

- 5. **SP 2164 Congregation Chateau Park**
Pine Boulevard Block 430, Lots 4 & 50
Preliminary and Final Major Site Plan for a synagogue

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

- 6. **SP 2174AA Congregation Ohr Yisroel**
Neiman Road Block 251.02, Lot 28
Change of Use/Site Plan Exemption to convert existing home into a school

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

- 7. **SP 2166 New Jersey Natural Gas Company**
Vassar Avenue Block 1601, Lot 1
Preliminary and Final Major Site Plan for a warehouse addition

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

- 8. **SD 2120 Mordechai Eichorn**
New Hampshire Avenue Block 855.06, Lots 24, 24.01, & 27
Minor Subdivision to create six lots

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

- 9. **SD 2121 Mordechai Eichorn**
New Hampshire Avenue Block 855.06, Lots 18 & 33
Minor Subdivision to create three lots

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

- 10. **SD 2112 1814 New Central Avenue Holding**
New Central Avenue Block 11.02, Lot 2
Denial of Minor Subdivision to create four lots

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

5. PUBLIC HEARING

- 1. SD 2119 1495 East Spruce, LLC**
East Spruce Street Block 855.01, Lots 26 & 29
Preliminary and Final Major Subdivision to create seven lots

Revised plans were not submitted in time for this meeting. This project was carried to the June 14, 2016 meeting.

- 2. SD 2122 Samuel Greenes**
Hope Chapel & Clear Stream Road Block 2, Lot 23.01
Minor Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated May 9, 2016 was entered as an exhibit.

Mr. Vogt stated that variances requested include minimum lot area, lot width, front yard, side yard, and combined yard setback.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said there is an objector for this application. Their argument is that that this application is creating a density variance by creating an additional lot. The applicant wants to build his house here and does not want to fight with his neighbors. This was a minor subdivision previously and all the applicant needs to build the house that he is looking for is to get the setback bulk relief. They would like to make this an amendment of the original subdivision and ask for a 30 ft front yard, 10 and 15 ft side for a combined of 25 ft.

Mr. Neiman asked what the R-40 zone requires.

Mr. Flannery said a 50 ft front setback and aggregate side yard setback of 40 ft. This is an undersized lot and if you look at the configuration of the lot, to build within those requirements would create a house that is not going to fit the applicant and his family. If the board acts favorably, as part of resolution compliance they would provide a map.

Mr. Neiman said the applicant is not requesting a subdivision.

Mr. Flannery said no new lots are being created. They would keep one lot that is 28,000 sf with a 30 ft front yard setback from Clear Stream with a 25 ft aggregate side setback.

Mr. Herzl asked if there is an existing house.

Mr. Flannery said there is a house on the front part of the lot which he is going to demolish and then the applicant would build his home on the rear piece.

Mr. Hibberson asked if the house would be demolished before the new building is erected.

Mr. Flannery said typically the house is demolished before a certificate of occupancy is issued.

Mr. Follman asked what the reasoning is for the front yard setback variance.

Mr. Flannery said he could show the board the house plans. The house has some depth and he'd like to have a big yard with a pool.

Mr. Rennert asked if any other lots have 30 ft frontages.

Mr. Flannery said it is a very nice neighborhood and the house that is there does not fit in.

Mr. Rennert said it doesn't really fit if the rest of the neighborhood has 50 ft front yard setbacks.

Mr. Flannery said this is an existing 28,000 sf lot. It is going to be 20 ft closer but Clear Stream is a road where some of the houses are set way back and some are set at the 50 ft mark and within half a mile you are in Jackson Township. It is a very unique lot and he thinks anyone would find the proposed house to be an improvement over what is there today.

Mr. Franklin said if the house is set back where it should be, they would still have the side yard for a play area. There is plenty of property.

Mr. Flancbaum understands that the applicant wants a larger backyard but the houses in this neighborhood are on larger lots and the houses are set back from the road.

Mr. Flannery has a map showing lots in the area that are smaller in size. On the other side of the street is the R-15 zone.

Mr. Follman asked what the setback is.

Mr. Flannery said 30 ft.

Mr. Follman asked if those lots are on Clear Stream.

Mr. Flannery said no. All of the lots on Clear Stream are in the R-40 zone. The existing house is less than 30 ft from the road and it has been an eyesore.

Mr. Rennert said the applicant could build his house without any variances.

Mr. Flannery said yes but it would not be comfortable for his family.

Mr. Franklin said the side yard is huge.

Mr. Herzl asked if the house would front on Clear Stream, not Hope Chapel Road.

Mr. Flannery said yes. The entrance would be on Clear Stream.

Mr. Herzl asked if he would agree to not subdivide this property again.

Mr. Flannery said once he builds his house there, he is certainly not coming back.

Mr. Herzl said he is asking for a lot of variances.

Mr. Flancbaum said the board understands the applicant's desire for a larger back yard but a lot of variances are being requested.

Mr. Neiman opened to the public.

Mr. Robert Cormack, Esq. representing Stephen McCrystal, 75 Clear Stream Road. The applicant welcomes the amendment to the plan. He would ask that the architectural plans displayed to the board be marked into evidence. The removal of the existing home before issuance of a certificate of occupancy and they would ask that sidewalks and curbs be required. Many of the homes on Clear Stream Road do have large setbacks and it is a very attractive area. He agrees with the applicant that removal of the existing house would benefit the neighborhood but he believes the additional 20 ft for the front yard setback is also in the benefit of the existing properties and zone plan.

Mr. Zev Meisels was sworn in. He objects to the front yard setback variance. He believes the applicant will subdivide the property in the future.

Mr. Moses Shvarzblat, 51 Pamela Drive, was sworn in. He welcomes the fact that there will only be one home on this lot but he objects to the front yard setback variance. The neighbors are afraid that the applicant will come back in a few years to further subdivide the property. He asked if a condition could be made to make that impossible.

Mr. Neiman said the applicant could come back and ask for a subdivision with variances but may get turned down.

Mr. Cormack asked about the well and septic requirements.

Mr. Flannery said they would have to make an application to the health department. If the board acts favorably, that information would be provided to the board engineer.

Mr. Vogt asked if he foresees any issues.

Mr. Flannery said he does not. He has done many applications in the past and this particularly property is much bigger than the other properties they have developed with wells and septic. There is an existing house with well and septic and on that particular place where the house is being removed and there is plenty of room for a new well and septic.

Mrs. Morris asked when the original subdivision was approved.

Mr. Flannery believes in the early 2000's.

Mr. Vogt said a plan was provided with a zoning board title block.

Mrs. Morris said it is not a filed copy but if the original subdivision was approved by the zoning, the planning board cannot amend the application. Also, being that it was approved many years ago, they may not be amending it anyway.

Mr. Vogt said it is not identified in the application. This particular subdivision happens to have a zoning board title block.

Mr. Flannery does not see why this would have gone to the zoning board but if the board acts favorably, they would obtain that information and provide it to the board engineer.

Mrs. Morris said if the applicant cannot prove that the planning board has jurisdiction, there is no point in spinning their wheels.

Mr. Flannery asked if this application would be carried to the next meeting.

A motion was made and seconded to carry this application to the June 14th meeting.
All were in favor.

3. SP 2171 Excel Corporate Park IA, LLC
Prospect Street Block 411, Lot 82
Preliminary and Final Major Site Plan for a proposed industrial building

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

Mr. Vogt said he believes the only variance relief requested is a front yard setback which is typically up to interpretation by the Lakewood Industrial Commission.

Mr. Adam Pfeffer, Esq. said they have reviewed the board engineer's review letter and agree with the recommendations.

Mr. Sid Hussain, P.E., P.P. was sworn in. There is an existing building on this property which is fronting Prospect Street. At the rear, there is paved parking for tractor trailers. The applicant proposes to construct a new 40,530 sf building. This is a conforming application with no variances being requested. There is an existing side yard variance for the existing building.

Mr. Neiman asked if two buildings are permitted on one lot.

Mrs. Morris said as far as she knows there is nothing in the UDO that prohibits more than one principal use on a lot.

Mr. Hussain said the site technically has two frontages, one on Railroad Street and one on Prospect Street. Railroad Street is a paper street with a railway running through. Since there is nothing there, they have applied to the Lakewood Industrial Commission to be granted relief from the front setback on Railroad Street. The required setback is 100 ft whereas 50 ft is being provided. A total of 114 parking spaces are being provided with 5 handicapped spaces. There will be 6 loading docks. The sewer will be tied in from an existing sewer line.

Mr. Neiman asked what the use is for the existing building.

Mr. Hussain said it has multiple tenants. The proposed will have industrial uses with a potential of 6 tenants.

Mr. Pfeffer said the existing use is office and warehouse.

Mr. Neiman asked how many parking spaces are provided for the existing building.

Mr. Flannery said the 114 parking spaces being proposed are just for the new building.

Mr. Neiman wants to make sure parking is not being taken away from the existing building due to the construction of the new building.

Mr. Hussain said only trucks and trailers are parked there.

Mr. Pfeffer said they are not taking away any of the existing parking. Nothing is being changed as far as the existing building and parking is concerned.

Mr. Rennert would like to know if any parking variances are being requested for the existing building.

Mr. Pfeffer is only aware of the existing side yard setback.

Mr. Neiman said there is a matzo bakery in the back and a school in the front.

Mr. Flancabaum said there is also office and warehouse.

Mr. Santo Pezzotti was sworn in. The bakery parks a lot of the trucks in the back.

Mr. Grunberger asked where they would park the trucks when this building is constructed.

Mr. Pezzotti said they would have to find a new location or they have a larger parking lot at 1970 Swarthmore Avenue. There used to be a bus company but they have since relocated and now there is only an office and warehouse so there is a large area where the buses no longer park.

Mr. Neiman asked if they could shrink the building. From what he recalls, during the matzo season, it is packed and a lot of people park in the back. He had to park in the back in the past because he couldn't find any parking in the front.

Mr. Pfeffer said they are creating 144 striped parking spaces that were not there before.

Mr. Neiman said the existing building will need to use that parking.

Mr. Pezzotti said most of the time with these types of tenants, they may have 2 office people and 3 warehouse people.

Mr. Neiman said only office and warehouse is being proposed.

Mr. Pfeffer said that is correct.

Mr. Neiman said then they would restrict the use to office and warehouse only. He is concerned that if a grocery store or medical office comes in then there wouldn't be sufficient parking. He asked if there is enough room for the trucks to get in the back.

Mr. Hussain said the board engineer pointed out that one location was kind of tight so they would adjust the curb in order to fit the trucks.

Mr. Neiman asked what sort of trucks will be coming into the site.

Mr. Pezzotti said tractor trailers would be coming in the back. In the front, there will mainly be box trucks.

Mr. Neiman remembers being at a Zoning Board application for a property next to this and he had concerns of trucks going in and out. He wants to make sure those concerns are resolved.

Mr. Pezzotti said it was for a proposed food store. This has been an industrial building for a long time. Their main concern was that the food store was going to be bringing tractor trailers in and blocking their roads.

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.

4. SD 2127 47 Linden, LLC

Linden Avenue

Block 189.02, Lot 170

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated May 4, 2016 was entered as an exhibit.

Mr. Vogt stated that variances include lot area, front yard, rear yard setback, maximum building coverage and side yard setback for an accessory structure. The design waiver for sidewalk is no longer requested.

Mr. John Doyle, Esq. said this is a minor subdivision to create two lots. There is an existing house which the applicant would like to retain and to reside in. A lot would be created that would be slightly undersized but as the map shows, it is consistent with the development that has took place further down Sterling Avenue. They could apply for a duplex with two living units so they are not changing the density in any way, this is just to allow single family homes.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He displayed a map to the board showing lots under 10,000 sf in the area. He said there is a substantial amount of development in the area that does not conform with that requirement. A similar subdivision was approved on the corner of Linden and Bergen Avenues.

Mr. Neiman said a duplex could be built here variance free.

Mr. Kociuba said that is correct. Single family homes are being requested as it would be in keeping with the character of the neighborhood.

Mr. Rennert asked about the rear yard setback variance.

Mr. Kociuba said they are requesting a rear yard setback of 12.46 ft on lot 170.02. It is an existing setback which they are not looking to exacerbate further. The same goes for the front yard setback where 28.4 ft is existing and 30 ft is required as well as the side yard setback of 7.17 where 10 ft is required to the existing garage on the adjacent lot.

Mr. Neiman asked if they are asking for any side or front yard setbacks for the new lot.

Mr. Kociuba said no.

Mr. Doyle said there were some engineering concerns including the applicant providing the half width improvements on Sterling. He suggested that is more than should be asked of a single landowner.

Mr. Vogt said the road ultimately at the end of the day due to the nature of construction is going to have to be restored to Township standards. If he wants to defer to the Township Engineer, they could do so for purpose of planning approval but he would not waive that without knowledge of the roadway.

Mr. Neiman asked if there are sidewalks.

Mr. Kociuba said there are no sidewalks. They had originally requested a waiver from providing them but that waiver has since been withdrawn and they will be providing sidewalks.

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.

Mr. Neiman said there may have been some misrepresentation. The applicant said there is an existing variance of 12.46 but they are really creating the variance by putting the lot line there.

Mr. Kociuba said that is correct. The 28.7 front yard setback is an existing variance. The rear yard setback is a new variance.

Mr. Neiman said then that testimony was wrong. The rear yard setback variance is being created due to this application.

Mr. Doyle understands. He believes the engineer meant the building on that lot is existing and is not being changed or added to but clearly placing a line which is the whole purpose of this subdivision, makes the setback 12.46 ft.

Mr. Kociuba apologized and said he did misspeak.

Mr. Neiman believes they should re-vote on this.

Mr. Jackson said the board has the right to reverse itself and reopen the hearing. As everyone is still present, he has no issue reopening and reconsidering.

Mr. Neiman asked if the applicant is sure that they do not want to build a duplex as opposed to creating this variance.

Mr. Kociuba said this is a corner lot with two homes facing Sterling Avenue. By virtue of it being a corner lot, this is considered a rear, however, a side yard setback in this zone is 10 ft and they have 12.46 ft. The intent of side yard setbacks is to provide sufficient separation from structures. In this particular zone, they are looking for 25 ft separation and they certainly have that.

Mr. Doyle said the garage will be removed.

Mr. Neiman reopened 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.

- 5. SD 2129 Miriam Klein**
Miller Road Block 12, Lot 201
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated May 4, 2016 was entered as an exhibit.

Mr. Vogt said a variance is requested for lot area.

Mr. Brian Flannery, P.E., P.P. was sworn in. This property was subdivided in the past and at some point it merged and the applicant is asking for a subdivision consistent to what it was prior. Exhibit A-1 is the map submitted and A-2 is a copy of the tax map showing some of the lots in the area and the location of the subject property. This subdivision will comply with all of the bulk requirements except lot area as the lots are 10,000 sf whereas 12,000 sf is required. This is an area that had no sewer but there is sewer now proposed for Forest Drive.

Mr. Neiman said they will be keeping to all of the R-12 setbacks. This area the board really wants to keep as an r-12 zone.

Mr. Flannery said it is a classic C-2 variance as they must show it relates to a specific piece of property which this clearly is. There is no other lot in the area with 200 ft of frontage.

Mr. Neiman asked if sidewalks are being provided.

Mr. Flannery said a waiver is requested.

Mr. Neiman said sidewalks shall be provided.

Mr. Flancbaum asked about the right-of-way dedication that may be required by the County.

Mr. Flannery said if the County requires additional right-of-way, they would propose to do it as a road widening easement so the area stays in the lot and no further dedication would be needed.

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.

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

Abstain: Mr. Rennert

- 6. SD 2130 New Central Properties, LLC**
New Central Avenue Block 11, Lot 1.17
Minor Subdivision to create two lots

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

Mr. Vogt said variances requested include minimum lot area, front yard setback as well as aggregate side yard setback. A variance may be required for accessory building setback.

Mrs. Miriam Weinstein, Esq. said this property has the unique distinction of probably being the only property in the R-15 zone that happens to be next door to a duplex. This is an oversized lot close to 22,000 sf that they are looking to create an additional lot upon which a new single family home would be built. The applicant intends to keep the housing on the existing lot which is why they require the variance for the accessory structure. This lot is located at the edge of a development known as Central Park. In that development, a majority of the lots do not conform to the requirements of the R-15 zone.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is a minor subdivision to split the existing lot into two lots being 11,000 sf and 10,700 sf. In this area, 30 out of the 37 lots are of the 12,000 sf size and it is directly next to a duplex. This is a classic C-2 variance where the applicant must demonstrate that the benefits outweigh the detriments. They must show that this is a unique piece of property and certainly the size of the lot being next to a duplex and just north of Westgate and east of Jackson Township certainly makes it that. There is an existing home on the corner which would stay. Setback relief for the garage is being requested. In the same area along Hope Chapel Road, there are 3 or 4 lots which are less than 10,000 sf.

Mr. Neiman asked if they will keep to all of the setbacks on the new lot.

Mr. Flannery said an aggregate side yard of 20 ft is requested. Each of the houses would have the same distance to the property line. This relief would better suit the future owners and would not negatively impact the community.

Mrs. Weinstein said there is a front yard setback on the existing house but that is an existing condition.

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.

7. SP 2172 Center 101, LLC

Clifton Avenue

Block 90, Lot 9

Preliminary and Final Major Site Plan for a five story office and retail building

A review letter prepared by Remington, Vernick & Vena Engineers dated May 9, 2016 was entered as an exhibit.

Mr. Vogt said there was a question as to the adequacy of parking.

Mr. Neiman said the parking is a big issue.

Mr. Herzl asked what is currently there.

Mr. Adam Pfeffer, Esq. said it is a two story building with retail on the first floor and residential on the second.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. The existing building occupies about 60 or 70% of the site and it does have a small parking area in the back part of the property. To the rear of the site is a municipal parking lot accessed by First and Second Street. The proposal is to demolish the existing building and erect a new five story building. The building will have a total floor area of about 95,000 sf. The first and second floor would be retail use and the third through fifth floors would be office use. The application is fully conforming with no variances proposed and is essentially it is a by-right application. There is a 10 ft required rear yard setback for

properties that do not abut municipal parking lots. There is an exception in the ordinance where a 5 ft rear yard setback is allowed if it abuts a municipal parking lot. A plan was submitted showing the orientation of the existing municipal parking lot, retaining wall and the proposed building. A 5 ft sidewalk shall be provided.

Mr. Neiman asked how many parking spaces would be required if this application was not in the B-2 zone.

Mr. Vogt said a parking analysis was submitted.

Mr. Flancbaum has a conflict and recused himself.

Mr. Vogt said 215 spaces would be required for the retail and 174 spaces for the office use for a total of 389 spaces if it were not in the B-2 zone.

Mr. Franklin said when the town designed the downtown area, they never designed it for a building of this magnitude. There will be such confusion and loss of parking that other businesses downtown will go broke. If applicants want to come in with plans like this, they are going to have to give another thought as to how the downtown is planned.

Mr. Neiman agrees. They need to get rid of the B-2 zone. The downtown area needs more parking as it is and to put a building of this magnitude where 389 would be required in another zone, would be a disaster. He questioned how the board could approve this without any parking proposed.

Mr. Pfeffer said as of now the B-2 zone requirements are what they are.

Mr. Neiman said the downtown area is for a mom and pop hardware store, ice cream shop, etc. not a five story building. Lexington Towers, for example, is a five story building but the application also bought four properties nearby to compensate for the parking. You can't put up a building of this size. It is not what the B-2 intention was.

Mr. Franklin said the people proposing this certainly did give this any thought because they are going to have people working in the building who need parking as well as consumers who will need parking. The people coming to this building will not be able to find parking and all of the other stores won't be able to find parking.

Mr. Pfeffer said the applicant has looked into it and felt comfortable going forward with the application. At this point they are here with a fully conforming application.

Mr. Neiman asked if they will be complying with all of the comments in the engineer's review letter.

Mr. MacFarlane said yes, they would agree to comply.

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

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

Mr. Neiman asked that the Master Plan Committee look at applications like this in the B-2 zone to discuss the parking necessity. The B-2 zone wasn't designed for these types of buildings.

Mr. Harold Herskowitz said about a month ago the board approved an application that adversely affects all of the parking and has ruined the parking already.

8. SP 2173 Congregation Birchas Yaakov

Ridge Avenue Block 186.03, Lot 1.07, 1.09, & 1.10
Preliminary and Final Major Site Plan for a new school building

A review letter prepared by Remington, Vernick & Vena Engineers dated May 9, 2016 was entered as an exhibit.

Mr. Glenn Lines, P.E., P.P. was sworn in. This is a proposed two story yeshiva building on Ridge Avenue. It is located north of County Line Road. A 21 space parking lot is proposed with a small bus drop off area and a substantial green space in the back for recreation. A waiver is requested from the buffer requirement along the north and south sides of the property. They would be planting a full row of evergreens.

Mr. Neiman asked what is next door.

Mr. Lines said there is a house on the corner with a connected synagogue.

Mr. Rennert asked why buffer relief is being requested.

Mr. Lines said it will be a reasonably quiet school and it will be along everybody's backyards on the north side. They are proposing to plant evergreens along the entire property line.

Mr. Rennert asked what the buffer requirements are.

Mr. Lines said it is either a 20 ft undisturbed area or a planted buffer.

Mr. Vogt said the parking has a variance condition.

Mr. Lines said yes, they calculated they needed 21 spaces for the offices, school, classes. There is a second story dormitory which adds another 21 spaces but none of the students are allowed to have cars.

Mr. Neiman asked what kind of school this is.

Mr. Lines said it is a post high school.

Mr. Neiman said a post high school with a dormitory should have an adequate buffer.

Mr. Lines said they would provide additional landscaping and fencing.

Mr. Vogt asked what is being proposed.

Mr. Lines said a 6 ft chain link around the property with privacy slats. The proposed landscaping would be provided around the rest of the property. Other than the waivers and variance, he has reviewed the board engineer's letter and has already received feedback from the County. The County would like them to remove one of the three driveways which they will comply with.

Mr. Neiman asked which driveway.

Mr. Lines said the middle driveway.

Mr. Neiman questioned how the buses will enter the site.

Mr. Lines said they are going to connect over to the parking lot and reconfigure the corner.

Mr. Neiman asked if they will be losing parking due to these changes.

Mr. Lines said no.

Mr. Franklin asked if they can reconfigure the property in order to get more parking.

Mr. Lines said it is not necessary.

Mr. Franklin said it may not be necessary today but they are planning for the future.

Mr. Pfeffer said they have no problem that while they are doing the reconfiguring of the driveway, to try and add any additional parking to make it less of a variance. A minimum of 21 spots will be provided.

Mr. Neiman opened to the public.

Mr. John Stevens, 62 Brian Street, was sworn in. He said this property backs up to his backyard. A 6 ft chain link fence will not provide adequate privacy. He is also concerned about the traffic on Ridge Avenue.

Mr. Neiman asked what additional buffer he would like.

Mr. Stevens is concerned as this will be a two story building and the students will be able to see right into his home.

Mr. Pfeffer said the applicant is willing to frost the windows on the second floor that face the home.

Mr. Abe Auerbach was sworn in. He said the windows will be high at approximately 6 ft and they will only open outwards.

Mr. Neiman said they would like to see an 8 ft chain link fence with privacy slats as well as frosted windows that only open outwardly on the second floor.

Mr. Pfeffer wants to confirm that the board is granting a variance for the fence.

Mr. Neiman confirmed.

Ms. Rachel Stevens, 62 Brian Street, was sworn in. She said her fence is on their property and there are trees behind it. They would like to maintain those trees

Mr. Pfeffer said they would install the temporary orange construction fences to ensure no trees on their property will be removed.

Mr. Neiman closed to the public.

Mr. Rennert asked if any side yard setbacks are being requested.

Mr. Vogt said there are no bulk setbacks.

Mr. Neiman asked if the parking lot can go all the way up to the property line.

Mr. Vogt said there is a waiver for the parking. There is a 5 ft setback requirement and the application is requesting relief.

Mr. Franklin said the applicant would be reconfiguring the parking lot.

Mr. Rennert asked if they could get the 5 ft added.

Mr. Vogt said they could eliminate that parking space.

Mr. Rennert asked if they could compensate for that space.

Mr. Pfeffer said they have indicated they would try to pick up as many spaces as possible when they reconfigure the driveway.

Mr. Rennert said he would like them to stay 5 ft off the property line with the same amount of parking, if possible.

Mr. Lines agreed.

Mr. Rennert asked if any school buses will be coming to the site.

Mr. Auerbach said one or two maximum.

A board member questioned how many students there will be.

Mr. Auerbach said they currently have 50 students and are planning for about 100 students.

Mr. Rennert said Ridge Avenue doesn't have room for more buses if they need them in the future.

Mr. Auerbach said the County is making them widen the road to alleviate some concerns. Even if this school grows, most of the students will be living in the dormitory.

Mr. Lines said when they straighten out the driveway, they will have space for 3 or more buses.

Mr. Rennert asked if there will be a catering hall.

Mr. Pfeffer said no.

Mr. Neiman wants to ensure that is made a condition of approval.

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

9. SP 2170 Ketan Mehta

Route 70 Block 1160.01, Lot 256.02
Preliminary and Final Major Site Plan for a hotel

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

Mrs. Morris said it has come to her attention that the board attorney has a conflict with an objector for this application, therefore, a conflict attorney will be required.

A motion was made and seconded to carry the application to the June 14, 2016 meeting.
All were in favor.

10. SD 2024A Prospect 54, LLC

Prospect Street Block 411, Lots 30, 35, 36, 40, & 43
Amended Preliminary and Final Major Subdivision to create 79 lots

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

Mr. Brian Flannery, P.E., P.P. was sworn in. This is a previously approved application which they had to make a few minor tweaks on after discussing with the architect. A lot area variance of 9,916 sf is being requested for lots 11 and 44 whereas 10,000 sf is required. This will allow for more normal sized houses on the other lots. A lot width variance of 36.50 and 36.30 ft is being requested for lots 2 and 3 whereas 37.5 ft is required. A front yard setback variance is requested and it fronts on a road that they never expect to be built. A side yard setback variance of 7.3 to 9.6 ft on a number of lots is being requested whereas 10 ft is required. What precipitated this, is that the architect said the 30% coverage was a problem. The board has recommended and the township committee will have its first reading where the coverage would go up to 35% in the R-10A zone. This is a variance they are asking for this evening, the ordinance says 30% and they are requesting 35%. Finally, some of the decks are over the rear setback line. This is where the deck definition had changed. The minimum they are asking for is 10 ft from the property line.

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.

11. SP 2183AA Yeshivas Ohr Olam

Cross Street Block 499, Lot 1
Change of Use/Site Plan Exemption to convert existing dwelling into a school

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

Mr. Flancbaum stepped down.

Mrs. Miriam Weinstein, Esq. said this is a change of use site plan exemption for a boy's high school to convert an existing residence in the Cross Street area. This is virtually a full conforming, no variance application for a fledgling high school. This school is going to open its doors for the first time in September. There are 23 boys

enrolled for the 9th grade next year. This will be a four year high school and eventually they will probably have the first year of post high school like most boys schools. This is obviously a temporary fix as the school hopes to come back and do a full blown site plan application in a few years. Once they see how many boys they will have and be able to raise the funds to construct a new building they would be back. All students will be bused. No pick up or drop off other than the occasional boy who misses the bus or has an appointment.

Mr. Neiman asked what the width of the road is on Newport Avenue.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He said the right-of-way width is 75 ft and the pavement width is 20 ft.

Mr. Neiman thinks for starters it is best to eliminate the two driveways on Newport. He looked at this building and they could have the buses coming off of Cross Street.

Mr. Kociuba said the concern is they have a pending County application and have not yet received comments back. Typically with dual frontages, the County will be require off of the secondary frontage. Their office did perform a bus circulation and can demonstrate that a bus can facilitate the driveway as is designed.

Mr. Neiman said the driveway is not his concern. His concern is turning off Cross Street onto Newport Avenue. If they widen the road length to 40 ft then maybe it would work. He would like to keep buses off of Newport as it is a very rural street and to have the buses in and out of Cross Street where less maneuvering will be necessary.

Mr. Vogt said that ties into their comment as well. They had a concern about the ability of Newport Avenue.

Mr. Kociuba understands but RSIS allow for a 20 ft wide two way street for rural access. Jurisdiction at the intersection is obviously under County control and they very well may request some improvements at the intersection. This is purely for the initial use of the school. The intention is that enrollment will grow and they will be back for a full site plan. They do request relief.

Mr. Vogt asked if he has looked at the road itself as to the pavement.

Mr. Kociuba said he doesn't know any pavement section. It is asphalt but he doesn't know specifics.

Mr. Vogt said if buses are being driven along here then it is a concern.

Mr. Neiman said the choice would either be having access off of Cross Street or widening this to at least 35 ft. At 20 ft, they can't have buses coming into Newport.

Mr. Kociuba said the neighborhood cross section for RSIS is 30 ft.

Mr. Franklin said you need at least 32 ft.

Mrs. Weinstein said the applicant would agree to only use vans and not buses.

Mr. Neiman said no. He looked at this area and it is 20 ft. There is not enough room.

Mrs. Weinstein said they had an application with a dirt road and the board made a condition in the resolution that there would be vans only. Buses could not be used until the applicant came back with a full blown site plan.

Mr. Neiman said that was different. That was Chestnut coming onto a dirt road. This is Newport which is a rural area where there are no sidewalks.

Mr. Kociuba said he has spoken with the applicant and they would be willing to widen out the roadway to the 32 ft width but would request waivers from having to install curb and drainage. It is a rural area and they don't want to promote a more dense development.

Mr. Rennert asked if they would be widening all of Newport.

Mr. Kociuba said from the intersection back to the second driveway dependent upon what the County would permit at the intersection.

Mrs. Morris said Newport dead ends. The only access is off of Cross Street.

Mr. Herzl asked when the school anticipates coming back.

Mrs. Weinstein said about 4 years.

Mr. Rennert asked how many students they anticipate in 4 years.

Mrs. Weinstein said probably 100.

Mr. Rennert asked if they agree to come back in 4 years.

Mrs. Weinstein said they would agree to come back before a 5th class is added.

Mr. Neiman opened to the public.

Mr. Walter Lucas was sworn in. He said fencing should be provided around the whole property as the zoning will change in the future and the area will get more and more developed. It would provide privacy, safety and it will keep the neighborhood neat.

Mr. Neiman said at this point, he does not know if a fence is necessary. It is such a big area and he thinks it will take that rural look away from it. He agrees if the zone does change and people start building on 12,000 sf lots then maybe it would necessary or if the school comes back for a full site plan.

Mr. Lucas said sidewalks and curbs should be provided along Cross Street and Newport Avenue. A lot of people coming down Cross Street use Newport as a turn around and drive on people's property. He said if there are trailers, they should be at least 15 ft from the property line. He is also concerned about the capacity of the septic system. He thinks the land should be deed restricted for at least 15 years.

Mr. Rennert said there are some places in Lakewood where a school should not be until it gets built up. This application doesn't make sense in a rural neighborhood to drop a school with 100 boys.

Mrs. Weinstein said there are schools within 100 ft of this property.

Mr. Rennert asked if those schools go out to a rural road. That is the key question.

Mrs. Weinstein said there are three schools on Neimann Road which is definitely not 32 ft wide. The applicant did agree to widen Newport up to the entrance of the school to 32 ft. She agrees that there should be school zones but what tends to happen is that the most rural parts of town are the areas that the schools gravitate to because they're the only part of town that have lots large enough. This is just a change of use. They are not changing the rural character of the neighborhood.

Mr. Neiman thought that Cross Street was going to be widened.

Mr. Vogt said it is a County road.

Mr. Kociuba said the Township could petition the County but it is untimely County jurisdiction. The County master plan intends for future widening but he is unaware of any time frame.

Mr. Abraham Gobioff, 830 Wenstrom Avenue, was sworn in. He lives at the very end of Newport Avenue which turns into Wenstrom Avenue. He agrees that access should be off of Cross Street. If there are two cars coming in opposite directions, especially with a larger vehicle, you have to slow down and pull over onto the dirt in order to pass. He said the road was not built for any heavy traffic. There are three cul-de-sacs off of Newport and none of them are big enough for a bus to turn around.

Mr. Neiman asked if buses pick up his children. If so, how do they enter and exit Newport.

Mr. Gobioff said yes. There are not a lot of people living on Newport Avenue which he understands will change. Eventually Newport will have to be widened but the buses do come down but it is very tight. The traffic is light as there are only three families that have kids going to school.

Mrs. Weinstein asked how the buses turn around.

Mr. Gobioff said they back up. No sidewalks or curb makes this even more dangerous for young kids.

Mr. Rennert said he doesn't think the board is objecting to the school being here but the fact that they should open up on Cross Street.

Mr. Kociuba said the County has been a little stricter when it comes to providing access. Even if they were to petition the County for access, they are going to require them to have access on Newport as well. He doesn't see that they could provide a proper turning movement on the property with the house in its place and only having access to Cross. At a minimum, there would always be access to Newport and they would essentially create a loop drive from Cross to Newport which would disturb more of the rural character.

Mr. Rennert said it is a pretty big area.

Mr. Kociuba said the County requires a certain separation of the two driveways as well as proper separation from driveways across the street. The loop scenario would not meet the County access requirements.

Mr. Gobioff said there are a lot of schools on Cross Street as Mrs. Weinstein mentioned earlier but it is dangerous. This is unique because it is on Cross but most of the frontage of this property is actually on Newport. He wants to ensure the board is aware of that.

Mr. Justin Flanbaum, 105 Newport Avenue, was sworn in. This type of use on Newport, where you are going to have buses, multiple cars, a lot of people now pulling in and out of Newport on the corner of Cross is just

incompatible with the street. The street is 20 ft wide and it is a rural neighborhood. Mrs. Weinstein pointed out that there are schools in the area which is true but they are on Cross with mainly ingress and egress through Cross. To start pulling in and out of Newport is just incompatible with the street and to say the County is not going to let them have access on Cross, perhaps this site then does not work and that is what the board should consider.

Mr. Neiman closed to the public.

Rabbi Heshy Berkowitz was sworn in. He said there is no reason that the buses cannot turn in and out as there is enough room at the corner and they are not going to go deeper into the block. The building on the opposite side of Newport is also owned by a school so the corner is not going to be impacted at all. He has been to the site many times and there are no children there and all of the cul-de-sacs are all deeper in so there is no reason the bus would go down that far. The children will be bused right onto the property and they will not be walking along Newport. He has been looking for a building for a school for over a year. They were looking for a big area where they wouldn't bother the neighbors. This property is 2.30 acres so the boys have room to stay within the lot and off the street. If they don't have to build a big driveway and knock down the trees then they can keep the rural feel of the area and the traffic will be minimal. He said the school is just starting off and has invested a lot of money already with this purchase. To put in sidewalks and curbs would be a great financial burden. He understands when he comes back for a new building that sidewalks and curbs will be required.

Mr. Lucas said the buses are going to block Cross Street.

Mr. Gobioff asked where the staff are going to park. If they are going to park on Newport, then they will only be room for one car to get through.

Mr. Kociuba said they are providing the ordinance required amount of parking on site. A total of 7 spaces are proposed.

A motion was made and seconded to deny the application.

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

No: Mr. Grunberger, Mr. Herzl

Abstain: Mr. Neiman

12. SD 2057A Avenue of the States, LLC

Avenue of the States Block 961, Lot 2.01

Amended Minor Subdivision to create three lots

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

Mrs. Miriam Weinstein, Esq. said this is another approval in the Cedarbridge Corporate Park. As the board knows, usually in this area a subdivision and a site plan are filed together.

Mr. Neiman said the board will hear both applications together.

Mrs. Weinstein said the purpose of this amendment is due to a title issue on a portion of the property, they are going to subdivide off that lot which is proposed lot 2.02. If the board recalls, there were some banked parking spaces on that area and they are proposing to relocate that parking temporarily. Once the title issue is resolved, they will keep it as it was and consolidate lot 2.02 with 2.03.

Mr. Brian Flannery, P.E., P.P. was sworn in. There is a little piece where there is a potential title issue which the town is resolving and he expects it will be resolved quickly and once that is done, it will go back to the way it was. In the meantime, the applicant can move forward. The 3+ acre piece will remain and they will provide the parking. The previously approved plan had banked parking on the right side. Now they are going to shift it to the left side.

Mr. Neiman asked if a parking variance is being created due to this change.

Mr. Flannery said no. They are actually providing more immediate parking in this configuration than they were in the other configuration. They are providing 1 parking space for every 254 sf where previously 1 per every 256 sf was provided in the previous plan. In addition to that parking, there is banked parking which will kick in at some future time. The variance requested is for minimum lot area as the lot is only .416 acres. When the title issue is resolved, the lot will be consolidated.

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.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum, Mr. Cautillo
Abstain: Mr. Rennert

13. SP 2128A Avenue of the States, LLC

Avenue of the States Block 961, Lot 2.01 (Proposed Lot 2.02)
Amended Preliminary and Final Major Site Plan for a 3-story office building

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

Mrs. Miriam Weinstein, Esq. said this is another approval in the Cedarbridge Corporate Park. As the board knows, usually in this area a subdivision and a site plan are filed together.

Mr. Neiman said the board will hear both applications together.

Mrs. Weinstein said the purpose of this amendment is due to a title issue on a portion of the property, they are going to subdivide off that lot which is proposed lot 2.02. If the board recalls, there were some banked parking spaces on that area and they are proposing to relocate that parking temporarily. Once the title issue is resolved, they will keep it as it was and consolidate lot 2.02 with 2.03.

Mr. Brian Flannery, P.E., P.P. was sworn in. There is a little piece where there is a potential title issue which the town is resolving and he expects it will be resolved quickly and once that is done, it will go back to the way it was. In the meantime, the applicant can move forward. The 3+ acre piece will remain and they will provide the parking. The previously approved plan had banked parking on the right side. Now they are going to shift it to the left side.

Mr. Neiman asked if a parking variance is being created due to this change.

Mr. Flannery said no. They are actually providing more immediate parking in this configuration than they were in the other configuration. They are providing 1 parking space for every 254 sf where previously 1 per every 256 sf was provided in the previous plan. In addition to that parking, there is banked parking which will kick in at some

future time. The variance requested is for minimum lot area as the lot is only .416 acres. When the title issue is resolved, the lot will be consolidated.

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.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum, Mr. Cautillo

Abstain: Mr. Rennert

14. SP 2178 Cheder Masores Hatorah

Bellinger Street

Block 804, Lot 2

Preliminary and Final Major Site Plan for a school

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

Mr. Adam Pfeffer, Esq. said the applicant agree with the comments in the engineer's review letter. A question arose as to whether a parking variance was required as it is based on the number of classrooms. They indicated they would remove some of the classrooms as there were excess.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. The application is for a two story boy's elementary school plus a basement. If the board recalls, there was discussion over the number of parking spaces required. The applicant had agreed to revise the architectural plan which have been provided to the board. The floor plan shows the revised layout including 27 classrooms, 3 tutor rooms, 7 offices, 1 library and 2 meeting rooms for a total parking requirement of 40 spaces required by ordinance. A total of 48 parking spaces are being provided so the application is fully conforming.

Mr. Neiman said there will be no Simcha hall.

Mr. MacFarlane said that is correct.

Mr. Rennert asked if there is currently a school in this area.

Mr. MacFarlane said this is near Yesodei Court where there is an existing school, dormitory and townhouses.

Mr. Flancbaum said there is a school under construction.

Mr. Rennert thought Bellinger Street was going to be improved.

Mrs. Morris said it has been constructed and it is still bonded.

Mr. MacFarlane said that was part of the second phase of the Yesodei Hatorah project.

Mr. Rennert asked if it is open to the public.

Mr. Israel Treff, 131 Yesodei Court, was sworn in. The road itself is 32 ft and there barriers 10 ft on each side but a car could drive through.

Mr. MacFarlane said there is an area for bus drop off which could accommodate about 7 buses. The buses would be staggered as they anticipate 12 buses or so.

Mr. Rennert asked about bus circulation.

Mr. MacFarlane said the buses would enter the site from Bellinger, drop off or pick up the students, exit the site via South Bell and then circle back out to Bellinger.

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.

- 15. SP 2161 TJ Realty Enterprise, LLC**
River Avenue Block 430, Lot 10.01
Preliminary and Final Major Site Plan for a building addition

A motion was made and seconded to carry the application to the June 14, 2016 meeting.

All were in favor.

6. PLAN REVIEW ITEMS

- 1. SP 2184 Yeshiva Shaarei Orah**
Albert Avenue Block 1159, Lots 76 & 77
Preliminary and Final Major Site Plan for a school and dormitory

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

Applicant is requesting a combined plan review and public hearing at this meeting.

Mr. Vogt stated a minimum rear yard setback variance and perimeter buffer relief. Parking is proposed within 5 ft of lot 78 which would require a waiver.

Mrs. Miriam Weinstein, Esq. said this is an application to construct a boy's high school, a Bais Medrash, dormitory, pool and gymnasium on this tract which is slightly 2 acres in size. Right outside of the Oak Street Corridor, which is an area that this board has told them on many occasions is an appropriate area for schools to be located. The boys in grades 9 through 12 will be bused to school. The dormitory is going to house the boys for the first year of post high school studies. Next year they are proposing to have 25 boys in the dorm with potential to grow so they do not have to be back before the board. They did meet with the neighbors this evening, particularly a neighbor who lives on Oak Street, and they did agree to provide an 8 ft chain link fence with privacy slats on the side facing Oak Street.

Mr. Neiman asked why the fence isn't being built around the whole property.

Mr. Abe Auerbach was sworn in. He said the back property is a paper street and it would be a waste of money to put an 8 ft high fence along there.

Mr. Neiman said they don't know what is going to be there down the road.

Mr. Auerbach said they would install a 6 ft high fence around the rest of the property.

Mrs. Weinstein said an 8 ft high fence will be installed on the north side and on the south side and rear will be 6 ft. They also agreed that any windows on the second floor facing the north sided would be frosted.

Mr. Glenn Lines, P.E., P.P. was sworn in.

Mr. Neiman asked about bus circulation.

Mr. Lines said the buses would come in the northerly driveway and out the southerly driveway. They anticipate 2 to 3 buses with plenty of space for them to stack.

Mr. Neiman asked if sidewalks are proposed along Albert Street.

Mr. Lines said yes, curb and sidewalk. One rear yard setback variance of 13.47 ft whereas 20 ft is required is being proposed for the gymnasium. This gives them nice space in between the buildings.

Mr. Vogt said 35 spaces are being proposed. He asked if that meets the UDO standards.

Mr. Lines said the spaces are based on the UDO for the classrooms, offices and tutor rooms.

Mr. Neiman said there will be no Simcha hall here.

Mrs. Weinstein said no, there will not be a hall.

Mr. Lines said based on the room counts it meets the standards but they did not provide the additional parking a dormitory would be require based on the ordinance of 1 space per every 4 beds.

Mrs. Weinstein said the boys are not allowed to have cars.

Mr. Vogt said that is fine but they need relief for the record.

Mr. Lines said that is correct.

Mr. Rennert asked what is to the rear of this property.

Mr. Lines said there is a 100 ft row of lots owned by the Township and then a paper street.

Mrs. Morris said there is a large row of tall narrow properties that run along the back. They do get requests to purchase but the Committee always turns them down because it is a buffer area.

Mr. Lines said they could switch the pool and the gymnasium. The setback is measured to the water and it would be well outside of the 20 ft requirement. The only other relief requested is for parking.

Mr. Neiman opened to the public.

Mr. Lebowski, 209 James Crest Court, was sworn in. He requested that all the windows on the second floor be frosted. Also he asked if there could be restrictions on the gymnasium and pool as there are houses right behind.

Mr. Neiman said the board usually imposes an 11 pm restriction. Any windows above the 8 ft fence will be frosted.

Mr. Rennert asked if parking is allowed on Albert Avenue.

Mr. Lines said yes.

Mr. Rennert asked if they would make a request to the Township to eliminate parking along the street. He is concerned people will park and the street won't be able to handle two way traffic. Right now it is all residential and everybody has a driveway and it works but when this school gets built, parking should be restricted at least on one side of Albert.

Mr. Neiman agrees and said there is also a Shul across the street.

Mr. Lines said they would make the request but they cannot guarantee the Township Committee will approve it.

Mr. Rennert said maybe they should grant the variance for parking subject to that approval from the Township. If it is denied, the applicant would have to come back.

Mrs. Weinstein said they could possibly add a few more parking spaces to eliminate the parking variance.

Mr. Neiman said they don't want parking on Albert.

Mrs. Weinstein understands but can't guarantee they can get approval. She doesn't want to approve the application contingent upon that.

Mr. Flancbaum agrees with Mr. Rennert and Mr. Neiman. If the applicant is not granted approval from the Township then they would have to come back.

Mrs. Weinstein said that is why they are suggesting to eliminate the variance.

Mr. Vogt said it is his understanding that the 35 parking spaces is adequate for the number of classrooms but it does not address the dormitory. There are 40 beds in the dorm, therefore, they need 10 more spaces.

Mr. Lebowski asked if the fence could be a white vinyl fence on the side facing the houses.

Mr. Auerbach said it would be either an 8 ft vinyl fence or an 8 ft chain link fence with privacy slats only on the side facing Oak Street. He asked if the board wants them to ask for no parking along the whole length of Albert.

Mr. Neiman said no, just along the block where the school fronts.

Mr. Neiman closed to the public.

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

7. CORRESPONDENCE

- **SD 1939, SD 1967, SD 1978, SD 1979, SD 1997, SD 1998 (Prospect Street Subdivisions)** - request for setback variance to accommodate proposed decks in the rear yards

Mr. Neiman stepped down.

Mrs. Morris said these projects are located in the Prospect triangle area and had received previous board approval. They have come to a snag in the building permit process where the new ordinance requires that decks comply with the setbacks requirements. The applicant is here looking for relief for that rear setback variance. The ordinance was changed slightly before these approvals took place and was overlooked by a lot of people until the township engineer started catching it when the applicant submitted for building permits.

Mr. Vogt said they have had similar circumstances at the Zoning Board.

Mr. Adam Pfeffer, Esq. said this was just an oversight. The ordinance changed and created this hardship which is why they are here before the board today. They have noticed the public as they do create additional variances.

Mr. Brian Flannery, P.E., P.P. was sworn in. The intent of the ordinance change was that some people were putting their decks right up to the property line. They are proposing a minimum setback of 10 ft whereas 15 ft is required.

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

A motion was made and seconded to approve the rear yard setback for the decks.
All were in favor.

- **SD 2091 Firehouse Holdings** – design waiver requested for basement stairs less than 5’ from property line

Mr. Flancbaum and Mr. Follman stepped down.

Mrs. Morris said this is a recently approved minor subdivision that was recently approved. They began submitting building permits and the township engineer caught that a design waiver is requested as the basement stairs are less than 5 ft from the property line.

Mr. Adam Pfeffer, Esq. said that is correct.

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 design waiver for the basement steps.
All were in favor.

- **SD 1752 1275 River Holdings** – landscaping changes and waiver requested

Mr. Glen Lines, P.E., P.P. said this was originally approved as townhouses between 2000 and 2004. They came back and did some redesign and changed the buildings to duplexes. It has come up during resolution compliance that the board engineer keeps going back to the old design. He was inquiring about the buffering and landscaping.

Mr. Neiman asked about the landscaping.

Mr. Lines said they have landscaping as well as an 8 ft high board on board fence along all the property lines. He doesn't know why buffering was required around the entire property as this was not a subdivision, it was a townhouse or duplex development. There is a separate standard for subdivisions where buffers must be provided along pretty much anything except single family houses. Under the ordinance, they are not required to have buffers anywhere other than along the rear property line which would affect one unit so they are requesting a waiver from the buffer but they are providing fencing and landscaping all around the property.

Mr. Neiman asked if any variances will be created.

Mrs. Morris said it would be a design waiver.

Mr. Vogt said the buffer requirement itself is zone related.

Mr. Lines said for this zone, the ordinance requirement is a 30 ft buffer between existing single family residential and their development. The old plan had a reduction of 15 ft all around the property. He doesn't know why 12 years ago it was interpreted as buffer being required everywhere.

Mr. Grunberger asked what is on either side of the property.

Mr. Lines said apartment buildings, wooded lots, school, a warehouse and other commercial. This landscaping plan gives more space between the decks and the landscaping for a more open space in the backyard. The previous plan was choking the yard with landscaping.

Mr. Rennert asked what they are not providing in accordance with the ordinance.

Mr. Lines said they are not providing a buffer easement along one of the property lines.

Mr. Neiman asked why they can eliminate the buffer request on the other side but not there.

Mr. Franklin said when the board passed this there had to be a reason they buffered it. They don't have any of that information in front of them.

Mr. Rennert said when this was originally approved, it was townhouses. Townhouses have a certain requirement and then it was changed to duplexes.

Mrs. Morris said the board had approved the change to duplexes and once the applicant submitted for resolution compliance the board engineer questioned why there were all these odd buffer requirements. He was not really sure where the extent of these requirements came from.

Mr. Vogt said the amended approval did not address the revised buffer.

Mr. Lines said they didn't specifically discuss it at the meeting so it did not end up in the resolution and it didn't give their office direction as to what exactly they are proposing.

Mr. Rennert said if the buffer requirements are met for duplexes then he is ok with this.

Mr. Vogt asked what specific buffering is being provided.

Mr. Lines said a full row of evergreens, board on board fence along the property line. Where they have space, they would provide an additional row of evergreens. So a double row of evergreens will be provided adjacent to the duplex, along the cul-de-sac on the eastern most property line.

Mr. Neiman asked if this was noticed to the public.

Mr. Lines said no as no variances are being requested.

Mrs. Morris is not sure if notice is required for waivers.

Mr. Lines said they don't need relief. This is more of a clarification for the board engineer in order to review the plans.

Mr. Rennert asked if relief is required for that one house.

Mr. Lines said yes.

Mr. Rennert asked how they could grant relief without noticing the neighbor.

Mr. Lines said you are only required by law to notice for variances.

Mr. Rennert said he would make a motion to grant relief on the other sides. The applicant would have to notice for that one side where relief is required and if the neighbor does not object, he would approve it.

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

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary