

1. CERTIFICATION OF COMPLIANCE

Chairman Michael Neiman 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

Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Neiman, Mr. Follman, Mr. Cautillo

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

1. SD 2025 – Amending Resolution clarifying landscaping requirements

Mr. Jackson said apparently there was supposed to be a sale of property for the adjoining property owner. He said that never occurred and therefore he is filing suit to compel the Township to somehow recognize that. He spoke to Miriam Weinstein who represents the developer and she told him what the objector was not supposed to object at the hearing but since he did then the requirement was null and void but that is in litigation. The resolution prepared is due to the adjoining property owner claiming there was supposed to be a landscape buffer along the property line. He looked at the resolution and minutes and determined that it should have been in the resolution and that is why it was amended. Mr. Liston objects to the board taking action on this as it's in court which deprives the board of jurisdiction. Mr. Jackson disagrees and believes the board can take action.

Mr. Neiman said this is going to help his client by putting in a landscaping requirement.

Mr. Binny Aryeh, owner of lot 170.41, is in support of this but there are a few items he wanted to clarify before going forward with this resolution. Mr. Flannery said it would be heavily planted with 3 rows of staggered 10 to 12 ft evergreen trees.

MR. Neiman does understand the neighbor. He thought he was having woods there, it is now cleared and now there are houses in his backyard. He really wants to make sure it's landscaped correctly there.

A motion was made and seconded to approve the resolution.

2. SP 2205 New Jersey American Water Co.

Sunset Road

Block 290, Lot 1.02

Preliminary and Final Site Plan for building addition and site improvements

A motion was made and seconded to approve the resolution.

- 3. SD 2149 Flowing White Milk, LLC, & Township of Lakewood**
Shemen Street Block 190, Lot 58.13
Denial of Minor Subdivision to create two lots

Mr. Neiman doesn't understand why there is a denial resolution as the board did not hear this application.

Mr. Brian Flannery, P.E., P.P. said the applicant's attorney wanted to put his representation on the record.

Mr. Anthony Velasquez, Esq. on behalf of Flowing White Milk, said it is his understand that there is dedication and because of that this board is not going to take action. He thinks that is improper namely because the dedication has never been accepted, in fact the Township took the opposite direction by putting an assessment on it. In 2005 there was a public sale, the Township sold the lien and then was foreclosed upon.

Mr. Neiman said the board would not hear this application until all of this was clarified. They did not deny the application.

Mr. Jackson said this is the proper procedure as they don't want it approved by failure to act. The board should deny the application on the basis that there is a deed restriction without prejudice.

Mr. Velasquez said that forces his client to take affirmative action to prove that they in fact own the property even though there has already been a final judgment.

Mr. Neiman said the applicant will have to work this out in court and come back.

Mr. Velasquez said there is not a deed restriction on the property. It is a dedication that has never been accepted and he has a subsequent final judgment dated December 20, 2010.

A motion was made and seconded to approve the resolution.

- 4. SD 2153 Meir S Kaufman**
South Street Block 855.06, Lots 26 & 32
Minor Subdivision to create three lots

A motion was made and seconded to approve the resolution.

- 5. SD 2154 Bais Rivka Rochel**
4th Street Block 127, Lot 4
Denial of Preliminary and Final Major Subdivision to create 5 lots

A motion was made and seconded to approve the resolution.

- 6. SP 2198 ARM Land Group, LLC**
Lanes Mill Road Block 189.04, Lot 196
Preliminary and Final Major Site Plan to convert an existing house to a school and build a new dormitory

A motion was made and seconded to approve the resolution.

- 7. **SD 2164 Barbara Flannery**
Atlantic Avenue Block 377, Lots 26.04-26.08
Minor Subdivision to adjust lot lines (no additional lots)

A motion was made and seconded to approve the resolution.

- 8. **SD 2146 Mordechai Eichorn**
Central Avenue Block 12.04, Lot 48
Minor Subdivision to create three lots

A motion was made and seconded to approve the resolution.

- 9. **SP 2144 Yosef Hirsch**
East County Line Road Block 208.01, Lots 14 & 15
Denial of Preliminary and Final Major Site Plan for a mixed use site (retail, office, shul)

A motion was made and seconded to approve the resolution.

- 10. **SD 2163 ARM Developers, LLC**
Prospect Street Block 445, Lots 17.01-17.12 & 18
Preliminary and Final Major Subdivision to create thirty-two lots

A motion was made and seconded to approve the resolution.

- 11. **SP 2199 Harold Herskowitz**
Third Street Block 91, Lot 6
Administratively Dismissed without Prejudice: Preliminary and Final Major Site Plan for a 5 story office and retail building

A motion was made and seconded to approve the resolution.

- 12. **SD 2165 Isaac Anemar**
Gudz Road Block 11.02, Lot 15
Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

- 13. **SD 2170 Thomas Rosenberg**
Ridge Avenue Block 223, Lots 83.03 (future 83.05) & 89
Minor Subdivision to create three lots

A motion was made and seconded to approve the resolution.

5. PUBLIC HEARING

- 1. **SP 2215 886 River LLC**
River Avenue Block 1069, Lots 2 & 3
Preliminary and Final Major Site Plan to renovate existing site and expand parking lot (continued from December 6th)

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

Mr. Neiman said the issue they were discussing at the previous meeting is sidewalks along Chestnut and Route 9.

Mr. Follman stepped down.

Mr. Adam Pfeffer, Esq. said they are in agreement to install any sidewalks required by the County and State. Since the plans are ready, they would like to move forward and put the drainage and extra parking in. They would bond whatever the board engineer's office feels is appropriate for the sidewalks as well as whatever the County and State requires.

Mr. Neiman passed by this site the other day and to tell the truth, the sidewalks do lead to nowhere but you never know what is going to happen in the future. NJDOT approval could take a year or more and they do not want that to hold up the application. He asked if the board engineer is comfortable bonding the sidewalks until approval is granted.

Mr. Vogt said once approval is granted by the State and County, sidewalk will be installed either by the applicant or by the Township. The engineer's office would prepare a bond estimate. The bond amount would be what it would cost the Township, not the applicant.

Mr. Pfeffer said the applicant will comply with that. They are just unsure as to how long it will take to obtain permits.

Mrs. Morris asked if the board is comfortable with the engineering department issuing a TCO or CO while holding that bond even if the sidewalk has not been completed.

Mr. Neiman is fine with that.

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Neiman, Mr. Cautillo

2. SD 2160 Madison Holdings LLC

East Fifth Street

Block 236, Lots 23, 24, & 29

Minor Subdivision to realign lot lines for three lots

A review letter prepared by Remington, Vernick & Vena Engineers dated November 10, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, lot width, side yard, and aggregate side yard setbacks. Additional information is required concerning the half right-of-way width of East Fifth Street which may or may not impact zoning requirements.

Mrs. Miriam Weinstein, Esq. explained that this application is for a simple lot realignment. The applicant is looking to adjust the lot line between lots 23 and 24 that front on East Fifth Street in order to create two relatively equal sized lots upon two new single family homes would be constructed on a block that is in dire need of redevelopment in the Ridge Avenue neighborhood. While most blocks in the Ridge Avenue area has

seen new single family homes or duplexes over time, this block has been left out. While doing that, the applicant is appending the extra square footage at the rear of lot 23 to the lot perpendicular to it in the rear, lot 29 as the applicant's preference was to keep the two lots on East on Fifth street as relatively similar in size as possible and to give the extra square footage to the duplex as the duplex is two units. Nothing is changing on lot 29 which would become proposed lot 23.03. There is roughly a 6 year old duplex that exists on lot 29 which would remain exactly the way it is so no new parking requirements are created on proposed lot 23.03. All that is changing is that it is going to get a larger backyard. She also notes, no more homes will be created as a result of this application. There are currently two single family homes and a duplex and after this subdivision, there will still be two new single family homes and an existing duplex.

Mr. Brian Flannery, P.E., P.P. was sworn in. As indicated, there is an existing duplex on Negba Street. The only reason that is part of this application is because of that extra piece of land on the back of the lot on East Fifth Street is now being added so the duplex has a bigger backyard. The existing dilapidated two single family homes will be replaced with two new single families. There are a list of variances but it is his testimony that these are hardship variances because the lots exists and qualifies for C-2 as the benefits clearly outweigh the detriments.

Mr. Neiman opened to the public.

Mr. Klein, 189 Chateau Drive, was sworn in. He asked who owns Madison Holdings, LLC. By law the applicant is required to submit a certificate of ownership which lists the individual owners of the LLC.

Mrs. Weinstein said that was submitted together with the application and should be on record with the Township Planning Board.

Mr. Flannery said you only have to list individual owners if they own more than 10%.

Mr. Klein does not believe the board has the right to act on this application because the certificate of ownership of applicant was not filed correctly.

Mrs. Weinstein said it is owned by PD Family Trust.

Mr. Jackson asked who the managing partner is.

Mrs. Weinstein said there are trustees.

Mr. Jackson said no individual or entity owns more than 10%, therefore, no individuals are listed.

Mrs. Weinstein confirmed. It is owned by a trust.

Mr. Klein argued that the individuals must be listed no matter if it is a trust.

Mrs. Weinstein said she believes the trustees are Menachem Gutfreund, Meir Gutfreund and Pesidina (sp?) Gutfreund.

Mrs. Morris said it is a standard form used in their applications. She typically makes sure it is filled out when the application is a corporation. Often times she does see individual names listed but in the case of this application, a trust was listed.

Mr. Jackson said it is acceptable as long as the members of the trust are indicated.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He is concerned as to the number of variances requested and argued that this application may need to be before the Zoning Board.

Mr. Flannery said notices were sent out to property owners within 200 ft and the only people complaining are Mr. Klein from the Chateau area and Mr. Hobday from the senior community. The existing side yard setback is 3 ft and there are two dilapidated houses. What they are proposing requires less variances.

Mr. Neiman said a duplex would require zero variances.

Mr. Flannery said that is correct. With respect to the jurisdiction of the board, the board attorney would tell you that you go to the Zoning Board if it is a density or use variance which does not apply here.

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Follman, Mr. Cautillo

No: Mr. Hibberson

3. SP 2208 Lakeside Holdings, LLC

Airport Road

Block 1160.01, Lot 2

Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated November 10, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include front yard setback as well as a rear yard setback. Testimony must be provided regarding the proposed signs and whether the applicant would need variances for those as well.

Mr. Adam Pfeffer, Esq. said this is an application to add a 16,060 sf two-story office building to the existing office complex site. Exhibit A-1 is a copy of the layout and utility plan, exhibit A-2 is an aerial map of the current site. There are currently three existing buildings on the site.

Mr. Joseph Kociuba, P.E., P.P. was sworn in. A two-story office building is proposed in the back left corner of the site. There is substantial parking on the property as 79 stalls are required for the existing uses on the site and there are over 134 existing spaces. The proposed building requires an additional 54 stalls for a total of 133 spaces. A rear yard setback variance of 20 ft whereas 30 ft is required which is against a wooded area next to the cogeneration plant. A front yard setback variance of 30.36 ft whereas 100 ft is required and that is to the Garden State Parkway access. It is not a typical roadway and the applicant is not permitted to access it. It is not needed for utilities or any typical use you would have on the street. It doesn't have the same characteristics as a Township road where the distance between the road and property line are about 10 ft. This particular building will be approximately 75 ft from the traveled way.

Mr. Neiman asked if there are any existing parking issues.

Mr. Kociuba said any time he has been at the site, there has been substantial open parking.

Mr. Pfeffer said there are 79 spaces required now, 134 spaces are being proposed with the addition of this building.

Mr. Neiman asked the number of parking spaces as it exists now.

Mr. Kociuba said there are currently 140 spaces.

Mr. Neiman would have liked to hear testimony that there are currently 30 extra spots as it exists today and this building will not cause any parking issues even though the applicant is not asking for a parking variance.

Mr. Klein, 189 Chateau Drive, was sworn in. He asked if sidewalks are being installed along the project frontages.

Mr. Kociuba said there are no sidewalks proposed. This is in the industrial park adjacent to the parkway access where there is not a lot of pedestrian access in and out. This is primarily an area access by vehicles.

Mr. Klein believes sidewalks should be provided as this area could be residential with schools in the future.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He objected to the variances requested as well as the waiver from providing sidewalks.

Mr. Kociuba said the reason they are asking for a 10 ft setback at the rear is due to wetlands that exist in the front. He believes that variance can be granted under the C-1 criteria that a hardship does apply. There is an extraordinary exceptional situation unique to this property and it has no negative impact in that it is adjacent to the co-generation plant.

Mr. Herzl inquired if there would be medical offices.

Mr. Kociuba said no, it would be general office.

Mr. Pfeffer said the applicant would have to come back before the board if medical offices are proposed. He also pointed out that this application would be another ratable for the Township.

Mr. Neiman closed to the public.

Mr. Cautillo asked about the front yard setback variance.

Mr. Kociuba said that is to the Garden State Parkway ramp. It doesn't act as a typical roadway and there is 75 ft from the traveled way.

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

4. SD 2168 Aharon Mansour

Park Avenue

Block 232, Lot 12

Preliminary and Final Major Subdivision to create six lots

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

Mr. Grunberger arrived at the meeting.

Mr. Vogt said no variances are associated with this application.

Mr. Glenn Lines, P.E., P.P. and Aharon Mansour were sworn in.

Mr. Lines said they are proposing to subdivide an existing lot into 6 lots for 3 duplexes on Park Avenue which was previously an automotive repair shop. The majority of the property was a gravel and asphalt parking area. There were questions concerning the southwesterly edge of the property. There is a drainage ditch that goes from the railroad tracks behind the property to Park Avenue. They have had an environmental expert go out and look at it. It is not wetlands, it is too steep and it is the wrong soil type.

Mr. Vogt said the board can proceed if they are comfortable with the expert's testimony. If not, the board could ask the applicant to seek a letter of interpretation presence absence.

Mr. Neiman asked if there are wetlands in the area.

Mr. Vogt said he believes so. The testimony provided is the applicant has had an expert look at the site and is familiar with wetlands regulations.

Mr. Neiman said there are wetlands on the other side of the railroad but in this stretch between the tracks and Park Avenue, there are no wetlands.

Mr. Franklin said there has been a water problem in that section of town for years. It started at Madison Avenue and went down all those properties across the ball field then across Park Avenue all the way down through that land across East End Avenue.

Mr. Jackson said looking at the aerial, a stream is going under the road and continues down.

Mr. Neiman said sometimes construction fixes existing drainage issues.

Mr. Franklin said there is still water underground moving through there.

Mr. Lines is not disagreeing that water passes through there. They are not doing any grading, filling, building walls or installing pipes. What is there today is what will be there tomorrow. They are not touching the ditch at all. They are going to offset the building from the top of the slope so that they have the required side yard.

Mr. Vogt said there could be a number of things here. There could be wetlands as being one issue. If this is a man-made drainage ditch, from a wetlands prospective only, you could make a case that this is either open water or ordinary value wetlands which would require zero buffer. Another issue could come into play which is whether or not there is a flood plan and/or riparian associated with this ditch. Whether this board approves or not, he thinks the applicant's professionals need to do some very careful homework here. A presence absence application to the NJDEP would give the applicant an official yes or no.

Mr. Jackson asked why the applicant can't obtain an LOI.

Mr. Vogt said it takes time.

Mr. Mansour said they would seek an LOI.

Mr. Neiman asked if the board could approve this application subject to an LOI.

Mr. Vogt said the board can include that in the approval. Typically as a rule, the board defers all other outside agency approvals outside of what is under the board's jurisdiction.

Mr. Cautillo said the board engineer recommends that curb and sidewalk be replaced as well as reconstruction of the full pavement width as the proposed new utility connections would disturb more than 20% of the entire pavement area. He wants to ensure these recommendations are conditions of approval.

Mr. Herzl wants to ensure that no building will be permitted on the lot with the ditch.

Mr. Lines said it would be part of the drainage easement.

Mr. Herzl asked who is responsible for the drainage.

Mr. Lines said it would be an easement to the Township. It will be discussed with Public Works.

Mr. Jackson asked if the easement is referenced on the application.

Mr. Lines said it is on the survey and subdivision map.

Mr. Neiman opened to the public.

Mr. Klein, 189 Chateau Drive, was sworn in. He asked if the basement will be finished and if so, will it be rented out.

Mr. Mansour said there will be a basement. It is up to the homeowner whether they would rent it out.

Mr. Neiman said the board presumes it would be a rentable basement.

Mr. Klein asked if the attic will be finished and if it would be rentable.

Mr. Mansour said it up to the homeowner but they usually do finish the attics. The attics cannot be rented out.

Mr. Klein said there are rumors around town that people are finishing off attics and they are being used as rentals which then becomes a parking problem. The Zoning Board makes sure that the steps from the outside do not go up to the attic.

Mr. Neiman agrees with that.

Mr. Franklin asked how high the water level is in the area.

Mr. Lines said about 6 to 7 feet down until they hit the seasonal high ground water table.

Mr. Neiman said the board calculates parking based on one apartment in the basement. They have to make sure there is only one apartment and there are no exterior steps going up to the attic.

Mr. Neiman closed to the public.

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

5. SD 2172 Mark Properties, LLC

Pine Boulevard

Block 423, Lots 29, 30, 31, & 76

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated November 10, 2016 was entered as an exhibit.

Mr. Vogt said the plan has been revised to eliminate the minimum lot area variance.

Mr. John Doyle, Esq. said these are four non-conforming lots which they seek to create two conforming lots.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

A motion was made and seconded to approve the application.

All were in favor.

6. SD 2169 Locust Holdings, LLC

Evergreen Boulevard

Block 1086, Lots 9-14

Preliminary and Final Major Subdivision to create twenty lots

A review letter prepared by Remington, Vernick & Vena Engineers dated November 10, 2016 was entered as an exhibit.

Mr. Vogt said testimony must be provided concerning the proposed access easement, the applicant is going to have to provide proof that they do not exceed the allowed density. If they cannot make that proof, that would be a use variance. Variances may also be necessary for minimum front yard setback, lot area and lot width.

Ms. Susan DiMaria, Esq., representing Harrogate, objects to the application which is directly across on Locust Street. She had sent a letter this afternoon questioning whether this board has jurisdiction over the application. Their basic position is that this application is before the wrong board. The duplexes are a conditionally use and if the conditional use does not meet the conditions it has to go to the Zoning Board. A zero lot line development is being proposed and is not permitted in the B-5A zone. The duplexes do not meet minimum lot size. According to ordinance, duplexes on newly created lots have a minimum lot size requirement of 10,000 sf unless townhouses are also a permitted conditional use. That is not the case in this zone, you can only have mixed use townhouses and the ordinance does make a distinction between the two.

Mr. Vogt said it their interpretation that it is a conditional use and the application meets the conditions of the use. That being said, he is still not sure this is in front of the right board for a different reason. They need proof that this complies with density. One of the things the Planning Board cannot do, in addition to amending conditions, is allow density variances.

Mr. Jackson asked if the applicant must have 10,000 sf lots.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said they do have lots of less than 10,000 sf and he would explain why those are permitted as a conditional use. Section 18-1014 of the ordinance specifically says 8,500 sf lots as does the board engineer's letter.

Mr. Vogt said he is looking at section 1014a.

Mr. Flannery said section 1014a says you need 10,000 sf lots unless townhouses and duplexes are permitted conditional uses in the zone and it is his testimony that they are permitted conditional uses.

Mr. Vogt said they have seen 8,500 sf lots with certain conditions.

Mr. Flannery said the B-5A zone section 903f lists permitted uses as all uses permitted in the B-5 zone and multifamily residential, which may include two family and duplex housing. Section 2 says multifamily dwellings shall be permitted in accordance with the standards set for multifamily dwellings located in the B-2 zone as to all criteria, except density. Maximum density for multi-family dwellings shall be limited to seventeen units per acre. The B-2 zone lists townhouses as a conditional use so clearly multifamily are permitted.

Ms. DiMaria said it is a question of mixed use townhouses versus townhouses.

Mr. Flannery said there are specific labels in the UDO. Those are not the sections they are following and they have not been followed in the past.

Mr. Vogt said this is why they should have detailed application riders with every application. It is his understanding that ultimately it is the applicant's obligation to make the proofs including relief.

Mr. Neiman asked if this application exceeds 8 duplex dwellings per acre.

Mr. Vogt said they still need an answer to that.

Mr. Flannery indicated that the B-5A says they can have multifamily in accordance with the B-2. The B-2 says townhouses are a conditionally permitted use. That refers to section 18-1010 which lists minimum tract size as a half acre. Number 3 under that section says notwithstanding the definition of a townhouse in this chapter, a townhouse may consist of a two (2) family building structure, which shall be considered two (2) dwelling units for the purposes of calculating the density of the tract. So that gets them duplexes and townhouses as conditional uses. Section 18-1014 indicates minimum lot size for existing lots shall be 10,000 square feet, except for zone districts in which townhouses are a permitted conditional use, in which case the minimum lot size shall be 8,500 square feet. The density is a very simple calculation where the tract size is 2.92 acres divided by 20 units equaling 6.85 dwellings units per acre which is less than 8.

Mr. Vogt asked if the right-of-ways are included in that calculation.

Mr. Flannery said that does include the right-of-ways.

Mr. Vogt is not sure that is accurate.

Mr. Flannery said the roadways exists and the right-of-ways were taken out of these lot areas from a subdivision back in the 1920's.

Mr. Vogt said the gross area includes what is within those right-of-ways.

Mr. Flannery said the gross area includes the right-of-way in front of their properties.

Mr. Jackson said that is not their property.

Mr. Flannery said it is part of a tract that they are improving in order to build duplexes.

Mr. Jackson is not sure you can count the roads in the area.

Mr. Vogt spoke with his reviewer today who has decades of design experience. His opinion is that the right-of-ways do not get credited towards the area. If those roads are vacated and 50% or more went to the property then that is a different scenario. As it stands now, their understanding is it is not part of the gross area.

Mr. Jackson said on a regular lot, you don't calculate up to the middle of a public roadway.

Mr. Flannery said you don't count the lot area to the middle of the public roadway but if there is a tract which is subdivided and townhouses or duplexes are being developed, you include the road area.

Mr. Jackson is not aware of anything in their ordinance that says whether you can or you can't count it towards the lot area. He thinks it is basically a policy decision. The board engineer's recommendation is not to count it.

Mr. Pfeffer said this is a new issue they weren't aware of until now. They would like to do more research and would ask that this application be carried to the next meeting.

Mr. Neiman said it is also taking the leniency of a few ordinances and putting them together which he guesses technically you can do.

Mr. Pfeffer said all Mr. Flannery did was read the ordinance and then referred to the next ordinance. They cannot help how the ordinances are written.

Mr. Vogt agrees with that. The definition of density in the UDO is the permitted number of dwelling units per gross acre of land on a particular tract. The question is are right-of-ways included as part of a tract and their experience is they do not.

Mr. Jackson said the roadways have a significant amount of area.

Mr. Flannery said in the density calculations, they have always counted the roadways in the application.

Mrs. Morris said this project is actually smaller compared to projects that usually have density come into play. She does believe in the past that applicants probably have taken the entire tract area including the right-of-ways and divided it up.

Mr. Vogt said based on the ratios it may have met the requirement with or without the right-of-ways.

Mr. Jackson said half acre zoning means the lots are half an acre.

Mr. Flannery argued that the definition says the gross area and there would be nothing else to make it a gross area versus a net area if you took the roads out.

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

7. SD 1735A Chaim Greenes

Twelfth Street

Block 109, Lots 5 & 6

Amended Minor Subdivision to create three lots

A review letter prepared by Remington, Vernick & Vena Engineers dated November 17, 2016 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is an amended application to flip the larger lot from one side to the other side. They thought they could get this approved under correspondence but the board wanted a full application with notice. The variances are exactly the same.

Mr. Neiman opened to the public.

Mr. Michael Flam was sworn in. He said there are other changes besides just flipping the lot. The original application proposed all three homes facing 12th Street. They are now flipping around two of the houses to be on Courtney Road. They were specifically working to have all of the units face 12th Street because they don't want to have the backyards. The setbacks are also different. He wants to ensure that there will only be one basement apartment in each home.

Mr. Flannery said he has a copy of the old resolution and it does not give the side setback variances. He is unsure as to whether the side setback variances were noticed.

Mr. Neiman remembers this application and there was a lot of give and take with the neighbors. He thinks the neighbors agreed based on these conditions. There should be 25 ft between homes and the homes should front on 12th Street. There are more changes here than just flipping a lot.

Mr. Flannery said after hearing the neighbors' concerns, he would like to carry this to the next meeting.

Mr. Neiman said the neighbors have no issue with flipping the lots but everything else should remain the same.

Mr. Flannery said they would agree to all of the conditions in the resolution but there was not a condition that the units face 12th Street.

Mr. Neiman remembers clearly that one of the conditions was that the units face 12th Street. He understand the neighbors would like to settle this tonight but he thinks the best thing to do is to withdraw this application and make sure that it is shown correctly on a new map.

Mr. Goldstein was sworn in. He said the notice did not list all of these changes, only that the lot is being flipped.

The applicant agreed to withdraw the application.

8. SP 2181 River 1161, LLC

River Avenue

Block 1064, Lot 4

Preliminary and Final Major Site Plan for an addition to an existing grocery store

A review letter prepared by Remington, Vernick & Vena Engineers dated July 11, 2016 was entered as an exhibit.

Mr. Vogt said variances include minimum lot area, lot frontage, front yard setback to a state highway and a township road, side yard setback as well as for off-street parking. Relief is required as more than one driveway is proposed per each 100 ft of street frontage.

Mr. Brian Flannery, P.E., P.P. was sworn in. The intent of this application is to improve the site. They are adding a vestibule to the front, not more shopping area. No additional retail space is being proposed. If the board is familiar with the site, it is a mess and the new owner is trying to clean it up. The addition in the back of the building is to take everything that's outside and looks horrendous and make it part of the building. There would be additional storage upstairs and the vestibule in the front. He drives by the site to and from work and even at peak times there are a couple of spaces leftover. A total of 6,800 sf of retail space is proposed. Per the UDO, one space is required for every 200 sf of gross floor area which would require a variance. The alternative, if this doesn't get approved by the board, is what's out there stays and if you look at what is being proposed and what is existing, it makes sense. The minimum lot area and frontage are existing conditions. The front setback to the state highway would just be to the vestibule. The minimum side setback is matching the existing condition. Relief is required for the number of off-street parking spaces but no additional retail space is being proposed so they would not be exacerbating the situation. The applicant feels the existing parking works and it is his opinion that it works.

Mr. Neiman asked if the area north of the store could be purchased for additional parking.

Mr. Flannery said the Township owns that property and they were not willing to sell it probably because of environmental concerns which need to be cleaned up. Certainly when it gets to the point when the Township is ready to sell that property, the applicant would be happy to buy it.

Mr. Neiman said his testimony is right in that the area definitely needs to be cleaned up and the proposed rendering looks great but there is a parking issue there now. The parking deficiency is pretty big.

Mr. Flannery said the parking deficiency is when you compare the gross area. Again, they are not adding any more space for shoppers.

Ms. Leah Lederberger, Esq. said the applicant is willing to testify with regards to the parking. When the trailers and dumpsters are removed off site, they would gain an additional 4 spots and that parking is sufficient during the busiest hours which is usually Fridays before closing.

Mr. Flannery said the reality is that there are not going to be additional people coming and they would gain a couple of extra spaces when he cleans up the back area. Currently there are 34 spaces and if they were to approve the addition, then all 34 spaces would be open all the time.

Ms. Lederberg said right now there are two dumpsters and three trailers that are taking up four spaces in the parking lot.

Mr. Flannery said at some point that land to the north will be available for purchase from the Township and the applicant would like to purchase it.

Mr. Neiman said the applicant is trying to clean up this site and he is sure if in the future that land does become available, he would try to purchase it.

Mr. Cautillo doesn't believe the applicant is doing all of these improvements with no intention of additional business.

Mr. Flannery said that is in his intention. He recently bought the facility and he would like it to look nice rather than the way it does now.

Mr. Neiman said no offices are proposed with this application.

Mr. Herzl wants to ensure that the second floor will not be rented out.

Mr. Flannery said the second floor would be used for storage only.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

Mr. Follman requested that sidewalks be installed along the frontage.

Mr. Neiman would like the applicant to apply to the State for sidewalks as well as sufficiently bonding the sidewalks for the Township to do it worse case, if the applicant cannot.

A motion was made and seconded to approve the application.

All were in favor.

9. SD 2161 Aaron Finkelstein

Central Avenue

Block 77, Lot 2

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated October 10, 2016 was entered as an exhibit.

Mr. Vogt stated that variances requested include minimum lot area, lot width, side yard and aggregate side yard setbacks.

Mr. Brian Flannery, P.E., P.P. was sworn in. Exhibit A-3 is a copy of a tax map, A-1 is a compilation of tax maps showing 50x150 ft lots on Central Avenue conforming to what they are asking for in the application. These are older lots and houses and Central Avenue being a major collector road is more conducive to the type of units being proposed. Variances requested include minimum lot area variances of 7,200 sf whereas 12,000 sf is required, a minimum lot widths of 48 ft whereas 90 ft is required, side yard setbacks of 9 ft whereas 10 ft is required and an aggregate side yard setback of 18 ft whereas 25 ft is required. So they are taking a 48 ft lot with a 30 ft house which would be consistent with other lots on Central Avenue.

Mr. Herzl asked how large the houses would be.

Mr. Flannery said the maximum coverage is 30% so it would be 2,100 sf.

Mr. Herzl asked if other lots in the area have similar side yard setbacks.

Mr. Flannery said most of them have 10 ft side yards.

Mr. Herzl asked if it would be possible to eliminate the side yard setback variances.

Mr. Flannery said it would be a very narrow house which would not bode well for future occupants.

Mr. Neiman asked if they could do 10 ft and 20 ft.

Mr. Flannery said it would then be a 28 ft wide house which would be acceptable.

Mr. Neiman opened to the public.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He believes these variances are changing the zone and it is unjust to the neighbors.

Mr. Klein, 189 Chateau Drive, was sworn in. He asked why they don't just rezone this neighborhood if most of the lots are under 7,500 sf.

Mr. Neiman closed to the public.

Mr. Yehuda Ney, 14 Hekel Road, was sworn in. His parents live next door and the home is only 3 ft from the property line. It was agreed upon that they would provide a 13 ft side setback.

Mr. Flannery said the applicant agrees they would provide a 13 ft setback to lot 1. The other side setbacks will all be 10 ft.

Mr. Ney said the plan the applicant showed him was going to be 7 ft and 13 ft with a 28 ft wide house.

Mr. Flannery said the applicant agrees that the westerly lot would have a 13 ft setback to lot 1. The other side would have a 7 ft setback to the proposed lot so the easterly lot would have 10 ft on each side so there would be 17 ft between the two new lots and 16 ft between existing house and the new lot.

A motion was made and seconded to deny the application.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Follman, Mr. Cautillo

No: Mr. Grunberger, Mr. Neiman, Mr. Herzl

10. SP 2210 First Lakewood Forest Associates

Clifton Avenue

Block 90, Lot 8

Preliminary and Final Major Site Plan for an office and retail building

A review letter prepared by Remington, Vernick & Vena Engineers dated October 26, 2016 was entered as an exhibit.

Mr. Vogt said no variances are waivers are being requested.

Mr. Adam Pfeffer, Esq. asked that this application be carried to the January 17, 2017 meeting.

All were in favor.

11. SP 2211 Bnos Melech of Lakewood Inc

James Street

Block 364, Lot 1

Preliminary and Final Major Site Plan for a girls high school

A review letter prepared by Remington, Vernick & Vena Engineers dated December 12, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum rear yard, side yard and combined side yard setback. Also, perimeter buffer relief is necessary from the adjacent property line as improvements are proposed within 10 ft of the property line.

Mrs. Miriam Weinstein Esq. said this is an amendment to a previously approved application. It was a two phase approval consisting of an elementary school and a high school. Phase 1 included building the elementary which is already built and in use. This application actually represents an amendment to the previously approved phase 2 of that approval for construction of a high school. It does call for a slightly enlarged high school building. This is one of the fastest girls school in Lakewood. This school currently has 899 girls with a projected enrollment of 970 girls next year and this is their 13th year in existence. The high school currently has 97 girls only in 9th and 10th grades. This high school services the elementary school as well as girls from virtually every other elementary school in Lakewood to service a need within the community to fill slots for high school age girls. The high school currently has 2 school buses, the elementary school currently has 18 buses but the opening and dismissal times are staggered so that there is never any overlap between the elementary and high school buses even on Fridays. All students are bused to school and no students are permitted to drive. There are no drop offs other than the occasional girl who misses the bus or has an appointment. There is no Simcha hall in either building.

Mr. Vogt said the site plan design includes both phases 1 and 2.

Mrs. Weinstein said phase 1 was the elementary school building, phase 2 is the high school building. They are amending phase 2 at this point for a slightly enlarged building. She did she in his letter that there were some aspects of phase 1 that still hadn't been addressed and would be a part of phase 2. There was also a comment concerning playground equipment being constructed with no safety surface. She thinks that was put in by a day camp but it would be removed.

Mr. Neiman asked about bus circulation and parking.

Mr. Glenn Lines, P.E., P.P. was sworn in. Currently the buses unload in the front of the elementary school. There are two driveways, one is at the southerly end of the site and the other is at the northerly end of the site. The plan is the buses will unload in the driveway on the north side. The high school buses will come in the southerly driveway, come to the back and unload at the front of the school and go back out that same northerly driveway. There will be two looping patterns, one around the elementary school and the other around the high school.

Mr. Neiman asked if there are any outside recreation for these 900 plus students.

Mr. Lines said the elementary school has a play area and the high school has a proposed two story gymnasium.

Mr. Herzl asked how many buses would be lined up at the elementary school.

Mr. Lines said there was testimony that there would be 18 buses. They would line up along the front and all around the driveway. For the elementary school there are 36 morning teachers and 36 afternoon teachers. There are 42 high school teachers which are broken up into groups and staggered throughout the day. There are 16 administrative staff between the two schools and 11 full day assistants which are mostly for the elementary school. At any given time during the day, the maximum is approximately 66 faculty members. They will be adding 118 parking spaces.

Mr. Neiman reiterated that there will be no Simcha hall as there wouldn't be sufficient parking.

Mrs. Weinstein confirmed, there will be no Simcha hall. There will be PTA like every other school and she is sure it would be staggered as they wouldn't have enough parking.

Mr. Lines said a proposed side yard setback of 9.96 ft whereas 30 ft is required along the side of the BradCo property. A combined side yard setback of 32.86 ft is proposed whereas 70 ft is required. A rear yard setback of 19.59 ft is proposed whereas 30 ft is required and that is where they back up to the railroad tracks. All of the variances are to existing buffers and to other industrial uses.

Mr. Cautillo asked if sidewalks are proposed along James Street.

Mr. Lines said they do show sidewalks on the original phase 1 plan that have not been fully constructed yet.

Mrs. Weinstein said sidewalks will be provided.

Mr. Vogt said James Street is a County road so any improvements would be subject to County approval.

Mr. Lines said they already have County approval for the driveway.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

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

12. SP 2217AA Yosef Tress

Spruce Street

Block 778.05, Lot 27

Change of Use/Site Plan Exemption to convert existing house into a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated December 15, 2016 was entered as an exhibit.

Mr. Grunberger stepped down.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is to convert a house to a shul with an anticipated maximum of 30 congregants. The sanctuary space is 720 sf so it is a neighborhood shul which does not require any parking. There is existing driveway which would accommodate four vehicles. No Simcha hall or rabbi's residence is proposed.

Mr. Neiman opened to the public.

Ms. Joyce Blay was sworn in. She commented that this will now be a tax exempt property and inquired as to the loss the Township will incur when this is converted.

Mr. Jackson said that is not a proper consideration for the board.

Mr. Chaim Obstfeld, 149 Spruce Street, was sworn in. He lives two houses down from the subject property and they have come to an agreement with the applicant. Conditions include the highest fence permitted by the Township, privacy trees along the right and left sides of the property, there will be no overnight residency, and no weekday party room or Simcha hall should not be allowed of course small parties including a kiddish and bris is fine.

Mr. Flannery said the applicant agrees with all of those conditions.

Mr. Jackson asked how high the fence would be and what type of privacy trees are proposed.

Mr. Flannery said it would be an 8 ft high white vinyl fence and 6 to 8 ft Leyland Cypress spread out 8 ft on center.

Mr. Neiman closed to the public.

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

13. SD 2162 LS Holdings, LLC

Locust Street Block 1083, Lot 1
Preliminary and Final Major Subdivision to create nine lots

Applicant has requested to carry this project to a future meeting. This application will not be heard.

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

14. SD 2173 Shulem Illowitz

Joe Parker Road Block 189.04, Lots 188-190
Minor Subdivision to create four lots

Applicant has requested to carry this project to a future meeting. This application will not be heard.

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

15. SD 2176 Tovia Halpern

Woodland Drive Block 12.07, Lot 28
Minor Subdivision to create two lots

Applicant has requested to carry this project to a future meeting. This application will not be heard.

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

16. SD 2177 Vermont Management, LLC

Squankum Road Block 172, Lot 5
Preliminary and Final Major Subdivision to create eleven lots

Applicant has requested to carry this project to a future meeting. This applicant will re-notice.

6. PLAN REVIEW ITEMS

1. **SP 2219 Congregation Mishkan Hatorah Inc**
East County Line Road Block 174, Lots 20.02 & 20.03
Preliminary and Final Major Site Plan for a school with a dorm

A review letter prepared by Remington, Vernick & Vena Engineers dated December 12, 2016 was entered as an exhibit.

Mr. Follman left the meeting. Mr. Grunberger returned to the dais.

Mrs. Morris said the applicant is requesting a combined plan review and public hearing.

Mr. Jackson spoke to the objecting attorney, Mr. Gasiorowski, who could not be here tonight. He asked that this matter not be heard in full and asked that it be carried to a future public hearing.

Mr. Neiman said this is a school that messed up and they are now really trying to get it right and fix it and they are very pressed for time. It is a shame that at the last minute they have an objector.

Mr. Joshua Schmuckler said this was always noted on the agenda as a combined hearing and it was noticed for such. No variances are being requested. He is unsure as to why this would be pushed off.

Mr. Jackson said even if the objector comes in at the last minute, it will most likely be reversed if appealed.

Mr. Glenn Lines, P.E., P.P. said this property received a previous approval for a Bais Medrash. There is another house on another lot that is basically being used as a dormitory for the school. There is a 10 ft deep excavation between the two buildings for the proposed addition to connect the buildings. The existing houses are on slabs and they have all been precariously held up with new concrete walls. They submitted the application for a site plan approval in order to address conditions as far as grading with the board or township engineer. They are not proposing any site improvements. The board engineer's review letter indicates curbing on Lucerne Drive but that was a requirement for CAFRA approval for that whole development which only has curbs. The County is working their way down County Line Road to put in curb and sidewalks so to ask them to do anything on County Line Road would be ridiculous because they are just going to rip it up anyway. The existing houses have no variances so it is a various free application. The building on the left hand side of the addition currently has all dormitory rooms. The building in the middle would consist of a lobby, offices, coffee room, tutor room, coat room and one large classroom in the back. The basement is for the dining room, kitchen.

Mr. Neiman said there is no dormitory in the new addition.

Mr. Lines said that is correct. The dormitory is in the existing buildings on either side.

Mr. Neiman asked if the board can hear this as a public item if the applicant is willing to take the chance that they may go to court.

Mr. Jackson said there are cases that say you have to give an objector a reasonable amount of time because the notices only give 10 days but the board can hear this if there are extenuating circumstances.

Mr. Neiman said he has passed the site and it is dangerous the way it is now. The applicant is trying to do everything in their power to correct this.

Mr. Jackson said this is also an application without variances.

Mr. Neiman said he is willing to hear this application but it is ultimately up to the applicant.

Mr. Vogt said waivers are requested from providing an environmental impact statement

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

A motion was made and seconded to carry the application to the January 3, 2017 meeting. All were in favor.

- 2. 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

Applicant has requested to carry this project to a future meeting. This application will not be heard.

A motion was made and seconded to carry the application to the January 3, 2017 meeting. All were in favor.

7. OAK STREET CORE RESIDENTIAL DEVELOPMENT SUBDIVISIONS

- 1. SD 2167AO Vine Audubon LLC**
Edgecomb and Audubon Avenues Block 1016, Lot 1
Minor Subdivision to create fourteen lots

A review letter prepared by Remington, Vernick & Vena Engineers dated September 21, 2016 was entered as an exhibit.

Mrs. Morris said this is the first of the administrative minor subdivisions for the Oak Street Core area.

Mr. Neiman said this is in conjunction with the CAFRA approval and all of the roadways will be in prior to issuance of CO's. These are all conforming 10,000 sf lots.

Mr. Brian Flannery, P.E., P.P. said that is correct.

Mr. Vogt said based on the initial plat, there were de minimis variances.

Mr. Flannery said they have revised the plans and eliminated them. They are not asking for any variances. They provided a road easement for the radius area rather than the dedication.

Mr. Neiman opened to the public.

Mr. Klein said there were no individuals listed on the certificate of ownership of applicant form.

Mrs. Morris said she went through the file today and could not find the form. It is possible she misplaced it or it wasn't submitted. The application was recently sold to a new developer. She believes they have some sort of financial agreement as to who is paying for what.

Mr. Klein said this cannot go forward legally.

Mr. Jackson said this isn't exactly an application. This is a conforming matter where the board is just reviewing to make sure in fact it does conform. He wouldn't view this as a land use application but more of a special procedure that Lakewood has that is going above and beyond having the building department just reviewing it.

Mr. Vogt said this conforms with the understanding that easements would be provided on the corner pieces where you would have the appropriate lot area.

Mr. Klein asked if there will be sidewalks.

Mr. Flannery said there are sidewalks proposed in this entire Oak Street Core project.

Mr. Klein said sidewalks were not shown at the beginning of the paper street.

Mr. Aharon Mansour said they would be providing sidewalks all the way to Vine Street.

Mr. Klein said there is an alleyway in the back where two streets combine and make an 18 ft wide street with no sidewalks. That creates a dangerous situation.

Mr. Flannery said it is an RSIS compliant alley which doesn't require sidewalks. The streets all have sidewalks. It is part of the CAFRA permit that was done under the Committee.

Mr. Neiman asked why it was designed this way.

Mr. Flannery said it made sense as far as where the garbage trucks can turn rather than putting in cul-de-sacs where the trucks have to turn in and pull back out again.

Mr. Klein asked if the applicant would agree to put in sidewalks along the alley.

Mr. Flannery said absolutely not. They are not appropriate there and they don't belong there.

Mr. Neiman asked if cars will be driving up that alley.

Mr. Flannery assumes most of the traffic would be from a garbage truck once a week. There is really no reason for the cars to use the alley because they are sort of dead end streets. There is no reason to be walking down the alleys.

Mr. Neiman asked if it connects two streets.

Mr. Flannery confirmed.

Mr. Neiman said cars will be driving through there then.

Mr. Flannery said it is there and it's paved so cars will go there.

Mr. Neiman asked if children will be walking in there.

Mr. Flannery said there is no reason for kids to walk there either.

Mr. Neiman said if there are going to be cars and kids coming through that alley then there should be sidewalks.

Mr. Mansour said he would install sidewalks on his side of the alley.

Mr. Neiman thought all of this was taken care of beforehand.

Mr. Flannery said it was and it was done in compliance with RSIS. RSIS doesn't require sidewalks on alleys because it's not a road.

Mr. Vogt said there are alleyways in lieu of cul-de-sacs.

Mr. Flannery said there are two alleyways in the entire Oak Street Core.

Mr. Mansour said they would provide sidewalks along their frontage of the alleyway and down all the way to Vine Street.

Mr. Vogt asked that some sort of rendering be provided so that can be incorporated in the approval.

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

8. CORRESPONDENCE

- **SP 2059AA Congregation Tiferes Shmuel Corp** – request to utilize synagogue full time rather than weekends only as originally proposed

Mr. Jackson asked if this item has been noticed.

Mrs. Miriam Weinstein, Esq. confirmed. The resolution states 'the use of the proposed synagogue is primarily intended for weekend worship, however, the applicant anticipates that the site would host a weekday service now and then.' This is not in the section of conditions, it is in the section where it cites the testimony provided.

Mr. Jackson said the MLUL states that you can change a material condition in a resolution as long as there is notice to the neighbors and advertised in the paper.

Mrs. Weinstein said this shul received approval from this board back in February of 2013. It was represented that the use of the proposed synagogue at that time was to be primarily intended for weekend worship, however, the applicant had anticipated that the site may be used for weekday services now and then. Since that time, the Hearthstone neighborhood has grown tremendously and there is a need from the neighbors to use the shul for weekday services as well. As the board may also recall, the applicant encountered much resistance from a couple of neighbors when they came back so they had agreed to carry the matter and meet with them to try and come up with a mutually agreeable plan. She personally went out on a Sunday afternoon meeting with the neighbors together with the rabbi of the shul to try and come up with some sort of agreement. She knows the last time they were before the board, one of the neighbors suggested that possibly the parking should be at the rear of the property on Claire Drive once that gets extended. The only issue with that plan was that no one consulted with the neighbors on Claire Drive. The neighbors on Claire didn't attend the last meeting as they figured they had no interest in this because it didn't affect them. Once they learned that a proposal had been presented to relocate the parking to Claire Drive immediately they reached out her and told her it is not going to work as the Claire Drive extension proposes a road that is also a cul-de-sac and it's only 24 ft wide. The reason it

was agreed that it would only be 24 ft wide was because it was only going to be used on one side of the street but if they open this side of the street for parking, the 24 ft in width would not work. It is not a viable option as it is a cul-de-sac and it is also narrower than this cul-de-sac. In attempt to be good neighbors, the applicant has agreed to send out letters to all congregants asking them to be considerate of the neighbors and not to park in the bulb of the cul-de-sac, block driveways, mailboxes, etc. Ultimately they cannot control who will drive down this street and park on the street but certainly they are going to ask the congregants to be respectable of the neighbors. She thinks the neighbor's gripe is really with the Township Committee, not the Planning Board. Their gripe is that shuls shouldn't be permitted on cul-de-sacs. She doesn't disagree with them but the fact is they are permitted. While there is no parking requirements for shuls with a sanctuary space less than 800 sf, the applicant is proposing 8 parking spaces besides the 2 spaces for the rabbi and his wife. There is nothing in the ordinance that precludes this applicant from having a shul on a cul-de-sac that has 1 parking space per 100 sf of sanctuary space.

Mr. Grunberger asked how wide Princewood is.

Mrs. Weinstein said it is 32 ft wide with a 120 ft bulb on the cul-de-sac. Claire Drive will only be 24 ft wide.

Mr. Grunberger said the parking spaces are not useable as they are stacked.

Mrs. Weinstein said they are useable as they mostly will come in to pray at the same time and one person would ask the other to move their car.

Mr. Neiman opened to the public.

Mr. Shlomo Steinberg, 950 Princewood Avenue, was sworn in. He objects and claims the need for more shuls or prayer times in the area is preposterous. He believes this will destroy the nature of the cul-de-sac and is concerned about the safety of his children. He believes the applicant should be required to submit an amended application rather than hear this as a correspondence item. He asked that the board deny this request.

Mr. David Farkas was sworn in. He believes the applicant should be required to submit an amended application rather than hear this as a correspondence item.

Mr. Jackson said this is a change in a condition so the board has to look at what that condition was put in place for and by restricted it, would that undermine why the board originally approved it.

Mr. Farkas said he was assured by the applicant that the shul would remain a Shabbos shul only. The applicant should make a good faith effort to encourage shul members to avoid driving down their block. He understands this cannot be enforced but he asked that the applicant make a reasonable effort to at least encourage people to not drive down the block which he refused.

Mr. Neiman left the meeting.

Mrs. Weinstein said at one point Mr. Farkas did have an attorney and they did attempt to negotiate an agreement. Just to be fair, they didn't have a problem giving out a letter to the neighbors but they just can't make it a stipulation that they can police the road and guarantee that there will never be anyone driving down the road. They agree to send out a letter to all of the congregants asking them whenever possible not to drive to shul during the week and not to block driveways and mailboxes. The only time they came to an impasse was when it was asked that they go to the Township Committee and request that they be banned from driving down the road.

Mr. Herzl said that cannot be done as it is a public road.

Mrs. Weinstein agrees and they do agree with Mr. Farkas that they would send out a letter.

Mr. Farkas does not want to see any congregants driving down this street. Instead of having the parking lot which is inviting people and people aren't going to find parking and they are going to start circling around and cause traffic. Instead of that happening, they asked that people not drive down the block completely and make a good faith effort.

Mrs. Weinstein said the applicant agrees to make a good faith effort and if the neighbors do not want the parking, that is fine with them.

Mr. Joseph Kahn, 1011 Morris Avenue, was sworn in. He is in favor of the application.

Mr. Isaac Edeltuch was sworn in. He said the 8 parking spaces is useless as there are more than 50 congregant seats in that shul. He said it is not realistic that these people will walk to the shul during the week. He said there are many children who live in this cul-de-sac and this will cause a safety issue.

Ms. Chana Steinberg, 950 Princewood Avenue, was sworn in. She handed out a map showing several other synagogues in the area. She is concerned about the safety and traffic this change would cause.

Mr. Shmuel Waldman, 981 Princewood Avenue, was sworn in. He is a member of the shul and has tried to appease Mr. Steinberg's concerns to no avail. It was never their intent from the beginning for this to be a weekday shul but it has grown and this is what the congregants want.

Mr. Abraham Waldman was sworn in. He is a member of the synagogue and to hear that this synagogue is not needed is insulting to him.

Mr. Jackson asked if this plan is conforming if it came in as a brand new application.

Mr. Vogt said it is a conforming application. A waiver would be required for stacked parking however the number exceeds UDO requirements as the sanctuary space is less than 800 sf and no parking is required.

Mr. Herzl understands that some of the neighbors opposed the parking spaces but he would like to keep it.

Mr. Franklin agrees to keep the parking to keep more cars off of the street.

Mr. Jackson said the board doesn't really have the right to tell a shul they can't be open during the week.

Mr. Klein was sworn in. He suggested putting in a walkway leading from the back of the property to encourage more congregants to walk.

Mrs. Weinstein said that is a great idea. When she was there Sunday, she saw a lot of people cutting through from Chateau Park.

Mr. Edeltuch asked if there is any law that would preclude the shul from being open on weekdays. He said this is a safety issue so the Township should prevent it.

Mr. Cautillo said it is not up to this board to tell people when they can worship.

Mr. Herzl closed to the public.

Mrs. Weinstein agrees to provide a walking path to the rear of the property, the applicant will request from the congregants to not drive whenever possible. It may make the most sense to not add the additional parking as the neighbors don't want it and to provide the walking path in the backyard to encourage people to walk from Chateau Park where a lot of the congregants come from.

A motion was made and seconded to approve the change.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Cautillo

Abstain: Mr. Grunberger

- 9. PUBLIC PORTION**
- 10. APPROVAL OF BILLS**
- 11. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Sarah L. Forsyth,
Planning Board Recording Secretary