 30th for this hearing.

Mr. Stern said thirty days ago let's say, you gave the applicant notice that you were uncomfortable with the circulation plan. All we got is something here...

Mr. Flannery said but the plans that were submitted show the emergency access.

Mr. Herzl said I have a question for Terry. You're saying if this plan proceeds, RSIS, technically this application is variance free. If they don't want to do the road...

Mr. Vogt said well they have a variance for lot width and they have...

Mr. Herzl said I thought there's no variances.

Mr. Vogt said strictly from a circulation standpoint, putting the final alignment of the secondary access aside, the existing roadway per RSIS regulations is not compliant. It doesn't have a cul-de-sac bulb or a turnaround which is what's required from a design standpoint.

Mr. Herzl said you said the road preceded that so they don't have to be RSIS compliant.

Mr. Vogt said the existing development was constructed prior to RSIS. They are lengthening a non-compliant road, which is why RSIS comes into play. To do so, they have to provide two things. We talked about the secondary access. The first thing is a turn-around, which is a cul-de-sac bulb, or a turn-around. They've chosen to do the cul-de-sac bulb with the secondary access. So as a result of what they're proposing, with the understanding that the final alignment of the emergency access may change depending upon what the Board tells them to do, this is a compliant project versus a non-compliant condition from a circulation standpoint if nothing gets done.

Mr. Sabel said Mr. Stern, it was November 12th, the plan review meeting.

Mr. Herzl said they're saying it had to go through the Board for recommendations in order to complete the circulation.

Mr. Stern said but if Terry asked for details... We have a plan, the plan assumes we take a right and a left and go up a hill 8 feet.

Mr. Flannery said going up a hill 8 feet meets acceptable engineering standards. The engineer that submitted the plans thought that they provided something that meets best industry standards, and Terry is saying he needs more information to know vehicles can make the turn.

Mr. Stern said but why didn't you provide that information before this meeting? If he asked for that information... we don't want to pass the resolution and let you figure it out after the fact. If there's an issue raised, address it before it gets to us.

Mr. Flannery said the engineer that submitted felt he had done that. I'm hearing that the Board members don't feel that.

Mr. Stern said show me the circulation plan.

Mr. Flannery said the details on the circulation meet engineering standards, therefore you have the information needed.

Mr. Stern said Terry, what defines a circulation plan.

Mr. Vogt said it's not unusual that this is not done until final design. Verifying that based on the largest trucks that are going to access this property, let's say hypothetically a firetruck is what's known as an SU-47. There is a turning template associated with that vehicle that the engineer will make sure that this alignment, you can make all those moves. What I heard earlier was that if necessary that can be modified by taking out a couple spaces and lessening the turn movement. I believe that's the case personally, but until I see the actual turning template, I can't verify that. I can tell you that the Board has approved other applications where we have verified that during compliance review and not prior to the hearing.

Mr. Sabel said for an emergency vehicle access?

Mr. Vogt said not necessarily, but for circulation in the site in general.

Mr. Stern said do you feel that a circulation plan has been provided to you per your request.

Mr. Vogt said I believe a circulation plan has been provided, I believe the intent of the circulation has been provided. What we don't know is whether or not this dimensionally works for turning the largest vehicles.

Mr. Stern said so is this a circulation plan or not.

Mr. Vogt said it's a circulation plan that's not 100% verified with respect to emergency vehicles.

Mr. Sabel said this will comply with RSIS if it's 12 feet?

Mr. Vogt said after they verify that the geometry of the secondary access works, yes.

Mr. Sabel said RSIS allows 12 feet?

Mr. Vogt said you will have a turn-around on the cul-de-sac which you don't have now, and you will have a secondary access, which you don't have now.

Mr. Sabel said and the secondary access is enough?

Mr. Vogt said that is our interpretation of RSIS, yes.

Mr. Flannery said item 3 is the one variance, Lot 117.03, the lot on the cul-de-sac. This gets into the issue of non-radial lot lines. Ordinance says around the curve that lot lines should be radial, and if it's straight they should be perpendicular. Due to the unique geometry of this property, perpendicular lot lines aren't helpful. Around the cul-de-sac, they are supposed to be radial but here they aren't.

Mr. Herzl said this technically is a variance-free application? You don't have anything on the chart.

Mr. Flannery said the one variance that Terry is pointing out is Lot 117.03 and it's this lot here, wider in the front and narrower in the back. The plan didn't show any variances, the design engineer didn't feel there was a variance. If you want to talk about the definition of width, we can. It's measured at right angles to the depth... But I'm gonna ask for the variance for 94.72 feet where 100 is required. It's deminimus. It's a 15,000 square foot lot, no one is going to notice that it's narrower in the back.

Mr. Vogt said because a component of the application is a school, a lot of these standards are in the 900 section, which is the zoning section. We interpret those as variance conditions. Our review talks about an encroachment within the buffer which is technically a variance. The other is the parking setback variance. And finally the bus loading and unloading zone is nonconforming now and will continue to be nonconforming. The Board should reaffirm that variance.

Mr. Sabel said so there's three, maybe four variances.

Mr. Vogt said we interpret the buffer as a variance as well as the off-street, with the understanding that these are non-conforming now. The applicant has to request relief for further encroachment.

Mr. Flannery said I agree. There are existing conditions for the existing school. We aren't getting any closer to our neighbor and aren't asking for anything different. It's going to be the same school, the same students, the same 2 buses, the same dorm rooms. Everything is the same except we're adding parking spaces and a building in the back for a library and community outreach. It's 3,000 square feet.

Mr. Sabel said if it were classrooms how many spaces would that be.

Mr. Flannery said one per classroom. Even if you had four classrooms per floor, that's twelve if you use the basement and we're adding 38. If you look at 6,000, if it was one per 200 square feet you'd need thirty. And we're adding 38. For a school, they're adding a lot of parking.

Mr. Herzl said if it's a public library, what would you need. Is this going to be open to the public?

Mr. Penzer said no, it's a kollel.

Mr. Herzl joked, no simcha hall.

Mr. Penzer said no.

Mr. Flannery said going through design waivers, the first was for non-radial lot lines. We're past that. Second was for non-perpendicular, I said the geometry requires that. The next is design waivers for providing curb and sidewalk along the project's entire frontage. Obviously the applicant submitted it because that's existing, it's the Board's decision. If you don't grant that then we build the curb and sidewalk.

Mr. Herzl said you have enough issues without it.

Mr. Flannery said I didn't submit that one. Terry says it appears a design waiver is required for the sidewalk on Adams Street. We will provide sidewalk on Adams in accordance with the Ordinance across our frontage and any sidewalk that the Board feels is necessary there.

Mr. Sabel said it says along Adams Street.

Mr. Flannery said the Ordinance requires us to put curb and sidewalk across our frontage.

Mr. Sabel said so how are you going to comply?

Mr. Flannery said we are complying. It's my testimony we are complying. The Ordinance only requires...

Mr. Sabel said you aren't requesting a waiver to not do it on this tract.

Mr. Flannery said we are doing it on our tract. We aren't requesting it. Terry says it appears. The Town is putting sidewalk in, if there's a little piece of sidewalk missing we will install it.

Mr. Sabel said on Adams Street, after this property.

Mr. Flannery said yes. We have to see that. If it's a big distance, this applicant doesn't want...

Mr. Sabel said do you know the condition now of the sidewalks?

Mr. Herzl said there's no sidewalks.

The Board all talked at once.

Mr. Sabel said can we require them to finish Adams Street beyond their property?

Mr. Penzer said we can't trespass on other people's property.

Mr. Sabel said Adams Street goes out to where?

Mr. Flannery said out to Miller.

Mr. Sabel said so from Miller to this property, there is no sidewalk.

Mr. Penzer said not now.

Mr. Flannery said there are pieces.

Mr. Herzl said the Township is putting it in.

Mr. Sabel said can we request the applicant to do it.

Mr. Vogt said my understanding is you cannot require offsite improvements such as sidewalk.

Mr. Jackson said correct.

Mr. Sabel said what did you mean by item number 4, it appears a design waiver.

Mr. Vogt said there was a section that's not extending onto Adams. There's a small triangular section at the end of the property line.

Mr. Flannery said we will build sidewalk as required.

Mr. Herzl said you aren't asking for any waivers for sidewalk on your property.

Mr. Flannery said correct.

Mr. Vogt said our office is doing a design plan and permitting for Adams Street. I can't tell you for certain that we're going to have sidewalk coming up all the way to this property.

Mr. Flannery said we are not seeking a waiver from sidewalk. The same for the shade tree and utility easements, we're not seeking that waiver. We will add those.

Mrs. Morris said what about the shade trees themselves?

Mr. Flannery said to the extent that the trees fit, we will comply with the intent of the ordinance. Then we get to the Site Plan issues on page 5. It asks about parking. We are adding 38, it's my testimony that the parking required for the school and the new building is probably a third of what we are providing. With respect to the existing school and the 20-foot buffer, the ordinance says you should have that or it should be landscaped appropriately. We will do fencing and screening as required by the Board Engineer. Same thing with the off-street parking. It's not supposed to be in the 20 feet or it should be treed appropriately. We will have a fence and landscaping to meet the intent of that. The bus loading and unloading, it's existing. They have two buses that come to the site and we aren't changing the loading area. Design waivers from proposing a shade tree and utility easement along, we will add that so we don't need that waiver. Along with the trees, we will add those where they fit.

Mr. Herzl said is there anything else in the report you don't agree with?

Mr. Flannery said item 4, with respect to the right-of-way dedication, we are providing an easement so as not to create setback issues. Item 7, with respect to the drainage, it will either be DPW or we'll have to provide that the homeowners maintain it. We will work that out during compliance. Item 14 asks about the number of students. Currently there are 150 students.

Mr. Herzl said DPW accepted it for garbage already?

Mr. Flannery said I don't think they did yet, but usually DPW works with the schools. I don't expect any problems.

Mr. Vogt said we typically work with DPW as an outside agency. They either have to comply with the design, or in the case of trash pick-up they'll have to do it themselves.

Mr. Flannery said item 21 indicates we need to make a one-time payment for stormwater. Item 24 is with respect to the Shade Tree Commission and we would do anything required by Ordinance and reasonable as determined by the Board Engineer. Some of these don't look like they meet either of those conditions. With respect to the rest of the technical report, we can comply. With respect to the variances, I want to put on the record. The Master Plan of 2017 on page 2 goes into population growth, it concludes on page three, therefore it is important that Lakewood plan for residential development to house its growing population. This does that. It provides a building for the school which is an inherently beneficial use. On page 7 of the Master Plan it says encourage development and redevelopment based on smart growth planning principles and this does that. It says provide sufficient educational, recreational, and community facilities to meet future needs, and that's what this is. It's infill development that provides those needs. On page 9, it says provide housing opportunities for families of all sizes and income levels. These are beautiful 15,000 square foot lots. The MLUL NJAC 40:55D2 says encourage municipal action to guide the appropriate use and development of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. This does this. It says to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, communities, and preservation of the environment. We're improving the situation on Adams Street by providing a turnaround and emergency access, and we are providing lots that meet the area requirement or the Ordinance. It says provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, industrial uses and open space. And this does this. The variance that's listed are de minimus and are C2, they relate to a specific piece of property. The purposes of the MLUL would be advanced, the variance can be granted without substantial detriment to the public good, and it's my testimony that there is no detriment. When we look at the traffic, we are improving Adams Street. When you look at stormwater management currently, all the water flows down that hill and it free-flows down there and that sand area fills up and it flows into the wetlands. We're proposing a recharge basin that's easily maintained and we're going to reduce the stormwater flows in accordance with the state law. We have to show that the variances don't impair the intent and purposes of the zone plan and zoning ordinance, and since it's virtually a by-right application, that's my testimony. And then we have to show the benefits outweigh the detriments, and my testimony is that there are no detriments and the benefits are as indicate with respect to the Master Plan.

Mr. Penzer said the traffic study shows a level of service B or A. It's probably the only school we've ever had like that.

Mr. Flannery said due to the low flow at the site, we only have two buses, that certainly is a unique situation. Not to be confused, it's the access points based on our site. I don't think there's really any place in Lakewood that is a level of service B.

Mr. Sabel said do you have any plans for that proposed two-story building? Or are you asking to build whatever you want.

Mr. Flannery said I wasn't provided any.

Mr. Sabel said let's assume it's going to be classrooms, and it's 6 or 9 classrooms.

Mr. Herzl said they still comply with the parking.

Mr. Sabel said how big is a classroom, on average?

Mr. Flannery said maybe 25 average size.

Mr. Sabel said we can fit maybe 4, 8, 12 classrooms?

Mr. Herzl said about 600 square feet.

Mr. Sabel said an average 25 kids, 20 kids in a classroom. 240 kids.

Mr. Flannery said someone else running a school could potentially put...

Mr. Sabel said 75 years from now we could have 240 kids.

Mr. Flannery said we'd certainly be happy to have a condition that classrooms aren't allowed in that building.

Mr. Penzer spoke away from the microphone about a surplus of parking, and said the benefit outweigh the detriments with the revised storm flow and emergency access.

Mr. Flannery said the proposed extension of the cul-de-sac provides a benefit and the stormwater will also provide a benefit.

Mr. Penzer spoke away from the microphone.

Mr. Stern said I want to come back to this emergency thing. All those little boxes you have on the bottom...

Mr. Flannery said those are contour lines.

Mr. Stern said this says this is a drainage easement.

Mr. Flannery said there is also a pipe in there. It says clearly drainage and access easement.

Mr. Stern said but on the previous page, number 3, it says those are retaining walls on each side of it.

Mr. Flannery said yes we have a retaining wall for the project.

Mr. Stern said but on page three you've got a retaining wall on the bottom and on the top. And it's 12 feet wide. How wide is a fire truck? Average fire truck is 9 and a half feet wide, I just looked it up. So you've got a fire truck zooming through, and you've got a concrete retaining wall on each side. Your own bus on your own map is eight feet wide.

Mr. Flannery spoke away from the microphone.

Mr. Stern said it's a scary thing for a fire truck to have to go through. You have to go up a hill and take a sharp right. I don't want to be that fire truck driver.

Mr. Flannery said as a condition of approval we get approval from the fire department.

Mr. Sabel said that's for the pumps. I don't know if it has anything to do with the fire truck width and circulation. They assume they are going to follow the law, RSIS, and recommendations from the Engineer.

Mr. Vogt said what you typically want to find out, usually from the Fire district, you want to find out what's the largest vehicle that is used in this district. Based upon that, you verify that your circulation plan works for that vehicle. That's what I was talking about earlier in terms of doing a circulation template and actually showing that you can navigate. Now, I don't personally know what the width of the largest fire truck is here. If it's 9.5 feet, you're right, that's tight. They would either have to, A, demonstrate that works, and we may want the fire district official to sign off on that. Or B, if it is too tight, and instead of being 12 feet maybe it should be 15 feet. It can be done, but they have to modify the plan. If you look at the plan, they're showing the interior retaining wall,, they're showing to maximize the size of the yard behind Lot 120.02. They could very easily move that interior wall another 2,4 , 5 feet to make this wider. But that's the kind of thing that would look at in the final circulation design.

Mr. Sabel said why don't you make it a full roadway that everyone could pass through.

Mr. Vogt said you don't want to encourage normal vehicular traffic through the property. You heard testimony earlier, I think one of the Board members said they don't want this to become a cut through. So you want emergency vehicles only, but it has to be sized that it can pass the largest trucks.

Mr. Stern why don't we just say there's no emergency access. Do we have to have one?

Mr. Vogt said I recommend it for compliance with RSIS.

Mr. Stern said can we pass this without this emergency access.

Mr. Vogt said it is our interpretation that this is not RSIS compliant without a secondary access.

Mr. Herzl said they have to demonstrate that this emergency access works.

Mr. Stern said this is not a substantive thing. If this was raised in the review process, we need a circulation plan. We're not the brightest bulbs in the shop here. It's 12 feet wide and you have a fire truck going and two retaining walls, there's a problem. Why wasn't that addressed between September or November of 2019 when you met with them and now?

Mr. Vogt said I can't answer for the applicant's engineer as to what he did or didn't include in the design. It's not been addressed yet. It's not unusual with applications that have come in front of this Board where some final circulation details are worked out in compliance. The Board has the option, if you like the rest of the application, you can certainly act affirmatively. If you don't like the application, you can certainly let the applicant know. A third option, if the Board is not comfortable with what you see tonight, you can always have them come back with whatever requested changes you want to see. Based upon what's currently on the plan, looking at this, they can fairly easily widen that access aisle if that's the Board's concern. You're simply making the rear yard of Lot 120.02 smaller, by moving that interior wall closed to the proposed home. It's something that can be dealt with. Whether the Board is comfortable acting tonight based on what's here, that's up to you.

Mr. Jackson said that is something that a lot of Boards will do and it's a judgement call, and we've done that as well. If you feel like you need to see it, and review it, and give everyone a chance to comment on it, tell them to come back with revisions. If it's the type of thing you think I get it, I understand, without seeing revisions, it's low-scale enough that we can give them latitude.

Mr. Herzl said we should give an opportunity for the opposition, see what they have to say.

Mr. Jackson said don't be afraid to say I want to see it on paper first.

Mr. Sabel said can we see plans on what's going to be in this building. Not just restrict it, the Board would like to see actual architectural drawings.

Mr. Jackson said obviously people are uncomfortable with this, but I think your recommendation is right. Let's see what the public has to say if the applicant is finished with their case.

Mr. Penzer said my client is asking me to advise the Board that this building is going to be a kollel. And we will stipulate to that. It's not going to be an elementary school.

Mr. Samuel Pinter, the Rabbi of the congregation, appeared and was affirmed. He said I'd like to stipulate, there are some people that have apprehension that it's going to be a school and there will be busing, etc. We'd like to stipulate as a condition that it's not going to be an elementary school. There are four classrooms, and the other two floors are gonna be for a library. So we are glad to make that stipulation that it's not going to be an elementary school.

Mr. Penzer spoke away from the microphone about a kollel library. He said they're concerned that you're not going to have a place where you're gonna have simchas, kaddishim, brises, bar mitzvahs...

Mr. Herzl said and do we need more busing.

Rabbi Pinter said definitely not, I'm making that stipulation. That can be recorded.

Mr. Sabel said you mentioned elementary schools, what about high schools or adults. Can we eliminate no school whatsoever, only a kollel which is not considered a school.

Rabbi Pinter said no, if there's overflow on one or two classrooms for a high school, but basically it's for a kollel and a library. We are going to stipulate that building is not going to be used for a school.

Mr. Herzl said are there going to be anymore students or buses than currently?

Rabbi Pinter said definitely not.

Mr. Jackson said put in the record what a kollel is.

Mr. Penzer said a kollel is a school for advanced studies, usually at least 18 to 20 years of age. Usually here's no buses, they come up with cars and drop off.

Mr. Sabel said Mr. Penzer, can you define a high school.

Mr. Penzer said a high school is anywhere between 12 and 18 years of age, usually served by buses, and is grades 9 through 12.

Mr. Sabel said based on that, no school whatsoever. No one 18 years and younger.

Rabbi Pinter said the purpose is to make a kollel, however I cannot be restricted...

Mr. Jackson asked the public to respect the witness and quiet down.

Rabbi Pinter said what I am stipulating is it's not going to be used for an elementary or high school, there's no further busing. There was concern, there was one neighbor who said I should stipulate that it's not going to happen in fifty years. I can't stipulate as to fifty years. But I can stipulate that there will not be elementary or high school but again if there's an overflow crowd for two classrooms, they have to be high school students that do not need a bus.

Mr. Sabel said Rabbi the reason I'm asking is because there is not a bus loading and unloading zone. We need to have something that we know that the kids can go on and off safely, there's no sidewalk from the street to the building, it just doesn't look right.

Rabbi Pinter said we agreed to have sidewalks on New Central.

Mr. Sabel said I'm taking about inside the property, from New Central to the building. We don't know what's going to happen in 20 years. I would be happy to see an actual layout for the inside of that building so that we can vote on this and agree to this.

Rabbi Pinter said the building is 30 by 100. There are gonna be, I think there's room for four classrooms and a library upstairs and a library downstairs.

Mr. Sabel said that's the plan currently. We can the conditions for sidewalk and school bus, we want to restrict this indefinitely.

Rabbi Pinter said indefinitely for what.

Mr. Sabel said because we don't know what's going to happen.

Rabbi Pinter said I want to know what is your concern, is your concern for busing?

Mr. Flancbaum said we usually get plans. We don't have plans. I'm being serious. For every building on a site, usually we get architectural plans.

Mr. Herzl said if we want to make a motion, we could restrict it to no more students.

Mr. Sabel said or we can wait and he can give us the plans.

The Board took a recess.

Mr. Sabel said there is currently an evacuation of twenty houses at Louisburg Square due to a gas line. Imagine something like that happening here. All the emergency vehicles coming in and out, chaos. We have to make sure this is safe.

Mr. Jackson said we've had discussions about trying to make the meetings slow with a crisp presentation. I'm hearing two of the members are very concerned, wanting to review it and scrutinize the architectural. I understand they are filed online but they aren't here and the Board doesn't have the opportunity to go through them. There is also questions about traffic circulation and emergency access. We have a very crowded agenda and the room is full. For the public to be able to comment on this application they deserve to see the full presentation of what we have, they deserve that.

There were outcries from the public.

Mr. Herzl asked who is here on this application and a number of hands were raised.

Mr. Jackson said my recommendation is that the applicant table this to get the additional information and come back. I know there's also a member who has a commitment and we are going to lose our quorum at 8:30. I don't think we are going to finish tonight either way.

Mr. Sabel said it's going to be easier and quicker for the applicant once we have everything.

Mr. Herzl asked the Board for their opinions.

Mr. Sabel said I need more information.

Mr. Stern said I'm wondering who is being represented by counsel. If it's counsel, it's one person talking.

Mr. Michael York appeared on behalf of one of the objectors. My concern would be if you're going to lose a quorum at 8:30 I don't want to start my application anyway. There's really no reason to continue with the objector's application. We'll start when you bring them back. There's no reason to start it now, especially if the applicant with all due respect is going to change part of the application.

Mr. Herzl said I don't want to waste any time. There's no way we are going to finish tonight. We have to let everybody talk. Mr. Flancbaum is leaving at 8:30. If we could finish it it's one thing, but...

Mr. Penzer asked when the next meeting is.

Mrs. Morris said March 3rd. And there are seven applications already on that agenda.

Mr. Herzl asked about getting the circulation plan prior to the next meeting.

Mr. Vogt said we need it ten days before the meeting and time to do an updated technical review.

Mr. Herzl said Mr. Jackson, if they give an updated circulation plan is that considered new testimony that we need technically ten days before?

Mr. Jackson said the ability of the engineer to review it is one thing. There is a provision in the statute that says the applicant can supplement at the hearing with additional documents. I think a circulation plan is something the Board has the latitude to allow, even if they just brought it tonight, but if Mr. Vogt wants to review it that's a whole different issue.

Mr. Vogt said I may not be able to tell you on the spot that yes this works.

Mr. Herzl asked Mrs. Morris when we need the updated plans by.

Mrs. Morris said I don't know what we are making that determination on, I'm not sure of Mr. Vogt's schedule.

Mr. Herzl said for the March 3rd meeting.

Mr. Vogt said I don't know if March 3rd is practical. There are three meetings in March, March 3rd, March 17th and I won't be at that meeting, and March 31st. I would suggest one of the latter meetings in March.

Mr. Herzl said I'd rather you be here because you're familiar with the whole case.

Mr. Vogt said March 31st would give their designer time to do this correctly, and then have it submitted and reviewed.

Mr. Herzl said Mr. Penzer is March 31st ok with you.

Mr. Penzer said it's wonderful.

Mr. Herzl said you've heard the concerns of the Board. The circulation plan could be updated to show that it works.

Mr. Jackson asked if Mr. Penzer consents to the adjournment to March 31st.

Mrs. Morris confirmed the meeting date is the 31st.

Mr. Penzer consented without any further notices.

Mr. Herzl asked Mr. York if March 31st is good for him.

Mr. York said it's fine.

The Board and the public discussed Passover on April 8th and the fact that the meeting is the week prior.

Mr. Jackson asked the Board if they consented to carrying this to March 31st. All were in favor.

Mr. Jackson made the announcement to carry the application to the March 31st public hearing with no further notice.

Mr. Herzl said it's a continuation so we have to make sure us five are here.

Mr. Jackson said or somebody would have to listen to the tapes and certify that they've reviewed the transcripts.
Mrs. Morris did we determine the date by which the applicant had to submit revised plans?

Mrs. Morris said I don't know what we are determining that date based off.

Mr. Vogt said worst case is two weeks prior to the meeting. I would recommend by Friday March 13th.

Mr. Jackson said Mr. Flannery, Mr. Penzer, the revised plans have to be in by Friday March 13th.

Mr. Penzer said Terry was kind enough to point out that we had submitted plans and they are there as part of the package. I have a record if we may be going to court on this, I want to be very clear that the applicant did send them. Those plans will be shown at the next hearing.

Mr. Vogt said Mr. Penzer is referring to architectural plans, correct?

Mr. Penzer said that is correct.

Mr. Herzl said it's online but it wasn't in our packet.

Mrs. Morris confirmed and said I didn't realize it was missing from the packets. I do need 5 additional paper copies of the architectural plans and the circulation plan.

Mr. Sabel said at least five, we only had like three of them.

Rabbi Pinter said there was a Board member that said we were trying to hide something, I just brought the plans, we thought they were here. No one is trying to hide anything.

2. SP 2272A Congregation Pri Aahron
836 & 840 Ridge Avenue Block 189, Lots 28 & 29
Amended Preliminary and Final Major Site Plan for a school

Mr. Flancbaum left. Mr. Rennert returned to the dais.

Mr. Vogt said this amended approval is for a larger building and changes to the parking lot. The plans revised plans have no impact on the previously granted buffer relief. Further, the revised plans eliminate the variance for parking within ten feet of the adjacent non-residential site, by relocating the trash structure. Relief appears required for parking within twenty feet of an adjacent residential area, but due to the excess parking provided this condition could be eliminated by eliminating an ADA spot or they could seek that relief.

Mr. Adam Pfeffer appeared on behalf of the applicant. He said this was a fully compliant application in terms of variances, these were waivers.

Mr. Herzl asked if the building is bigger or smaller than before.

Mr. Pfeffer said the building has increased in size. Our footprint is now 12,000 and before was 10,500 and change. We gained about 1500 square feet give or take. There are no variances being asked for...

Mr. Herzl said no additional parking is required?

Mr. Pfeffer said no we are still compliant. There were some objections with the neighbors and we met and found some places we can fit additional parking, still in excess of what's required. We will submit that during compliance.

Mr. Herzl said why would you come under correspondence to add 2,000 square feet to the building.

Mr. Pfeffer said its 1500 square feet. We aren't adding a variance or a waiver. If we built the original building and put an application in for an addition, we wouldn't be before the Board at all. But we're doing this all together. Before we were doing this in two phases, we would have had to bond for it separately. It's now one phase, one bond. He had Mr. Glenn Lines, P.E., P.P., sworn in.

Mr. Herzl said are there any variances required.

Mr. Lines said no there are not. We need eight parking spaces, we now have sixteen. The plan we brought in two weeks ago had thirteen. We met with the neighbors, they wanted more. He spoke away from the microphone.

Mr. Pfeffer said nineteen.

Mr. Herzl said is there anything else that changed besides what Adam said, you added 1500 square feet?

Mr. Lines said we had to give a dedication and widening to the County, so we lost a whole row of parking. Other than that, we are compliant.

Mr. Rennert asked what kind of school it is.

Mr. Lines said post high school, no busing.

Mr. Sabel said you had thirty initially?

Mr. Lines said yes, which was way in excess.

Mr. Sabel said how much now?

Mr. Lines said 19. That's still 2 and a half times what we need.

Mr. Sabel said you're still losing 11 parking spaces. And sidewalks on Ridge?

Mr. Liens said yes.

Mr. Rennert asked how the students get there.

Mr. Lines said there are dorms, the students stay.

Mr. Rennert said what's in the basement.

Mr. Lines said cafeteria, kitchen, recreation room, we had agreed to no simcha hall in the original application.

Mr. Pfeffer said we agree to any conditions that were imposed originally.

Mr. Herzl said you're not renting it to outside, it's strictly for the school.

Mr. Pfeffer agreed.

Mr. Herzl opened to the public.

Avrohom Schubert appeared and was affirmed. He said we met with the applicant last week. We were in agreement on different... they gave more parking. We are very concerned about the traffic. There's going to be a major school across the street too. We want to make sure the applicant agreed to put a deed restriction for no school busing allowed, and that it's part of the County approval too.

Mr. Jackson said I think a deed restriction is not a good idea. That's in perpetuity and can only be lifted by order of the Superior Court. Times change. 10, 15, 20 years from now somebody might want to do something different and that deed restriction would prevent that. Right now a site plan approval condition should be sufficient.

Mr. Pfeffer said the County has requested a deed restriction on this as well. Normally I don't like deed restrictions either, but the County is requesting it.

Mr. Schubert said there is a slight discrepancy with the size of the building. They are adding more than 1500 square feet. We are generally in agreement with what's going on. We agree only dorms, no school busing, they're going to have garbage removal. Is there enough access for them to come into the parking lot?

Mr. Herzl said how big was the building originally?

Mr. Jackson said Mr. Lines can you answer that. What's the square footage of the increase that you're seeking.

Mr. Lines said the original footprint was 10,553 square feet. And that was phase 1. There was a small addition. So, Terry's report now indicates that its 12,000 square feet. Which is an increase in 1,437 square feet.

Mr. Jackson said also this changes the parking and circulation.

Mr. Lines said yeah.

Mr. Herzl said Mr. Schubert, you said it's bigger than that.

The objectors are talking about the total square footage. It's a three-story building, with each at 12,000 square feet. That's a 36,000 square foot building.

Mr. Herzl said so 1,437 per floor.

Mr. Lines said yes, per floor.

Mr. Sabel said now that we have 36,000 square feet how much parking do you need. Terry?

Mr. Vogt said it's based upon classrooms.

Mr. Sabel said well how many classrooms can you fit in 36,000 square feet?

Mr. Lines said we have that on the plan. We required 8 parking spaces for the classrooms and the offices. The second floor, as it was originally, is dormitory spaces. There's no requirement for parking for dormitory. The basement is cafeteria, kitchen, recreation room, that requires no parking spaces. So it's really the first floor where all the parking demand comes from and it's 8 spaces.

Mr. Vogt says the second paragraph on page 2 of our review indicates 13 parking spaces on the plans, our interpretation per the current architectural plans is they require 10 spaces. So you have an excess.

Mr. Sabel said but you're also saying that the building is 12,000 square feet.

Mr. Vogt said correct, the calculations are based upon classrooms for schools. Based upon the floor plan counts with classrooms, we interpreted it requires 10 spaces. They have thirteen proposed.

Mr. Pfeffer said and we're acknowledging that we're going to have a total of 19 spots.

Mr. Stern said Adam before you were talking about the deed restriction. By whom is that enforceable? By the County?

Mr. Pfeffer said I'm being told that the County is asking for us to record that in the County records in the deed. The County's requiring it, we'll agree to it. As to who is enforcing it, that's a police issue.

Mr. Stern said I think it's important, I mean is the County the party... you have a grantor and a grantee.

Mr. Pfeffer said I haven't seen the request from the County, the engineer is indicating this. I don't want to tell you the wrong thing. We're imposing it on ourselves apparently.

Mr. Stern said ok.

Mr. Schubert said I just want to make sure that we're in agreement that there won't be any simcha hall there.

Mr. Herzl said they testified to that.

Mr. Schubert said everything was otherwise ok.

Mr. Herzl said any other restrictions that were done originally will continue.

Mr. Schubert said we just want to make sure that there's room for garbage because it's a 45 miles per hour road, there are students, the garbage should come in and out and avoid traffic at all costs.

Mr. Vogt said I want to get something on the record. I think I heard there's gonna be 19 spaces. For the applicant's engineer, we will get revised plans...

Mr. Pfeffer said yes, confirming that there will be 19 spaces.

Mr. Sabel said on the old plan, I don't think we got this new plan, I don't see it in here...

Mr. Vogt said you are correct.

Mr. Sabel said and the reason it's so important is because the old one has sidewalk from the road to the building and this new one doesn't. That's just one example that I quickly saw. I think it's important for us to see and have it, at least that one sheet. We should be able to look at it. They just eliminated that whole entire sidewalk.

Mr. Pfeffer said I indicated nothing is changing from the previous approval, all the conditions on the previous approval we have agreed to.

Mr. Herzl said plans were not submitted?

Mr. Vogt said this is something between the objectors and the applicant.

Mr. Pfeffer said we submitted a request, submitted to Terry, and Terry reviewed. In the meantime we met with objectors and resolved some issues. Very quickly they asked for a plan just to see where we would be able to get the extra spots. We are telling you as record, 19 spots, we have to get it. All the other previous requests and conditions of the approval we agree to.

Mr. Rennert said but how about things that were not conditions of approval but were shown on the plans, let's say like a sidewalk.

Mrs. Morris said whatever's on that (new) plan, I can't see from here, we didn't review, and you don't have in front of you. So you may want to go look at it.

Mr. Rennert said or why can't we have plans before the meeting?

Mr. Herzl said I don't feel that's right, if we don't have plans how do we know what we're voting on?

Mrs. Morris said they came here tonight and said this is what we're proposing. If the Board's not comfortable with that...

Mr. Lines said the set of plans that were submitted were dated January 21, 2020. The only thing that this plan has that the other one didn't, are...

The applicant handed out copies of the newest plan.

Mrs. Morris said Mr. Sabel is saying there's a difference in the sidewalk.

Mr. Lines said that's from the two year ago plans, before we had to make all the changes to cram everything and give a dedication.

Mr. Herzl said Mr. Sabel, where on this new plan were sidewalks eliminated?

Mr. Sabel said it's dated 2017.

Mr. Vogt said, looking at the plan which was submitted tonight which we're treating as an exhibit, you are proposing 6 more spaces on the opposite side of the main drive aisle that's shown on the current plans. Is that correct?

Mr. Lines said yes, they're shown on the south side of the drive aisle basically adjacent to the school.

Mr. Vogt said for the Board's information, what was the area on the previous design plan prior to parking?

Mr. Lines said it was lawn.

Mr. Vogt said so you're taking up lawn area and adding parking to satisfy the neighbors. Looking at this as an engineer, you feel you can meet all the conditions of the approved design, drainage, grading, lighting, everything, including these spaces.

Mr. Lines said yes.

Mr. Vogt said and if the Board wants to act favorably, you would work with us during compliance based on total revised design plans showing these spaces.

Mr. Lines said correct.

Mr. Shloma Klein appeared and was affirmed. He said on April 16, 2019, at 2:48 pm, a Lakewood boy came to my home and threw eggs. A school that teaches these types of actions to boys is not a school, but an animal shelter. I'm happy to say that this boy came from the previous application that was Bais Pinchos. But this school, under the leadership of Rabbi Bernstein, his boys in the yeshiva are well-educated and well-behaved boys.

Mr. Jackson said this shouldn't be a comedy show. Let's just try to respect the proceedings and the applicant.

Mr. Herzl closed to the public.

Mr. Stern made a motion to approve and Mr. Sabel seconded, reminding to add the sidewalk from the road to the building.

Mr. Pfeffer agreed to internal sidewalks.

All were in favor.

3. SD 2425 Bais Medrash East Fifth Street

419 East Fifth Street Block 236, Lots 18, 19.01, & 19.02
Minor Subdivision to consolidate into two lots

4. SP 2352 Bais Medrash East Fifth Street

419 East Fifth Street Block 236, Lots 18, 19.01, & 19.02
Preliminary and Final Major Site Plan for a synagogue

Mr. Vogt said you have two applications. One is a minor subdivision, and the other is a Site Plan that is contingent upon the subdivision. The site plan is within one of the proposed lots that would be created by the subdivision. You should hear both of the applications at once. If you want, I can identify relief in both applications now. I would like to summarize the submission waivers and zoning issues for SD 2425. As indicated in our review dated January 20th, a waiver is required for proof of submission to the County Planning, obviously if the Board acts favorably they cannot file without submitting to the County. We support that waiver for hearing purposes only.

A motion was made and seconded to support the submission waiver request in accordance with the engineer's recommendations. All were in favor.

Mr. Vogt said going on under zoning, for SD 2425, minimum lot area for Lot 18.01, lot width for 18.01, side yard setback for 18.01, and minimum aggregate side yard setback for Lot 18.01.

Mr. Herzl said these lots were never subdivided?

Mr. Vogt said no. They are proposing a subdivision of this property and on one of the resultant lots is the site plan.

Mr. Rennert asked where Lot 18.01 is, and what's on that lot now. A house that's staying?

Mr. Herzl said one second, I want Terry to finish the report first.

Mr. Vogt said continuing on with minor subdivision zoning requirements, off-street parking relief is required for the existing dwelling that would remain on Lot 18.01. Per out site investigation, there's no driveway there now and there's nothing shown. The Board will have to act upon that. Comment 4, maximum building coverage variance is being requested for new Lot 18.02. The revised plans show 39% versus the zone limit of 30%. Comment #5, revised plans indicate minimum aggregate side yard setback variance may be required for the future synagogue. That is the variances associated with the minor subdivision. Under design waivers, comment 1, required from a right-of-way dedication. They are proposing a widening easement. We need additional information to determine if it is depicted correctly. As indicated on the subdivision plan, a design waiver is required from street trees along the

project frontage. I'd like to go through the zoning of the site plan, first with submission waivers, beginning on page 3 of our January 22nd letter. This is SP 2352. Submission waivers include traffic study and proof of submission to Ocean County Planning Board again, site conditions within 200 feet, C6 plans and profiles of utility layouts, C13 environmental impact statement. It's the Board's purview whether they feel waiver of a traffic study is warranted. We concur again with Ocean County Planning Board for hearing purposes, with the understanding that the application is going to be filed. We support the waiver of plans and profiles of utilities for hearing purposes with the understanding that if the Board approves, we will get necessary information during compliance. We can support the EIS waiver since the property is already developed. The Board needs to be aware for this application that some of the variances that are being requested for the site plan are being created by the subdivision. So you need to be satisfied that the variance relief for the proposed lot is adequate in your eyes, or you shouldn't be approving the subdivision.

Mr. Herzl said were creating new variances.

Mr. Vogt said you're creating a smaller lot for which variances are being sought for the site plan. You need to hear to your satisfaction, the applicant has to make their case as to why that's reasonable.

Mr. Herzl said let's vote on the submission waivers for the site plan.

Mr. Sabel said what about the traffic study.

Mr. Rennert said I'm comfortable, I know what the traffic is like.

Mr. Herzl said the traffic is terrible over there. A traffic study isn't going to help. It's not a traffic study, it's a parking lot study.

Mr. Rennert said I'll make a motion to support the submission waivers. There was a second. All were in favor in accordance with the recommendations by the Board Engineer.

Mr. Herzl asked about zoning on the site plan.

Mr. Vogt said for SP 2352, comment #2, minimum side yard setback variance is required. The revised plans show a setback of 7 feet, so that may comply. Aggregate side yard setback shows 13.32 feet versus 15 feet. Variance for parking spaces, revised plans show a main sanctuary area of 1981 square feet which requires 20. The revised plans show 1200 square feet as useable space, which is an interpretation of the code that is not the letter of the code. Our understanding is that it is based on floor space, not useable space. So based upon the stricter interpretation, again we interpret 20. Variance relief is required for section 905-1 with regard to buffer variance relief. Variance relief required for parking area closer than 5 feet from the property line. The plans show it to be less than 2" to the future curb. Again the impervious coverage proposed is 39% versus 30%. We had a comment regarding grading, again we can get testimony as to whether or not the exposure of the basement story by definition creates a variance on building height. Under design waivers, we talk about the same dedication that was raised in the minor subdivision as well as a waiver from section 807 of the code with regard to parallel parking spaces are shown that would be 8 feet wide where the UDO requires 9 feet wide.

Mr. Gerald Klein appeared on behalf of the application. This project is something that is important to the neighborhood. In contrast to the previous application with a very large crowd of people who were against it, we have a large crowd that I believe are all for. I think this is basically the entire neighborhood. He presented Moshe Mandel who was affirmed.

Rabbi Mandel said I am a member of the shul and of the congregation Board. We have a shul presently in this area. We have been there, we are here. He handed out information about the history and size of the shul. When we started there were no seats anywhere else in the neighborhood. Apparently we weren't the only ones who needed a place to daven because we quickly grew to about 50 members. We have about 50 members now. The current facility can hold us but the families are growing and we need more space for our children. After extensive collecting we were able to purchase the lot next door. It's currently approved as a duplex on 18.02.

Mr. Herzl said how many lots are there now?

Rabbi Mandel said three.

Mr. Herzl said and you're creating two out of them?

Rabbi Mandel said yes. Currently we have one minyan there, we get together on Shabbos. We also have a Friday night Shabbos and on yom tiv holidays we also have services. We are not looking to expand the amount of congregants. All the shuls are slowly creeping up in the neighborhood and popping up all over the neighborhood. We need a place for our children to daven, we can't schlep them over to BMG anymore. We hope our membership will stay stable in the next 5 years. We have never had an issue with parking. There were never any calls about people blocking a driveway. We have non-member neighbors here and I have a list of the members of the shul and if you look you'll see that every single member lives within a couple of minutes from the shul. It would practically be silly for anyone to take a car to the shul. Shabbos we have our biggest minyan. We are all in the neighborhood in the morning. I live three minutes away and have no reason to take a car. He handed out the list of the congregant members and where they live. The plan, the main sanctuary is for the main prayers. We have a small Ezras Noshom for the women. We know for ADA compliance we have to have a place for women to go. There's a rabbi's office, coat room, bathroom, and upstairs mezzanine. Downstairs is the kaddishim for Shabbos. There's a place to make a kiddush. Right now we have to make a kiddush in the room where we daven and it's not the right thing. Yes we have a small warming kitchen in the basement to be able to make that kiddush. There were plans given in more than 10 days ago, updated plans, and for some odd reason maybe some people didn't get those plans but here we have it.

Mr. Sabel said it's different than what we have here?

Mr. Herzl said what's online is a different plan than what you're looking at now.

Mr. Jackson said let me read something about that rule. Any maps, documents for which approval is sought should be on file for public inspection 10 days before the date of the hearing. The applicant may produce other docs at the hearing to supplement the previously filed documents. So in my view the statute expressly allows them to come to the hearing with documents. That doesn't mean that the Board can digest and accept them in that night. If they're easy to comprehend I think you have the latitude to do that.

Mr. Herzl said I think...

Mrs. Morris said these paper plans that were just handed to you are in the paper piles in front of you. You don't need the paper ones. I was not given a PDF or told these were different from the PDF I already had, so on the website we didn't have until today those plans that are in front of you.

Mr. Jackson said so they can supplement at the hearing with updates.

Mr. Sabel said so there's a warming kitchen in the basement.

Mr. Klein said yes, on the left side. That may be changed simply for convenience purposes to where they have currently the crawl space. To clarify why there are crawl spaces, which seems odd, the answer is to meet the requirements so that elevators don't need to be put in, we want to restrict the square footage of the building so that it won't require them. There will indeed be crawl spaces so that we meet those requirements to not have elevators.

Mr. Herzl asked how they're going to keep that as crawl space.

Mr. Klein said there are going to be walls put up. And Brian can speak to that more.

Mr. Jackson said we are spending a lot of time talking about the rooms which is great, but Mr. Flannery why don't you summarize the application and go over any relief needed if any.

Mr. Brian Flannery, P.E., P.P., appeared and was sworn. He said I've marked several exhibits. A-1 is sheet 51 of the tax map. I've shown in orange the three lots that we have now. The existing lot with the house, and the existing lot next to it has an old house but it's approved for a duplex. A-2 is the minor subdivision. You can see we are taking the back part of Lot 18 so that we have more room for the shul. This is an existing neighborhood where they have very creatively come up with this solution to fit a shul in. You can see the same outbound in orange and the pink line that will separate the two properties. A-3 shows the proposed shul building, the site plan on Lot 18.02. A-4 shows the layout of the rooms we discussed. As indicated, from a building code standpoint if you keep the building under 10,000 square feet you don't need an elevator. The congregants don't need an elevator, there's no reason to get up to the third floor. So in order to do that we are going to have crawl space areas. You pour the foundations, you have dirt, it's a crawl space.

Mr. Herzl said it just doesn't make sense to have the crawl space in the center of the building.

Mr. Sabel said you need access from the back staircase.

Mr. Jackson said but a crawl space isn't... how tall is the ceiling in a crawl space?

Mr. Flannery said less than 7 feet.

Mr. Jackson said that's more than crawling, for me I could play basketball.

Mr. Flannery said A-5 is the front elevation, A-6 is the rendering. It's going to be a beautiful shul. I remember the first application I did in Rabbi Mandel's neighborhood where I indicated it's within walking distance to the downtown, but nobody walks because it's not safe. Now 20 years later this area has changed and now you can walk to the downtown and you probably should because you'll get there quicker than driving in traffic. A lot of times we say it's going to be a neighborhood shul and everyone walks, but in this case I've known Rabbi Mandel for a long time and I can attest to the fact that when he says something, that's the truth. My other clients, I can't say that I've known them for 20 years. This congregation is already there, we aren't bringing in new people or cars to the area.

Mr. Jackson said in your opinion, in a case like this does it become self-enforcing that it would really only be used by people who walk there? Even if it transferred in the future?

Mr. Flannery said yes, and the people are sitting in the room here.

Mr. Jackson said this is a fully developed area?

Mr. Flannery said yes it is. And it needs this property shul. It's an inherently beneficial use. It's proper here. On the report on the subdivision, the minimum lot area is 6,814 square feet for Lot 18.01 and that's the, on A-2, the lot to the right. All we've done is take some of the back yard. So it's missing some of the 7500 but it's in the backyard, nobody else is going to know. The residents that live there are in favor of this. Nobody else gets hurt by that.

Mr. Sabel said who owns the right side? That's the shul now? What's going to happen when the shul moves into the new building, who's going to occupy the old house?

Rabbi Mandel said we hope to rent it out, maybe to a congregant, maybe not.

Mr. Jackson said as a home?

Rabbi Mandel said yes.

Mr. Flannery said on that same lot there is a minimum lot width of 46.76, that's an existing situation. That's not something new we are creating. My testimony is that's deminimus. Minimum side setback to the wooden porch, which we'd prefer to keep. When porches were done back then they didn't count in the setback, so it's one foot from the property line. The only one that it's adjacent to is the shul and my testimony is that it makes sense and qualifies as a C-2 variance. Aggregate side yard setback again we are asking for 10 feet where 15 feet is required and that's because of the existing building and deck. Off-street parking relief, this is one of the few instances where I have to disagree with Terry. The plan does note there currently is one car parking space in front of that building. The plan notes that there will be two. So there is room, it's more than 18 feet, so there will be two spaces.

Mr. Jackson said I have a question about the house. It's existing but that's going to be on this lot, right?

Mr. Flannery said no.

Mr. Vogt said no, there's a subdivision.

Mr. Jackson said I misunderstood. Thank you.

Mr. Flannery said part of the minor subdivision is the building coverage for the shul, we are asking for 39% where 30% is required. There is a limited amount of property in the area. The shul is an inherently beneficial use. The neighbors are here and they will give you their opinion. It's my opinion that's an appropriate request.

Mr. Stern said does the Board have the ability... that little jutting backyard. Is it possible to extend that over so that you'd have a wider lot. You'd have a seriously undersized lot for the house, but...

Mr. Herzl said they could provide more parking then. You don't want the shul bigger, then you'd need more parking. If I could move the shul over and then have more parking...

Mr. Stern spoke away from the microphone.

Mr. Herzl said you could flip the building around.

Mrs. Morris said the house would then have no backyard.

Mr. Stern said that strip is useless to the house.

Mr. Herzl said if you would flip that shul around...

Mr. Sabel asked if this is a flag lot.

Mr. Flannery said no. This is a reverse flag lot. A flag lot has a flagpole coming from the road with insufficient access.

Mr. Jackson said it's a creative design to keep the house and put a shul there too. You don't have to approve it, you could say get rid of the house and make it one large lot or make the house part of the shul property and make it the...

Mr. Sabel said it would be fully conforming.

Mr. Herzl said it wouldn't be fully conforming but it would be pretty close to it.

Mr. Jackson said it's trying to get the best of both worlds, which isn't always necessarily bad but you might say there's too much going on here.

Mr. Stern said and we have some instances where half the neighborhood is against it. They've got to live with this. My only point was you've got this appendage of land that's useless.

Mr. Flannery said it's not useless, it's 25 feet wide. All of the duplex lots have the same.

Mr. Stern said it's just an idea.

Mr. Flannery said the congregation looked at it. They're also trying to have a dwelling there that makes sense with a nice backyard. Just to the west those lots are all small and narrow.

Mr. Herzl said do you agree with the whole report?

Mr. Flannery said I agree with the whole report. The variances that we are requesting are C-2 variances. The MLUL NJAC40:55D2 says encourage municipal action to guide the appropriate use and development of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. This does this. The Master Plan of 2017 says encourage development and redevelopment based on smart growth planning principles and this does that. We have a neighborhood with a need for this. The neighborhood is here and aware of the constraints in the area, and we will comply with all of the requirements in Terry's report. With respect to the site plan there is also relief required as indicated. The side yard setback we are asking for 6 feet instead of 7, and it's to maximize utilization of the shul. The aggregate side yard setback is 14.32 feet where 15 is required which would be a de minimus exception. The real variance that's required is with respect to parking, and we fit in as much parking as can fit and more than the existing congregation has. We have eight spaces, and looking at the ordinance the way Terry did, 20 are required. The way the ordinance was reviewed in the past it would have been less. But it's my opinion that it makes sense. Again it's a C-2 variance where the benefits outweigh the detriments and I don't see any items in the report that we cannot satisfy the Board Engineer.

Mr. Herzl said Rabbi Mandel, are you going to be renting out the kiddush hall?

Rabbi Mandel said it's used just for the congregants on Shabbos to make kiddush which we have pretty often. It's not open to the public.

Mr. Sabel said can we get some sidewalk from the road to the building?

Mr. Flannery said yes. We'll do an easement on the residential lot.

Mr. Herzl asked for a show of hands for who was in the support of the application, and then for who opposed. None opposed. He said another condition, the crawl space should stay a crawl space. I need testimony on that.

Mr. Flannery said we couldn't do it anyway, that would violate that we'd have to put an elevator in per building code. We can put that in as a condition.

Mr. Jackson said at 7 feet high you're going to have stuff down there, you're going to finish it off. A crawl space is 3 or 4 feet high.

Mr. Flannery said at 7 feet all you're going to have is storage.

Mr. Sabel said we don't even have a ramp to the third floor, and that's going to be the Ezras Noshom ultimately.

Rabbi Mandel said we clarified earlier, that's why we have the lower Ezras Noshom that can be used when needed for ADA. It's also the library mostly.

Mr. Sabel said when we count parking spots...

Mr. Vogt said the current UDO is based on the main sanctuary. Nothing else.

Mr. Herzl opened to the public.

Mr. Shloma Klein appeared and was affirmed. He said I heard that this shul doesn't have a Rav. If they ever want to hire one, I am available.

Mr. Sabel said if they ever widen this street, because parking is 2" away is that a problem.

Mr. Vogt said if they need to take in the property for purpose of a cartway, then yes. I'm not aware of any such plans.

Mr. Flannery said there is a road widening easement to make it a 50' right-of-way and the parking is behind it. So if they did widen it, it doesn't impact the parking.

Mr. Sabel said Chairman, do you remember any other application where we only considered the useable space, not the 1900?

Mr. Herzl said we are considering the whole 1900.

Mr. Sabel said it says here 1200.

Mr. Flannery said I'm requesting variance for 8 where 20 were required.

Mr. Sabel said so you're giving 12?

Mr. Flannery said no we're giving 8, where 20 is required.

Mr. Sabel said so you're asking for a variance for 12 parking spaces, which is 60%.

Mr. Flannery said yes.

Mr. Herzl said they gave into evidence a list of all the congregants and they all live within 2-3 minutes, and if they go by car it would take them 20 minutes to get there.

Mr. Flannery said 20 minutes to get there, 20 minutes to drive home and park in their driveway, and two minutes to walk back.

Mr. Herzl said normally it's a major variance on parking. I think if all the congregants are here, they live in the area.

Mr. Stern asked for a show of hands for everyone in favor.

Mr. Herzl said I asked that before and every hand picked up, even Brian.

Mr. Meyer made a motion to approve with the sidewalk and the kiddush hall only to be used for Shabbos and the crawl space to remain at 7 foot.

Mrs. Morris asked if this is a motion for both the subdivision and site plan.

Mr. Jackson said yes, I'll deal with that on the resolution.

Mr. Rennert said can we split it up.

Mr. Jackson said yes you can.

Mr. Stern seconded. Mr. Sable voted no. The rest were affirmative.

6. APPROVAL OF MINUTES

7. APPROVAL OF BILLS

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary