

Applicant is requesting a combined plan review and public hearing.

Mr. Vogt said the following submission waivers are requested: A8 - Key map or tax map showing location of tract to be considered in relation to surrounding area, 82 - Topography within two hundred feet (200') thereof, 84 - Contours of the area within two hundred feet (200') of the site boundaries, 810 - Man-made features within two hundred feet (200') thereof, C6 - Plans and profiles of proposed utility layouts such as sewers, storm drains, and water, showing feasible connection to existing and proposed utility systems, C10 - Shade trees, C14 - Tree Protection Management Plan, C15 - Landscaping plan including the types, quantity, size, and location of all proposed vegetation, C16 - Soil erosion and sediment control plan consistent with requirements of the local soil conservation district, C21 - Architectural Drawings.

We can support these submission waivers from a completeness standpoint only. With the exception of the site features within two hundred feet (200'), we recommend all necessary site design and architectural information be provided for review by our office during resolution compliance should Board approval be granted. As he understands it, this is a renovation of an existing site building and the applicant is doing parking and improvements voluntarily.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said there are several existing non-conforming conditions including minimum front yard setback and a parking setback. Design waivers are required from improving Pineview Avenue and Oakland Place, curbing the proposed parking lot, curb and sidewalk along all of the Chestnut Avenue and River Avenue frontages, as well as providing street trees, shade trees and utility easements.

Mr. Adam Pfeffer, Esq. said no new variances are being requested. This is the existing shopping center on the corner of Chestnut Street and Route 9. The applicant has recently purchased the property and are looking to renovate the property. No new square footage is being added to the building. The applicant went ahead and purchased an adjacent lot from the Township. The applicant is looking to use that lot solely for parking and would result in about 149 spaces. No new curb cuts are being added or modified as there are already entrances on Route 9 and Chestnut Street.

Mrs. Morris said typically a small parking lot addition would be exempt from board approval as well as any site addition less than 1,500 sf of building space unless it is creating new variances of some sort or significantly altering the drainage flow on the property.

Mr. Brian Flannery, P.E., P.P. was sworn in. The applicant does not need approval from the board to renovate the building but the existing parking is insufficient. The applicant wanted to do it right so he went ahead and purchased land from the Township for parking.

Mr. Neiman asked what is on that lot now.

Mr. Pfeffer said it is a vacant lot.

Mr. Flannery said the board engineer's review letter talks about requesting waivers from improving paper streets that nobody is going to use. This project fronts on Chestnut and Route 9 and if the board says you can't add the parking, it still will but they just won't have sufficient parking.

Mr. Neiman said the applicant is not proposing any new curb cuts, he asked how people would get in and out of that parking lot.

Mr. Flannery said they already have the curb cut on Chestnut and Route 9 and you can go around the building now. This is going to make it easier and provide additional parking.

Mr. Rennert asked if the parking calculations were based on the UDO.

Mr. Flannery said based on the UDO, you need about 100 spaces and they will be providing 149 spaces.

Mr. Rennert asked if the existing 96 parking spaces were approved based on the UDO.

Mr. Flannery said that is correct.

Mr. Flancbaum asked the width of the Chestnut Street entrance.

Mr. Flannery said it appears to be a standard entrance which would be 24 ft wide.

Mr. Neiman opened to the public.

Mr. Klein, 189 Chateau Drive, was sworn in. He asked if the building is currently being renovated.

Mr. Flannery confirmed. That is all approved through the building department. They do not need this board's approval.

Mr. Klein inquired as to the number of floors.

Mr. Flannery said two floors. Both floors can be used for retail. The applicant will put all conforming uses in the building and if he wants to do something that is not a conforming use, he would need to go to the Zoning Board.

Mr. Klein asked if up until now the top floor was retail and the bottom was storage which would need different parking requirements.

Mr. Flannery said the bottom floor was used as storage because that is all there is a need for. The applicant is not asking for anything related to that building. All they are asking for is additional parking.

Mr. Klein said if both floors are being renovated and they are both going to be used for retail then they are essentially doubling the parking required. He asked if the building department would approve retail on the bottom floor based on the parking.

Mr. Flannery said the building department already approved it. They are here tonight because the applicant wants to add parking. It was not a requirement from the building department.

Mr. Klein said some of the existing parking is within the buffer along Route 9 and it cannot be calculated towards the total.

Mr. Flannery said the existing parking which was approved more than 30 years ago is in the Route 9 desired typical section, it is less than the 65 ft required by ordinance but it is existing parking that is permitted and they

are not asking for any parking variances. The only reason they are here is due to drainage but the applicant wanted to do the right thing and not piecemeal it.

Mr. Neiman asked Mr. Klein what the point of this questioning is.

Mr. Klein said legally, the applicant cannot renovate the building without adding additional parking.

Mr. Jackson said to take that up with the Zoning Officer.

Mr. Klein asked why the applicant is not providing sidewalks as Chestnut and Route 9 is a very busy intersection.

Mr. Neiman said the board will address sidewalks.

Mr. Klein asked if it would be a good idea to pave the paper street and not have all of the access on that busy, dangerous intersection. There was a shul on Chestnut Street that had to be shut down because of that intersection.

Mr. Flannery reiterated that they are here in order for the drainage to be done properly. The renovation was already approved by the building department. It is his professional testimony that the entrance and exit to the site as they are now work well for the existing traffic. It would be a mistake to put in the paper street.

Mr. Pfeffer said Route 9 is a State highway and Chestnut is a County road.

Mr. Klein asked if they would be willing to change the entrance to right in and right out only.

Mr. Flannery said it is not signed as right in/right out but if it were, the same number of people would make lefts anyway. The applicant does not want to back to the State or County. If he were enlarging the building then he would have to but all he wants to do is add parking.

Ms. Joyce Blay was sworn in and inquired about a long term lease with the Township.

Mr. Pfeffer said he is not aware of any lease.

Mr. Ira Rosenthal, 1157 Tiffany Lane, was sworn in. He said he is very familiar with this intersection. The street curves coming down Chestnut Street and it is very dangerous. There are currently no markings for the entrance/exit on Chestnut Street. It is a tremendous danger making a left onto Chestnut Street as you can't see cars coming up due to the bend. The traffic also gets backed up due to the light at the intersection. He requested that sidewalks be provided and that the driveway be either in or out.

Mr. Rennert asked if the driveway meets the UDO standards.

Mr. Shareby, 1140 MacKenzie Court, was sworn. He agrees with all of Mr. Rosenthal's comments and concerns.

Mr. Solomon Fischer, 136 Colonial Drive, was sworn in. He believes the additional parking is sorely needed and he does not believe the entrance/exit is as dangerous as everybody is making it sound.

Mr. Neiman closed to the public.

Mr. Vogt would like to hear testimony concerning site visibility leaving that entrance on Chestnut Street.

Mr. Flannery did not study the entrances because they are not proposing any changes. The applicant is not interested in going back to the NJDOT or to the County to open up new approvals.

Mr. Neiman asked if the applicant has to go back to the State or County if they are only changing it to a right in and right out.

Mr. Flannery said if the board only wants them to paint arrows on the pavement and put signage up, they could do that. If the board wants them to put islands in and change the character of it then they can't do that. They would go with the parking they have now which would be insufficient.

Mr. Vogt asked if it would be reasonable for a right turn and right turn out on Chestnut Street.

Mr. Flannery said that would be reasonable and the applicant would agree to it to the extent that they do not have to make an application to the County.

Mr. Neiman asked why it would be difficult to get County approval. They would be making it safer.

Mr. Flannery said if they go to the County, they are going to look at it as a new application and there will be a whole list of things along with drainage and traffic impact fees.

Mr. Neiman said the board wouldn't know what triggers a County approval.

Mr. Flannery said the board engineer does and if the board approves it with that condition, the board engineer would enforce that condition and the site engineer would prepare plans that would address it and it would be a policing issue.

Mr. Vogt asked if they could go through whatever Title 39 process is necessary so that it could be enforced.

Mr. Neiman inquired about sidewalks.

Mr. Flannery said any sidewalks would require a County or State approval. If that's required, the applicant would leave the 70 something existing parking spaces.

Mr. Pfeffer said the applicant has no objection to paying the Township in order to put sidewalks in but at this point they are not changing one thing with regard to the building.

Mr. Neiman said he knows the applicant will be bringing in a good product into town and right now there is only a pizza shop that only a few people visit every day and now there will be hundreds coming. The board wants to make sure it is safe.

Mr. Pfeffer said all they are doing is servicing the area that is already being serviced except now they are giving them a bigger area to park.

Mr. Neiman asked that the Chestnut entrance be a right in and right out only.

Mr. Flannery agrees.

Mr. Hibberson drives through this area three times a week. Each intersection is a mess but he believes the parking would be a plus to this whole area.

Mr. Neiman asked if the applicant would be paying the Township to install sidewalks.

Mr. Vogt asked if it could be done through a developer's agreement.

Mr. Pfeffer has no objections.

Mr. Vogt said it costs more for the Township to put sidewalks in than the applicant.

Mr. Jackson said that is a lot of effort for the Township. That should be an alternative. There is a possibility that the Township does not want to do that.

Mr. Vogt said the applicant would have to come back before the board.

Mr. Flannery said the applicant is not going to be putting sidewalks in as he doesn't want to go through that process. They are happy to pay for the sidewalks but if the governing body disagrees then the applicant would come back before the board but it is not worth that process to the applicant.

Mr. Rennert said this application was listed as a tech item and was opened to the public but he would personally like to go down to the site before they make a decision on this.

Mr. Neiman said it would give the applicant time to approach the governing body.

Mr. Jackson suggested this application be continued to the next meeting to address the sidewalk issue only.

A motion was made and seconded to continue the application on the December 20, 2016 meeting.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum, Mr. Follman

Abstain: Mr. Cautillo

3. SP 2216 Congregation Berditchev Lakewood

Birch Street

Block 416, Lots 31 & 33

Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated November 30, 2016 was entered as an exhibit.

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Mr. Grunberger arrived and Mr. Rennert stepped down.

Mr. Vogt said the following waivers have been requested including an Environmental Impact Statement, Tree Protection Management Plan and Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements. Per review of NJDEP-GIS mapping, there are no known environmental constraints on or adjacent to the property. Therefore, we support the waiver from providing an Environmental Impact Statement. A Tree Protection Management Plan may only be waived for completeness purposes. A Tree Protection Management Plan must be provided since we observed the rear of Lot 33 to be wooded with some very large trees which could include a specimen tree. A waiver from design calculations for proposed drainage facilities has been requested because the design engineer believes the project does not constitute major development. These calculations may be waived for completeness purposes

only. Substantiating calculations are required. In accordance with our review, we estimate more than a quarter acre of new impervious surface would be created.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt stated relief is sought with respect to perimeter buffer as the synagogue is proposed 10 ft from the easterly property line and a 20 ft undisturbed area is necessary. Per the UDO, no parking area shall be located closer than 5 ft to any side or rear property line that is adjacent to residential zoned properties. The proposed parking lot would be 2 ft from the northerly property line. A design waiver is required from providing street trees, as well as a shade tree and utility easement along the projects Williams Street and Birch Street frontages, a design waiver is also required to allow the 7 proposed perpendicular off-street parking spaces along Birch Street.

Mr. John Doyle Esq. said the application as filed included an affidavit of ownership in which Joshua Basch on behalf of Congregation Berditchev signed indicating that he resided at 75 Birch Street but in fact he lives at 2 Avian Way.

Mr. Ed Liston, Esq., representing Eli Steinberg, believes the procedural deficiency of not correcting the address until tonight is fatal to the application. He believes it was filled out by the Rabbi who certainly knows where he lives and where this location is so he thinks that is misleading. A deviation from the MLUL from a zoning requirement requires a variance, not a waiver. The board engineer notes perimeter buffer relief is necessary for the project. That is a variance under section 18-905 of the UDO. The parking area located closer to 5 ft to a side property line is a bulk requirement which requires a variance. The variance has not be applied for and it has not been noticed for.

Mr. Vogt said section 800 is entitled Design Standards, section 900 where these are from is entitled Zoning Standards. The board can draw their own conclusions.

Mr. Jackson said if it is in the zoning standards, it is a variance. If it is in the design standards, it is a waiver.

Mr. Liston said these are variances which haven't been applied for, the fees haven't been paid and most importantly, it has not been noticed for. The board has no jurisdiction to hear this and asked that it be carried in order for the applicant to amend the application.

Mr. Neiman asked if the notice references waivers or variances.

Mr. Jackson asked if Mr. Liston agrees that if it's in the 900 section then it would be a deviation from the zoning requirements and be properly characterized as a variance.

Mr. Doyle said as he has understood it in the past, this time of matter concerning buffering, distances of a site improvement from the property line has not been treated as variances. They have noticed for any and all variances, waivers or exceptions that may be necessary, required or requested in order to grant the application.

Mr. Jackson said the notice calls out the lot, block, address, time and date of the meeting, gives a general concept of what is being done in layman terms, lists fundamentally what relief is requested. He thinks whether it is a variance or a design waiver, it doesn't matter as long as the public has an understanding of what's going on. He thinks the board can proceed.

Mr. Liston reiterated that this board does not have jurisdiction. The catch all is fine for variances which have not been included assuming variances were listed in the notice. There are variances. If the board wants to ignore that, they will go to court and challenge jurisdiction.

Mr. Neiman understands but the board will hear the application.

Mr. Glenn Lines, P.E., P.P. was sworn in. They are proposing to build a two story synagogue on a 21,600 sf lot on the corner of Birch Street and Williams Street along with 30 parking spaces. The plan indicates that 14 spaces are required, 9 of which are required for the main sanctuary which is 1,638 sf. There will be a mikvah in the northerly portion of the basement for an additional 5 spaces. No bulk variances are required for this application.

Mr. Doyle asked about setbacks and coverage.

Mr. Lines said a front setback of 30 ft is required, a 30 front ft setback is provided from Birch Street and almost 90 ft from Williams Street. A 20 ft rear setback is required, a 20 ft rear setback is proposed. A side setback of 10 ft is required, a 10 ft side setback is proposed. There was a house adjacent to this lot that has recently been demolished which used to be 4.7 ft off the property line so they have doubled the setback that used to be there.

Mr. Jackson asked that testimony be provided for any and all relief necessary.

Mr. Lines said a perimeter buffer is necessary for the project. A 10 ft buffer is requested whereas 20 ft is required and would request landscaping in lieu of that buffer requirement. There are some new shade trees at the rear of the property, adjacent to lot 39 as well as 6 ft white vinyl fencing along the sides of the property. It would be difficult to provide that 20 ft buffer and have the additional room for window wells, stair wells. They would have to move the building into the site which would cut down landscaping in the front of the building and they would have to modify the building because they would be within the front setback.

Mr. Doyle asked if the benefits outweigh the detriments and that if it advances the purposes of zoning.

Mr. Lines does believe the benefits outweigh the detriments. They are in a residential zone and it is a generally residential looking building. He does not think there is any detriment to the neighbors on either side by granting the waiver from the buffers. The second waiver requested is proposed parking 2 ft from the northerly property line whereas 5 ft is required. In an effort to get as much parking as possible, they have provided that one extra space which is within 2 ft of the property line. He does not believe that variance would cause any detriment or damage to the zone plan or zoning ordinance.

Mr. Doyle said they would eliminate that space at the board's discretion.

Mr. Lines said a design waiver is required from providing street trees as well as a shade tree and utility easement. They have no problem providing the shade tree and utility easement along the two frontages of the property. They are requesting a waiver from shade trees along the Williams Street side of the property because they felt it would be better to have more grass and landscaping in front of the synagogue rather than two additional shade trees between where the driveway is located and the sight triangle. There are over 50 plants shown on the plans already. If the board wishes, they could take the 2 or 3 shade trees on Williams Street and put them in front of the building. By providing the shade tree and utility easement that allows the utility companies to install underground utilities along the front of the property if necessary. Again, in trying to maximize the parking, they provided 7 head in parking spaces off of Birch Street. The design waivers only allow a 30 ft wide opening, their opening is 63 ft wide. The benefit is they get 7 spaces, if they don't put them there,

they end up with 3 on-street spaces. By providing the 7 on the site makes it so 3 people can't park on the street so close to the corner.

Mr. Vogt said those parking spaces would be subject to Township approval as they are directly off of a Township road.

Mr. Lines understands. They would go to Public Works as they need to discuss garbage collection as well.

Mr. Vogt asked if he is aware of any other zoning issues besides what's in the letter.

Mr. Lines said not to his knowledge. They are not proposing a hall in the basement which would need additional parking. The basement is only 7 ft tall which would not permit a hall in the basement except for the mikvah area in the back which would have a normal ceiling height.

Mr. Vogt said the applicant is willing to put up fencing along the northern and eastern borders. There are lines shown on the plans and they do not see any callouts on the landscape plan. Just to note, they cannot have a 6 ft high fencing within any front yard setbacks.

Mr. Neiman thinks it would be safer requesting the variance for the 6 ft fence as he believes that is what the neighbors would want.

Mr. Lines said they would request that variance. On the easterly side, they may not go all the way out to the street as there may be a sight distance problem there due to the parking.

Mr. Jackson said there are two variances in play here. One is the perimeter buffer and the proposed parking lot would be 2 ft from the northerly property line. If he understands it, their hardship is that they would have to make the building smaller and give up parking spaces.

Mr. Lines said for the buffer requirement, they would have to move the building and they may lose parking. They would also have to request a front setback variance to put the same building or have to redesign the building.

Mr. Jackson asked if there is a need for this type of a structure and size in this area.

Mr. Lines confirmed. His understanding is that they have over 100 congregants and to make the building smaller would not suit their needs.

Mr. Jackson said he has worked in Lakewood for many years. He asked if it is fair to say that there is a strong demand for synagogues in this area.

Mr. Lines confirmed.

Mr. Jackson said if they were to hold the buffer, they would be trading 10 ft for having a smaller synagogue. In terms of the parking lot, is it fair to say that Lakewood has a parking shortage.

Mr. Lines confirmed. Almost every shul that gets built has a parking shortage.

Mr. Jackson said if he were to hold the setback on the parking lot, would that diminish their parking.

Mr. Lines said if they held the 5 ft required setback then they would lose one space.

Mr. Jackson asked if in his views as a planner when you balance the need for that additional parking versus what you give up by having an encroachment into the side yard setback into the parking lot is reasonable.

Mr. Lines believes every parking space they can get on a property like this is beneficial. He thinks once the 6 ft vinyl fence agreed upon as part of the buffer is installed, it would not have any effect on the neighbor.

Mr. Doyle asked if the variances requested would cause substantial detriment to the zone plan, zoning ordinance and the public good.

Mr. Lines does not believe so.

Mr. Grunberger asked how wide the landscaping is towards the front of the building.

Mr. Lines said about 25 ft. There is a landscaping bed with sidewalks and grass.

Mr. Grunberger asked if they can reduce the landscaping in order to avoid the variance.

Mr. Lines said they cannot move the handicap ramps or front stoop back any further.

Mr. Grunberger said that's not 25 ft.

Mr. Lines said that is over half the distance between the building and the parking lot. They still need the sidewalk so they can possibly move the building 4 or 5 ft before they can't fit the handicap ramp.

Mr. Grunberger asked if the ramp can be moved to the other side.

Mr. Lines said no, they have to be near the handicap spaces by the front door of the building as that is what the federal government requires.

Mr. Liston asked if he agrees that section 908 is a zoning section and that is why they are now variances. Those variances were not noticed.

Mr. Lines said the board has determined they are variances. Up until tonight, they had been design waivers. They have never been called out as variances in the past.

Mr. Neiman said this was already addressed and would like to move on.

Mr. Liston said if someone came in to town hall and asked to see this application, would there be any variances called out.

Mr. Lines said no variances were noticed or listed on the plans or application.

Mr. Liston asked where the perimeter buffer variance is needed.

Mr. Lines said along the easterly property line and the northerly property line because of the stairs and sidewalks.

Mr. Liston asked how much he would have to shrink the footprint of the building in order to comply.

Mr. Lines does not know exactly. They would probably have to shrink the building 15 to 20 ft in order to get that 20 ft buffer and to have enough room for air conditioners, roof drains, window wells.

Mr. Liston asked about the rear property line.

Mr. Lines said they would probably have to shrink the building 10 ft.

Mr. Liston asked where the AC units will be located as they are not shown on the plan.

Mr. Lines does not know. Most likely it will be on the roof.

Mr. Liston said then they would only lose 10 ft. The third variance required is for parking within the front setback.

Mr. Lines said no, it is parking within 2 ft of the property line.

Mr. Liston said the parking variance can be corrected by eliminating one space. He asked if there is a variance necessary for the 7 spaces that back onto Birch Street.

Mr. Lines said no.

Mr. Liston asked the width of the road.

Mr. Lines said 28 ft. It is an existing Township street. They are not proposing any improvements and there is parking permitted on both sides.

Mr. Neiman asked if the applicant is willing to comply with all of the plan review items in the board's review letter.

Mr. Lines confirmed, they have no objections.

Mr. Neiman asked about garbage pickup.

Mr. Lines said mostly likely Public Works but they will meet with them. If not, they would provide a private hauler.

Mr. Doyle asked the location of the proposed HVAC.

Mr. Lines said it will be on the roof.

Mr. Doyle inquired about the proposed on-site stormwater management system.

Mr. Lines said they would meet all of the engineer's requirements regarding stormwater management.

Mr. Doyle said no signage is proposed.

Mr. Lines confirmed. If it is, they would apply to the board for a variance.

Mr. Neiman said there will be no Simcha hall downstairs and it will not be rented out for any parties.

Mr. Lines said that is correct.

Mr. Neiman asked if there are any differences between this shul and any other shul in Lakewood.

Mr. Lines said not to his knowledge.

Mr. Neiman asked if the Rabbi or applicant would give testimony.

Mr. Jackson asked if he is talking about house of worship functions as opposed to some of the auxiliary functions like holding banquets.

Mr. Neiman said that is correct.

Mr. Liston asked what is on the first floor.

Mr. Lines said Bais Medrash and a secondary sanctuary room.

Mr. Liston asked the capacity of the building.

Mr. Lines does not know. He did not design the building.

Mr. Doyle said the building would meet the fire code.

Mr. Liston asked what other rooms will be on the first floor.

Mr. Lines said there is a lounge, an optional woman's section, a lobby, two stairwells, coat room and a lavatory.

Mr. Neiman said the board has seen hundreds of synagogue plans. In his opinion, this does not look any different than any other synagogue that has come before the board.

Mr. Liston asked how many synagogues he has seen that have game rooms and theaters.

Mr. Neiman has seen game rooms but not a theater or jam room.

Mr. Doyle objects. This is beyond question a house of worship which is a permitted use.

Mr. Neiman said if a synagogue was coming in next to his house with a jam room and a theater, he would like to know what that is.

Mr. Liston said there is a theater room, a game room and jam room #1. He asked if there is a second jam room somewhere in the building.

Mr. Lines does not know what that is but it is located in the stairwell.

Mr. Liston asked why there is a toy closet in the shul.

Mr. Lines does not know.

Mr. Liston asked if he plans on having a daycare or if there is currently a daycare center in this building now.

Mr. Lines does not know.

Mr. Liston asked the height of the low area in the basement.

Mr. Lines said he was told by the client that he has a headroom of less than 7 ft.

Mr. Liston asked if he knew what it will be used for.

Mr. Lines does not know.

Mr. Liston asked if the mikvah will be for the men, women or both.

Mr. Lines does not know.

Mr. Liston asked if side and rear elevations have been provided.

Mr. Lines said no.

Mr. Liston said the board does not even know what the rear or sides of the building will look like. The roof doesn't look like it has a notch anywhere for the HVAC. He asked where it would go.

Mr. Lines said no notch is shown from that side.

Mr. Liston said on the side not shown, that is where the HVAC is going to be. So it could be closest to the residential property next door so they can enjoy listening to the HVAC from the roof.

Mr. Yechiel Thumim, 5 Evian court, was sworn in.

Mr. Neiman asked if the usage of this shul will be different than most shuls in town.

Mr. Thumim said he has grown up in Lakewood and is pretty familiar with every shul in town. There is no difference between this shul and other shuls. They do have a kumzits which is a gathering to sing spiritual songs.

Mr. Neiman asked if there will be any alcohol at these gatherings.

Mr. Thumin said no. They also have a theater where Jewish motivational speakers come to speak.

Mr. Jackson asked if that is consistent with religious practices.

Mr. Thumin confirmed.

Mr. Neiman asked what the game room will be used for.

Mr. Thumim said it is for people with a computer or for children to play when their parents are praying. The toy closet would be used for small toys and books to keep themselves busy.

Mr. Neiman asked about the jam room.

Mr. Thumim said it is used to not disturb people studying. Sometimes the building does get crowded when they have motivational speakers but with this building they are hoping to accommodate that.

Mr. Jackson asked what the hours of operation would be.

Mr. Thumim said currently they do not have prayers during the week except on Sundays and on fast days. They are intending to have prayers during the week in the morning and afternoon. Between prayer times, people will study just like every other shul.

Mr. Neiman asked any catering other than Shabbos.

Mr. Thumim said they have a kiddish every Shabbos.

Mr. Neiman said only for shul functions. They will not rent to outside people.

Mr. Thumim confirmed.

Mr. Neiman said the lower area in the basement will only be used for storage.

Mr. Thumim confirmed.

Mr. Flancbaum asked when they would be jamming.

Mr. Thumim said typically in the afternoon or evening. They don't usually run late and there are very small crowds.

Mr. Neiman asked if there will be any exterior seasonal structures that would be displayed.

Mr. Thumim said a Sukkos like every other shul in town and perhaps a menorah on Hanukkah.

Mr. Neiman asked if they would be willing to take down anything seasonal outside within 7 days after the holiday.

Mr. Thumim said other shuls have menorahs that stay up at least 6 months a year. He understands it is nice and reasonable to take it down in a timely fashion but he doesn't think it should be involved in this approval.

Mr. Neiman believes that at the end of the day, the people living there did have some concerns and if they address these concerns now, maybe they will be praying there as well.

Mr. Doyle asked if the structure proposed will be used solely for worship or religious services. It is a synagogue beyond question.

Mr. Thumim confirmed.

Mr. Liston asked if he signed the application.

Mr. Thumim did not. He is not the applicant or rabbi. He runs the day to day operations of the shul.

Mr. Liston asked if he knows Mr. Basch

Mr. Thumim does.

Mr. Liston asked what his role is.

Mr. Doyle objected.

Mr. Liston said he signed the application and if he has no interest in the property then the application is void. He asked if he has ever met Mr. Basch

Mr. Thumim said he is his neighbor.

Mr. Liston asked if he is a member of the congregation.

Mr. Thumim confirmed.

Mr. Liston asked how many members of the congregants live on Birch Street.

Mr. Neiman asked if anyone is welcome to prayer at this synagogue.

Mr. Thumim said as long as you follow the Orthodox Jewish faith, they are welcome in our synagogue.

Mr. Liston asked if there is drinking during motivational speeches.

Mr. Thumin said sometimes.

Mr. Liston asked if there is music in the Bais Medrash.

Mr. Thumim said there is no music during prayer services.

Mr. Liston asked where the spiritual singing would be.

Mr. Thumim said sometimes in the main sanctuary or if people are studying/prayers then they would use the jam room.

Mr. Doyle said the people praying and attending this shul should not have their faith and how they worship on trial.

Mr. Liston said there will be no consumption of alcohol except on Shabbos or traditional functions.

Mr. Thumim agreed.

Mr. Liston said there will be no food or catering other than for religious events. The use of the basement will be used for storage.

Mr. Thumim confirmed.

Mr. Liston asked what the theater will be used for.

Mr. Neiman said the theater will be used for motivational films which is a common practice in shuls.

Mr. Liston asked if there is any overnight use of the building for sleeping quarters.

Mr. Thumin said no.

Mr. Liston asked if he would make it a condition of approval that there would be no sleepovers.

Mr. Thumim cannot make that decision but shuls throughout the ages always had a place where somebody could lay down to sleep.

Mr. Liston asked if any exterior seasonal structures would be removed within a reasonable time after the holiday.

Mr. Thumim agrees.

Mr. Liston asked the hours of operation for the mikvah.

Mr. Thumim said typical times. He does not know the specifics.

Mr. Liston asked what a typical mikvahs hours of operation are.

Mr. Thumim said a men's mikvah run from 4 or 5 am to a half hour before sunset. A women's mikvah usually run half hour after sunset until 12 or 1 am.

Mr. Liston asked if they would limit the hours of operation for any activities to end at 10 pm.

Mr. Thumim said there will be people studying in the synagogue past midnight which is typical of any shul.

Mr. Liston understands but he asked if there will be music, motivational speakers or alcohol.

Mr. Neiman said no jamming past 10:30 pm.

Mr. Gleiberman, 18 Williams Street, was sworn in. He was told that this application was a forgone approval because the applicant is not seeking any variances. Therefore, many of the neighbors did not come out to object tonight.

Mr. Jackson asked if he objects to this application.

Mr. Gleiberman confirmed. Most of the people attending this synagogue do not live in the neighborhood.

Mr. Eli Steinberg, 70 Birch Street, was sworn in.

Mr. Liston asked how long he has resided on Birch Street and how long the building across the street was being used as a shul.

Mr. Steinberg said he has lived there for over 4 years and it has been used as a shul since he has moved in.

Mr. Liston asked if this is the first time they have made any application to be used as a shul.

Mr. Steinberg said to his knowledge.

Mr. Liston asked what he specifically objects to.

Mr. Steinberg does not fear the general operations of the shul. There is a very important distinction to make between the shul which he has no problem with but there are other things the building is used for which is not a typical use of a shul.

Mr. Jackson said what has gone on in the past is not relevant to this application. This application before the board is for a shul and mikvah.

Mr. Liston doesn't think it is irrelevant because it is the same owner and operator.

Mr. Jackson said if there is a violation then you go to the appropriate officials. They are only seeking approval for what their application is for.

Mr. Neiman thinks it is a fair question.

Mr. Steinberg said there are wild parties that go well into the early hours of the morning with noise levels that wake up his children. He has observed underage children intoxicated and he has called the police for different things at different times. Typically a simcha hall will attract more people. This shul does not have a simcha hall but they use the sanctuary as a simcha hall which is what they would like to limit. He asked that there not be music and alcohol except for Shabbos and kiddish.

Mr. Jackson said the applicant's testimony was that this is all part of their practice of faith. How could the board tell them how to practice their faith.

Mr. Steinberg said the board can determine what a typical use of a shul is as a permitted use.

Mr. Jackson said if he understands correctly, the music, alcohol or speakers are not part of what a shul is.

Mr. Steinberg said it is not the typical use of a shul.

Mr. Franklin said this board has seen many applications for a shul and never have they gone into the daily operations of a shul. The board usually only restricts bar mitzvahs and the like which bring in crowds.

Mr. Steinberg is only asking for the board to limit this to just to what is the usages of a shul and not those things you would limit otherwise. He doesn't want to tell people how to practice their faith but there are legitimate concerns which this board typically does limit. He does not want music in the Bais Medrash, no consumption or serving of alcohol on premises, no food or catering other than on Shabbos and kiddish, the low area of the basement will only be used for storage, the game room, toy closet and theater should be eliminated, he would like the spaces on Birch Street to be eliminated for safety reasons, a privacy fence, exterior seasonal structures will be removed within 7 days of the holiday, the use of the mikvah should be clarified what is going to be for and when the hours of operation will be. He would like to clarify whether it is a men's or woman's mikvah. If it is a women's mikvah, it should be used only Friday or holiday nights. The use of a mikvah would either be from a half hour after sundown to two hours after sundown on Friday and Jewish holiday nights and not during the week at all. A men's mikvah would typically be open from 5 am to 10 am. He asked that the board incorporate these conditions into the resolution.

Ms. Tzivya Bock, 68 Birch Street, was sworn in. She is concerned about traffic and parking on Birch Street. She cannot comprehend how these cars are going to back out into Birch Street safely. Her driveway gets blocked by people attending the shul.

Mr. Aaron Koschitsky, 67 Birch Street, was sworn in. He said he has never been to a shul in Lakewood that has an official smoking room with 14 year old boys smoking. He asked what guarantee that 75 Birch Street will not be turned into a duplex where the existing shul is.

Mr. Doyle said there is a suggestion in the board engineer's report that the lots would have to be consolidated which they agree to do.

Mr. Jackson said the applicant would agree to consolidate the lots with no further developed on the lot.

Mr. Doyle said this lot was purchased so that this conforming structure could be proposed.

Mr. Shimshe Lubowsky, 209 Jamescrest Court, was sworn in. He is a member of this shul as well as the one down the block. He supports this application.

Mr. Yitzchok Singer, 8 Omni Court, was sworn in. He said this is the only shul that has an open door policy for anyone that is willing to come and practice religion on any level they feel comfortable.

Mr. Moshe Lankry, 120 Case Road, was sworn in. He approves of this application without any restrictions. He believes it will have a positive impact on the neighborhood.

Mr. Klein, 66 Birch Street, was sworn in. He believes the 30 parking spaces will alleviate traffic and on-street parking. The parties are infrequent so he doesn't think it's a fair issue impacting the quality of life.

Mr. Liston asked that there be a vote as to whether this board should have jurisdiction.

Mr. Jackson said an issue was raised that the variances were not specifically called for either on the application or in the notice. There is, however, a boiler plate catch-all that says plus any and all other variances that may be required. The board makes the legal conclusions, not the attorney. He believes the board can hear this matter but it is ultimately up the board. The chairman could ask for a motion to determine whether the notice was sufficient to hear this application.

The board unanimously voted that this board does has jurisdiction to hear this application.

Mr. Doyle said people might worship a little bit different but if they conform to the ordinances then they ought to be approved.

Mr. Jackson said the following conditions have been agreed upon: the uninhabitable portion of the basement under 7 ft would be used for storage only, the seasonal structures would be removed in a timely manner, the lots would be consolidated, the applicant shall comply with all ordinances and not create any nuisances or disturbances that would be in violation.

Mr. Vogt said fencing would be provided along the northern and eastern perimeter with the exception of the front setback on either Williams or Birch which would have to be 4 ft. Shade tree and utility easements shall be provided.

Mr. Jackson said there will be no living accommodations, catering will be limited to congregants only and will be limited to standard holidays incidental to normal religious practices.

A motion was made and seconded to approve the application.
All were in favor.

4. SD 2179 Mark Properties LLC

Netherwood Drive

Block 433; 436, Lots 1, 2 & 3; 1 & 2

Preliminary and Final Major Subdivision to create 12 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 1, 2016 was entered as an exhibit.

Mr. Vogt stated a submission waiver is requested from providing an environmental impact statement.

The waiver can be supported as long as the site contains no environmental constraints.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

A variance is required for minimum lot area.

A motion was made and seconded to advance the application to the January 17, 2017 meeting. All were in favor.

5. SD 2180 590 Atlantic Ave LLC

Belmont Avenue Block 378, Lot 1.09
Preliminary and Final Major Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated November 28, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for topography of the site, topography within 200 ft, contours within 200 ft, man-made features within 200 ft, shade trees, an environmental impact statement, a tree protection management plan, soil erosion and sediment control plan and design calculations.

The waivers can be supported since all of these items were addressed with the Ridgeway Acres major subdivision project.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

A variance for minimum lot width is requested, a township drainage easement front on Belmont Avenue. Therefore, proposed lot 1.11 would access Atlantic Avenue. The proposed side and rear setbacks shall be reversed accordingly and the proposed dwelling shown on the improvement plan revised such that setback variances are not required.

A motion was made and seconded to advance the application to the January 17, 2017 meeting. All were in favor.

6. SD 2181 Cedarwood Hills Homeowners Association

Flannery Avenue & Quick Chek Drive Block 1603.01, Lot 21
Preliminary and Final Major Subdivision to create 2 lots

A motion was made and seconded to carry the application to the December 20, 2016. All were in favor.

