

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SD 2331 Country Club Temple Ave LLC**
Country Club Estates & 1455 14th St Block 25.05, Lots 41, 52, & 56
Minor Subdivision to realign lot lines

A motion was made and seconded to approve the resolution.

- 2. SP 2303 Cornerstone Equities, LLC**
Blvd of the Americas & Ave of the States Block 961, Lot 2.06
Preliminary and Final Major Subdivision and Site Plan for an office and daycare

A motion was made and seconded to approve the resolution.

- 3. SD 2314 David Herzog**
1052 West County Line Road Block 25, Lot 62
Preliminary and Final Major Subdivision to create seven lots

A motion was made and seconded to approve the resolution.

- 4. SD 2352 Miz Construction**
Bradhurst Avenue Block 1035, Lots 1.01 & 1.02
Minor Subdivision to adjust lot line and dedicate a portion of vacated right-of-way back to the Town

A motion was made and seconded to approve the resolution.

- 5. SD 2366 Shmuel Rabinowitz**
Havens Avenue Block 1034, Lot 5
Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

A motion was made and seconded to approve the resolution.

6. SD 2367 Samuel Neuman

Bradhurst Avenue Block 1034, Lot 4

Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

A motion was made and seconded to approve the resolution.

7. SD 2368 Samuel Neuman

Wadsworth Avenue Block 1027, Lot 4

Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

A motion was made and seconded to approve the resolution.

8. SD 2369 Jacob Muller

Wadsworth Avenue Block 1026, Lots 1.01 & 1.02

Minor Subdivision to adjust lot line and dedicate a portion of vacated right-of-way back to the Town

A motion was made and seconded to approve the resolution.

9. SD 2370 Jacob Muller

Havens Avenue Block 1035, Lots 8.03 & 8.04

Minor Subdivision to adjust lot line and dedicate a portion of vacated right-of-way back to the Town

A motion was made and seconded to approve the resolution.

5. PUBLIC HEARING

1. SD 2360 JAYG Enterprises, LLC

1875 Swarthmore Avenue Block 1609, Lot 11

Minor Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated December 10, 2018 was entered as an exhibit.

Mr. Vogt said variances are requested for minimum lot area, width, side yard, rear yard and combined side yard setbacks.

Mr. Ray Shea, Esq. noted three of those variances had previously been granted. He also represented the applicant for the second building and no new construction is being proposed at this time. One building already exists and the other has already been approved and is ready to be built. This is simply a financial subdivision in order to give the owner the right to independently finance the second building by itself.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered four exhibits, A-1 is an aerial showing the subject site and as the board can see, it is wooded behind, A-2 is the subdivision map, A-3 is a composite of the Industrial Park showing the subject property in orange and in yellow, other properties which are also undersized and A-4 is a colored rendering of what is going to be built.

Mr. Herzl asked how many undersized properties are within the Industrial Park.

Mr. Flannery said there are seven which is listed on one of the exhibits. He understands it is a small percentage of the Industrial Park but he believes this is a C-2 variance where the benefits outweigh the detriments and if you look

at exhibit A-1, most of the lots are fully developed in the Industrial Park. This is a unique lot in that it adjoins an open space so it is in the back where no one would see it. This is a benefit as the properties would be more valuable and it is similar to what was done with duplexes on a residential nature but this is on a commercial nature.

Mr. Franklin questioned if there is a lease on the other property for the parking for this property.

Mr. Flannery said it is not a lease but a cross access easement which is typical of commercial and retail developments.

Mr. Flannery referenced sections in the Master Plan and MLUL to justify the variances requested. He explained there would be no negative impact on adjoining properties or traffic if the board were to grant the subdivision.

Mr. Isaacson arrived.

Mr. Mark Peck, Esq. on behalf of the Lakewood Building Owners Association. He questioned Mr. Flannery's testimony that the application advances the purposes of zoning as it contributes to a variety of uses in the town.

Mr. Flannery said he is balancing the benefits versus the detriments and he agrees the benefit is very slim but the detriment is zero in his opinion and it serves the public good. The Township making extra tax money serves the public good.

Mr. Peck argued that Mr. Flannery has to prove that the benefits substantially outweigh any detriments.

Mr. Flannery agrees but if the detriment is zero and the benefit is even \$10 dollars, in his opinion \$10 is substantially more than zero.

Mr. Sabel said the detriments are all of the variances being requested.

Mr. Flannery said the variances themselves are not detriments but it is how those variances impact the positive and negative criteria, Master Plan, neighbors and the value of the lots in the area. In his opinion, it does not due to the unique characterization of this lot.

Mr. Peck said he also has to show that these variances can be granted without substantially impairing the intent and purpose of the zoning plan and zoning ordinance. It is his understanding that this zoning district has a 3 acre minimum zone and that the original lot is barely conforming. He questioned how subdividing a lot which barely conforms at present does not substantially impair the intent and purpose of the zoning plan.

Mr. Flannery said how it impacts the zoning plan and zoning ordinance is with respect to how the bulk variances, which would need to be granted, impact the adjoining lots, future applications, development in the area and it is his opinion that it doesn't due to the unique characterization of this lot.

Mr. Peck said the lots he referred to earlier which are also undersized within the Industrial Park appear to be publicly owned by the Township and County or they are utilities. He asked if there are any other substandard lots which have a commercial/industrial type use.

Mr. Flannery said one of the lots is for a place of worship but his argument isn't that the board should grant these because those lots are undersized.

Mr. Peck asked if the Lakewood ordinance prohibits flag lots.

Mr. Flannery said it is his opinion it does not prohibit flag lots. He referenced section 805-G2 which states 'flag lots as defined in this section shall not be permitted in any residential zoning district'. This property is in the M-1 zone so it is not applicable.

Mr. Peck questioned how the lot width variances advance the purposes of zoning.

Mr. Flannery said that lot width variance does not advance the purpose of zoning, the application as presented advances it.

Mr. Peck said he needs to satisfy each of these elements for each of the individual variances being applied for.

Mr. Flannery said each variance requested, if approved by the board, would permit this application to proceed and would allow for this line for financial purposes and in as much as each of them is needed in order to accomplish, which has that benefit, they would each advance the purposes to that extent.

Mr. Peck doesn't believe a financial benefit to the applicant is a legitimate planning purpose of satisfying the positive criteria.

Mr. Flannery argued he did not say the financial benefit to the applicant, he stated the financial benefits to the Township.

Mr. Sabel asked if a waiver is being requested from providing sidewalks and for signage.

Mr. Flannery said they are still requesting a waiver for the sign but if the board would like sidewalks then they would amend their application.

Mr. Flancbaum commented that the board required sidewalks for the site plan application.

Mr. Flannery believes any signage variances were already granted as well.

Mr. Herzl opened to the public.

Mr. Shlomo Klein, Chateau Drive, was sworn. He argued this application as presented is worse than a flag lot. He commented that Mr. Flannery should not have compared this application to duplexes.

Mr. Herzl closed to the public.

A motion was made and seconded to deny the application.

Affirmative: Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert

No: Mr. Franklin

2. SP 2304 Khal Birchas Shimon

105 Linden Avenue Block 189.30, Lot 157

Preliminary & Final Major Site Plan for a synagogue & rabbi's residence

A review letter prepared by Remington & Vernick Engineers dated November 20, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for a traffic study, the applicant's engineer indicates that the scope of the project is small enough that a traffic study is not warranted. Proof of submission to OC Planning Board, they concur that OCPB approval is not required. Topography, contours and man-made features within 200 ft, we can

support these waivers since there is more than enough information provided to review the proposed design. Environmental impact statement, we can support this waiver request due to the developed nature of the site.

Mr. Adam Pfeffer, Esq. said a traffic study was submitted. It was submitted after the review letter and Mr. Kennel is present to provide testimony.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said variances are required for minimum front yard setback from both Somerset and Linden Avenues. Relief is also required from buffer requirements and for parking within 5 ft of the property line.

Mr. Herzl questioned if there are any variances for parking.

Mr. Vogt doesn't believe there is a variance for the number of parking spaces but for the location.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of sheet 53 of the tax map showing the subject property in orange, A-2 is a copy of sheet 3 of the plan submitted which shows the proposed shul and rabbi residence with seven parking spaces. The application is for a shul and rabbi's residence and because of the unique size and configuration of the property, they are requesting some bulk variance relief. Minimum front yard setback variances of 19.47 ft from Somerset Avenue and 20.29 ft from Linden Avenue whereas 25 ft is required. As for parking, the ordinance calculates the number of parking spaces required is determined by the size of the main sanctuary. If the sanctuary is less than 800 sf then no parking is required, if it is between 800 sf to 2,000 sf it is calculated to be 1 space per 100 sf. The property was purchased and the plan was designed with that in mind. At the Master Plan meetings, the board indicates more parking is needed and when the board engineer reviewed this, he reviewed it with the indication from the Master Plan requiring 17 spaces and based on that amount, they are deficient. The way the ordinance has been interpreted since 2005, they comply with parking. The Master Plan recommendation should be put into an ordinance so then it would be black and white and everyone would know. The Rabbi will testify that this is an established shul, he knows his congregants and it is his opinion that the parking proposed is efficient. There is also additional on-street parking along Somerset and Ridge. A total of 11 spaces will be provided and the Rabbi will testify, 4 spaces is not going to be needed for the house as only he and his wife will live in the house but there are additional bedrooms for when his family visits. Additional relief is required for the buffer as it adjoins a residential property and they would agree to provide fencing to comply with the intent of the ordinance and also with the parking being located within 5 ft of the property line. The applicant agrees to provide a radial right-of-way dedication. He referenced sections in the Master Plan and MLUL to justify the variances requested.

Mr. Herzl asked if there is any on-street parking on Somerset Avenue.

Mr. Flannery confirmed. It is a wide roadway and cars can park on both sides. There are not many houses along there as there is a football and soccer field.

Rabbi Harry Brody was sworn. He said there will be one or two services per day (inaudible).

Mr. Herzl asked if he will have two minyans at once.

Mr. Brody said no.

Mr. Herzl asked if most of the congregants live in the area.

Mr. Pfeffer pointed out that a large number of members in the audience raised their hands. He asked about the number of bedrooms in the home.

Mr. Brody said he has a large family whom he is close to and they come to visit for holidays. The extra spaces for the home may be used by the congregants as his wife does not have a license so they will only have one car.

Mr. Herzl asked if there will be a hall in the basement for public use.

Mr. Brody said no.

Mr. Scott Kennel was sworn. He performed traffic counts in November at the intersection of Linden and Somerset which is currently a level of service B and after this shul is built, it will remain a level of service B. There is available parking on the street should it be necessary. It is of his opinion that there is adequate parking to support this use.

Mr. Herzl opened to the public.

Mr. David Crooks, 148 Somerset Avenue, was sworn. He has no issue with this application but he is disappointed in the lack of code enforcement in the town. He is concerned people will park on the corner which would create a dangerous situation.

Mr. Isaacson suggested prohibiting parking on the corner of Linden and Somerset.

Mr. Pfeffer said they can send in a request but it is up to the Township Committee.

Mr. Shlomo Klein, Chateau Drive, was sworn. He is not against the application but he wants to make sure this Rabbi is a good neighbor as they will have to live near this shul.

Ms. Gelbwachs, 159 Somerset Avenue, was sworn. She said the whole neighborhood is very tight as to parking due to the public school across the street. The school parking lot gets full and then they start parking on the grass, along Linden and Somerset. There has been numerous times when her garbage was not picked up or her mail was not delivered due to cars blocking her property. She is concerned about the safety for her children and for the children attending the public school as the buses are coming in around the same time this shul will hold prayer services. She is greatly concerned as to the lack of parking there will be on the site.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He wants to make sure the request to prohibit parking on the corner is sent to the Planning Board Secretary so it is on the record if someone needs a copy of it.

Mr. Eli Nussbaum, 144 Somerset Avenue, was sworn. He said parking is a big issue on this block. He wants to ensure parking is required as per the ordinance.

Mr. Herzl asked if the applicant can talk with the neighbors as there is a lot of opposition.

Mr. Pfeffer said originally Ms. Weinstein was the attorney representing this applicant but she had a conflict and asked him to take over. She indicated they had sat down with the neighbors before the last meeting. There is a member of the congregation present who could testify that they did attempt to sit down with the neighbors to try and resolve any of these issues but the neighbors refused to meet. He has since spoken with his engineer who believes they can add 3 more parking spaces. They would be on the residence side but there would be a walking path to the shul.

Mr. Yaakov Gelbwachs, 464 Ridge Avenue, was sworn. He has been living in the area for seven years and traffic has always been an issue, even before all of the new construction. Along Somerset by the school from Ridge toward Linden, there is no parking because that is where school buses drop off children. Parking on Ridge is not an option either because the board of education parks their buses there. He is concerned about the number of congregants who would be driving to this shul.

Mr. Yisroel Oelbaum, 523 Bergen Avenue, was sworn. He is in favor of this application. He lives a block or so away and would be walking to the shul. He said this neighborhood is in desperate need of a shul and there is plenty of on-street parking along Somerset Avenue unless there is a school event.

Mr. Sabel said since he has been on the board, they have approved two or three shuls in the area.

Mr. Oelbaum said the one shul is about a twenty minute walk.

Mr. Isaacson said no one is not disputing the fact there needs to be a shul in the neighborhood but there is nowhere to park. The shul on the corner nearby is a disaster. He has lived in this neighborhood for many years and there is no parking in the area. It doesn't matter if there is a football game, if schools are open then there is no parking.

Mr. Moshe Green, 155 Somerset Avenue, was sworn. He will be moving into his new home on Somerset very soon and he has witnessed a lot of traffic, two cars cannot pass each other, driveways are blocked. He said there is nowhere to park in the area. He did speak with the applicant and he agreed not to have a Simcha hall.

Mr. Falk, 518 Stirling Avenue, was sworn. He said the demand is not for weekdays at all, it is all for Shabbos when no one is driving.

Mr. Herzl questioned where everyone will be praying on the weekdays.

Mr. Falk said wherever they are praying now, nothing is changing.

Mr. Herzl said another neighbor testified there is a tremendous demand for a shul.

Mr. Sabel said there is more construction there so as more people move in, they will also need somewhere to pray.

Mr. Falk reiterated the time that there will be a big demand for a shul will be Shabbos when everyone is walking. He believes there are too many parking spaces.

Mr. Cohn, 111 North Oakland Street, was sworn. He is in favor of the application and testified there is no shul like this in the neighborhood and this will be a Shabbos shul. He said there is almost always parking along Somerset Avenue unless there is a school sporting event.

Mr. Rennert asked if the applicant is willing to restrict the shul for Shabbos use only.

Mr. Pfeffer said he could discuss it with his client but it something that is difficult to enforce.

Ms. Esther Nussbaum, 144 Somerset Avenue, was sworn. She is not in favor of this application and testified there is no parking and it is very dangerous for children due to the traffic.

Mr. Ullman, 645 Stirling Avenue, was sworn. He is in favor of the application and testified that there is a great need for a shul to pray for Shabbos.

Mr. Chaim Chusid, 4 Yerek Drive, was sworn. He is in favor of the application and said there is nowhere to pray during Shabbos.

Mr. Chaim Wasiliski, 142 Somerset Avenue, was sworn. He is not against this shul but he is concerned about the lack of parking proposed for this shul. He may pray at this shul as well but he wants to ensure it is done the right way as there is traffic in the area.

Ms. Ida Rozner, 143 Somerset Avenue, was sworn. She is not against this shul but she wants to ensure there is enough parking as the area is very congested.

Mr. Nissan Gelbwachs, 159 Somerset Avenue, was sworn. He entered two exhibits into the record which were prepared by Moshe Green. The first exhibit, O-1, is an aerial map showing the general area and the second exhibit, O-2, shows the proposed shul and residence. He is not opposed to shuls but the plans he received does show access on both sides of the building from the basement, the multi-purpose room together with the warming kitchen up to the bais medrash. There is a basement entrance as well from the exterior.

Mr. Sabel said the men's bathrooms are down there.

Mr. Gelbwachs believes the shul will not be used as a hall but he is concerned that it may be in the future and who would be enforcing that. Exhibit O-1 shows the area at around 10 am and as the board can see, there is no parking as it is taken up by teachers and faculty of the school which begins at 7:30 am. He said football games may be on Saturday but there are practices for football and other sports during the week. This is one of the most congested areas from County Line to Route 88. He said one person reached out to him Saturday night, after this application was carried. He asked if there was anything they can do but the conversation ended quickly as he told him he is greatly concerned about traffic and parking in the area.

Mr. Shlomie Brody, 7th Avenue and Park Avenue, was sworn. He is the one who called Mr. Gelbwachs. He asked if there were any concerns he may have but his response was he had none but he does not want a shul across the street from his home. He will not be praying at this shul during the week unless there is no minyan without him.

Mr. Osher Gelbwachs, 476 Somerset Avenue, was sworn. He said there are constantly cars and buses parked along Somerset Avenue.

Mr. Moshe Schwarz, 310 Tamarind Road, was sworn. He used to live in the neighborhood for a number of years. He questioned why this application is any different than another shul which was approved by this board and they had no parking. There are also other shuls in the area with no parking and they were all approved.

Mr. Rennert said those shuls were approved 9 and 13 years ago when the traffic wasn't what it is today.

Mr. Horowitz, 176 East 9th Street, was sworn. He is in favor of the application but understands the traffic and parking situation is not ideal.

Mr. Isaac Sternheim was sworn.

Mr. Pfeffer asked if he tried to reach out to any of the neighbors.

Mr. Sternheim said he is president of the congregation in Brooklyn and was in search of a shul in Lakewood. He was told this neighborhood was in need of a shul, therefore they purchased property. Near or after the closing he was then told there were a few people opposed to the shul. He reached out to one of the neighbors, Mr. Silverstein and asked what his concerns are. He was concerned there was going to be a hall and a mikva but he explained there

would not be any of that which he was satisfied with. Another objector, Mr. Gelbwachs, has a shul two blocks away but he was ensured by Mr. Silverstein that he would speak with Mr. Gelbwachs and that they are on the same side. He did not hear of any opposition until a few days before the meeting. He then called Mr. Silverstein and talked to Mr. Green, who is his son-in-law. He discussed their concerns at length on the phone so it is not true they did not try to reach out to the neighbors. There is no access from the shul to the large room which would be used by the Rabbi only.

Mr. Herzl closed to the public.

Mr. Flancbaum said no one is opposing a shul and if the applicant was not asking for any variances then it would be a by-right application and they would approve it. But this applicant is asking for several variances including parking which puts this board in a very tough spot as no one wants to deny a shul.

Mr. Flannery said they are not asking for a lot of variances. The minimum front yard setback proposed is virtually 20 ft to both streets whereas 25 ft is required. With respect to parking, it is their opinion that it is a conforming application. The ordinance states from 800 sf to 2,000 sf that there be 1 space per 100 sf which is being proposed. The board engineer is determining the parking by what is suggested in the Master Plan, which isn't the law, but they did agree to add 3 more parking spaces for a total of 14 spaces. If the board wants them to shrink down the shul a bit more to get even more spaces, they are willing to do that but if they are talking about conformance with the ordinance, it is his testimony that as submitted it conforms.

Mr. Herzl asked if the applicant would be willing to go back to the drawing board in order to add more parking and eliminate variances.

Mr. Pfeffer said the original application is for a 1,600 sf sanctuary but they are willing to reduce it to 1,300 sf. The Rabbi has testified that his wife does not have a license so they would only have one car and there would be 7 spaces on his side of the property and 7 on the other side for a total of 14 spaces.

Mr. Herzl asked if they will then comply with the board engineer's interpretation of the ordinance.

Mr. Pfeffer said the residence requires 4 parking spaces which they are complying with. They will be adding 3 additional parking spaces on that side to be used for the shul in addition to the 7 parking spaces.

Mr. Flancbaum said they would still be short 3 spaces.

Mr. Herzl questioned why they cannot add more parking if they are reducing the size of the shul.

Mr. Pfeffer said they are reducing the size of the main sanctuary. Per the board engineer's interpretation they would be short 3 spaces but their interpretation is that they comply.

Mr. Sabel said this is a good place for a shul as the neighborhood needs it but they should go back and eliminate all of the variances. The shul may end up being smaller than they wanted but at least they would appease the neighbors and the board wouldn't have to deny a shul.

Mr. Flannery said in doing that, the shul would not be able to serve as many people.

Mr. Sabel said the residence may need to be smaller.

Mr. Flannery said they could stack the residential parking so that they could comply with the parking requirement.

Mr. Herzl suggested again that the applicant go back to the drawing board and try to eliminate as many variances as possible.

Mr. Isaacson asked that they look into adding as much parking as possible, perhaps eliminating some of the grass areas.

Mr. Sabel and Mr. Flancbaum agreed.

Mr. Pfeffer understands and asked that the application be tabled until further notice.

3. SD 2353 CSR Equity, LLC

Boulevard of the Americas & Avenue of the States Block 961, Lot 2.06
Preliminary and Final Major Subdivision to create three lots

A review letter prepared by Remington & Vernick Engineers dated November 29, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for a traffic study, an environmental impact statement and a tree protection management plan. The waivers are supported since this application is for a subdivision only at this time.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said no variances are being requested. A design waiver is required from providing street trees along the project frontages. The applicant's engineer indicates that street trees will be provided on the future individual site plan applications.

Mrs. Miriam Weinstein, Esq. said this is a major subdivision due to the location within the Cedarbridge Development area. They are simply taking one large lot and subdividing it into three fully conforming lots for future applications.

Mr. Jason Burneyko, P.E. was sworn. A waiver is being requested from providing street trees as this is only a subdivision at this time. When they come in for individual site plans for these lots, street trees would be provided at that time.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He asked if cross access easements will be provided as these lots will probably be owned by different entities.

Mr. Flancbaum said it may be difficult to require cross access easements before these applications come in and are built.

Ms. Weinstein said the site plan application which was carried is actually for two of these lots and those two lots will have a cross access easement.

Mr. Herzl closed to the public.

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

4. SD 2358 Winding River, LP

1255 Prospect Street Block 396, Lot 1.01

Minor Subdivision to create two lots and Amended Site Plan for existing site

A review letter prepared by Remington & Vernick Engineers dated November 29, 2018 was entered as an exhibit.

Mr. Vogt said a minimum front yard setback variance is required but the applicant has received input from the Lakewood Industrial Commission who does not object to the proposed project. A minimum side yard setback variance is required for the accessory building as well. If the applicant is amendable, they believe that variance can be eliminated.

Mr. Abraham Penzer, Esq. said they are not proposing any improvements to the property except dividing it in half.

Mr. Graham MacFarlane, P.E., P.P. was sworn. Exhibit A-1 is a copy of the subdivision plan with one portion of the lot fronting on Prospect Street where the existing self-storage business will remain. The rear portion of the lot has frontage on Lewin Avenue and is subject a future application for development.

Mr. Herzl asked about sidewalks.

Mr. MacFarlane confirmed they are asking for a waiver from providing sidewalks along Prospect Street and Lewin Avenue as the property is already improved. Sidewalks would be provided for the rear portion of the lot when that application comes in. Lewin Avenue is a public street but it does function as a private driveway which is utilized by an adjoining business as well. A variance is being requested for minimum side yard setback for a utility shed which has some electrical equipment inside of it but it would be removed when the application comes in. The other variance relates to the setback of the building which fronts on Lewin Avenue. Exhibit A-2 is the site plan application for the existing building which identified both of the properties as side yards, it did not identify the property fronting on unimproved Lewin Avenue as a front yard and it was approved with a 40 ft setback. Their survey shows the buildings having frontage on Lewin Avenue being built at 39.6 ft and 39 ft so in his opinion, that variance was already granted as part of the previous plan. There was a comment concerning maintaining drainage across the site and that is why they are depicting a drainage easement so that when lot 1.03 is developed, lot 1.01 would retain rights to be able to reroute storm drainage through lot 1.03 and continue down to the detention basin and maintain the direction of flow.

Mr. Vogt said if for some reason they find out during design the piping doesn't work in the easement, it would need to be adjusted.

Mr. MacFarlane understands.

Mr. Sabel said sidewalks should be provided along Prospect Avenue.

Mr. Flancbaum agrees, it is a residential neighborhood.

Mr. Sabel said there won't be another opportunity. The trees should be provided as well.

Mr. MacFarlane said a waiver is being requested but the board can certainly require that.

Mr. Isaacson said sidewalks and trees should be provided.

Mr. Shlomo Klein was sworn. He said design waivers should not be granted for sidewalks. He pointed out a waiver from improving Lewin Avenue along proposed lot 1.03 is also being requested.

Mr. MacFarlane confirmed a waiver is also being requested from improving Lewin along lot 1.03.

Mr. Penzer spoke with his client and he said in order to install sidewalks, they would have to remove curbing.

Mr. Chuck Ferguson, owner of Winding River, was sworn. They have no issue installing sidewalk along Prospect Street and on Lewin Avenue, it isn't a monetary issue but the person that developed Lewin put the concrete curb in right up against the property line so in order to put sidewalk in, they would have to remove all of that curbing, remove 5 or 6 ft of the asphalt and reinstall the curb. It is not really a residential area, it is an industrial area.

Mr. Herzl asked if they would provide sidewalks along the entire Lewin frontage when the site plan application comes in.

Mr. Ferguson said they would run into the same situation.

Mr. Franklin said if the curb is in the wrong place then it should be moved to the proper location. Sidewalks should be provided along the entire Lewin frontage.

Mr. MacFarlane said his client would agree to install the sidewalk and leave the curbing as is.

Mr. Isaacson said sidewalks need to be provided either way.

Mr. Penzer said they would work with the engineer to install sidewalks. If it is determined they need to remove curbing first, then they would do that.

Mr. Herzl opened to the public.

Mr. Joel Schwarz was sworn. He owns property on Prospect Street and is in favor of this application. He understands the great need for sidewalks in this town but this whole area is industrial uses and there are no houses on that side.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application. Sidewalks and shade trees shall be required. All were in favor.

5. **SD 2375 ABGK, LLC**
Bradhurst Avenue Block 1027, Lot 5
Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town
6. **SD 2376 SGKL, LLC**
Havens Avenue Block 1037, Lot 3
Minor Subdivision to create two lots, one of which is being dedicated as a portion of vacated right-of-way back to the Town
7. **SD 2377 Vine Heaven, LLC**
Broadway Avenue Block 1036, Lot 5.01 & 5.02
Minor Subdivision to adjust a lot line and dedicate a portion of vacated right-of-way back to the Town

8. SD 2378 SGKL, LLC

Bradhurst Avenue Block 1026, Lots 8.05 & 8.06

Minor Subdivision to adjust a lot line and dedicate a portion of vacated right-of-way back to the Town

Review letters prepared by Remington & Vernick Engineers dated December 11, 2018 were entered as exhibits.

Mr. Brian Flannery, P.E., P.P. was sworn. He said the application is conforming and they agree to all of the comments in the board engineer's report.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He asked how wide the property will be which is being given back to the Township.

Mr. Flannery said it will be a 30 ft wide linear park.

Mr. Herzl closed to the public.

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

9. SP 2290 Yeshiva Chemdas Hatorah

317 Cross Street Block 440, Lots 7.02, 56, & 60

Preliminary and Final Major Site Plan for a school campus

Mr. Brian Flannery, P.E., P.P. requested that this application be carried until further notice.

10. SP 2305 (A & B) CSR Equity, LLC

Boulevard of the Americas & Avenue of the States Block 961, Lot 2.06

Preliminary and Final Major Site Plans for two office buildings

Ms. Morris said the applicant failed to provide notice at least 10 days prior to the public hearing.

The application was carried to the January 8, 2019 meeting.

6. APPROVAL OF MINUTES

7. APPROVAL OF BILLS

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary