





- 11. SD 2088 Moshe Shvarzblat**  
Gudz Road Block 11.04, Lots 10, 11, 12, & 23  
Preliminary and Final Major Subdivision to create seven lots

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the resolution.  
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 12. SD 2082 MCAAA Inc**  
East County Line Road Blocks 194-198, Lots 1 & 4; 1-3; 1-5; 2-8; 10  
Preliminary and Final Major Subdivision to create twenty lots

A motion was made by Mr. Flancbaum, seconded by Mr. Franklin to approve the resolution.  
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

## **5. PLAN REVIEW ITEMS**

- 1. SP 2151 Zichron Chaim, Inc.**  
Lehigh Avenue Block 1605, Lot 8  
Preliminary and Final Major Site Plan to convert an industrial building into a school.

A review letter prepared by Remington, Vernick & Vena Engineers dated December 10, 2015 was entered as an exhibit.

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

Mr. Rennert stepped down.

Mr. Vogt stated that submission waivers are requested for environmental impact statement, design calculations showing proposed drainage facilities and architectural elevations. It is recommended to approve the waivers for completeness purposes only.

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

Mr. Vogt stated that variances are requested for minimum side yard and aggregate side yard setback. Sign variances may also be necessary. A design waiver is necessary from providing sidewalk along the Lehigh Avenue frontage.

Mr. Neiman asked what the current use of the building is.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He said it is a warehouse/industrial building.

Mrs. Miriam Weinstein, Esq. said this is a change of use from an existing warehouse/industrial building to a girl's elementary school. This could have been done as a change of use site plan exemption but because there are some changes to grading and the exterior of the building it is a full site plan. Currently this school has a primary, first and second grade with 63 students.

A classroom layout plan was handed out to the board members and entered as an exhibit.

Mr. Neiman asked about parking and bus circulation.

Mr. Kociuba said the entrance to the site as it exists will not be amended at all. The loading area will be filled up to grade and amending the layout providing for some grasses areas and landscaping to clean up the interior of the site. There is a net increase of impervious coverage of 450 sf. The busses will come in through Lehigh Avenue and circle around. A staging area for 6 buses is shown but can be increased to 10 if necessary without affecting any of the proposed parking.

Mrs. Weinstein said right now there are only 2 school busses. Next year they anticipate 3 school buses.

Mr. Neiman asked how many parking spaces are being proposed.

Mr. Kociuba said 74 stalls are shown. Per ordinance, a total of 32 is required.

Mr. Neiman asked about any outdoor activities.

Mr. Kociuba said it would be limited to an area on the southern side of the building which is an existing asphalt area. There is a category 1 stream to the rear of this building. Existing disturbed areas are permitted to be reconstructed on with permit by rule. It does not require any permits from the DEP. Any improvements being proposed are already disturbed and are impervious.

Mr. Neiman asked if there is any buffering to that play area.

Mr. Kociuba said there is a large wooded area to the rear. On one side is a County building and the other there is no buffer but there is a narrow area from the stream encroachment area. There is an existing chain link fence there now.

Mr. Neiman asked what type of building is next door.

Mr. Kociuba said it is an industrial building.

Mr. Neiman said there should be a better buffer along there.

Mr. Flancbaum said there should be something impervious so they don't see the children.

Mr. Kociuba said he recommends to add slats to the existing fence. There is no grassed area in between.

Mr. Herzl asked how high the fence is.

Mr. Kociuba said it is 20 feet.

Mr. Neiman said slats should be added at least 8 feet high.

Mr. Kociuba agrees.

An aerial was entered as exhibit A-1 and architectural as A-2.

Mrs. Weinstein wanted to point out that there is an indoor gym on the second floor.

Mr. Banas would like to see some other sort of buffer besides a fence.

Mr. Kociuba said currently there is an existing 16 ft side yard setback. The fence and building all exist. Providing any kind of buffer is going to significantly reduce any available area for a play area. It is their testimony that the slats would provide sufficient screening.

Mr. Banas would still like to see some landscaping in between there.

Mrs. Weinstein said it is an issue because that area is all asphalt. They could make the slats green to make it more aesthetically pleasing.

Mr. Neiman said the Industrial Commission does not want sidewalks along the frontages because they do not want to encourage children to walk along the street.

Mr. Kociuba said that is correct. There are no sidewalks in the Industrial Park.

Mr. Neiman opened to the public.

Ms. Frances DeMeeco was sworn in. She asked what these schools cost tax payers.

Mr. Neiman said these are private schools and they pay for these amenities themselves.

Ms. DeMeeco expressed her concerns with the constant building of schools.

Mr. Neiman closed to the public.

Mr. Kociuba said the HVAC units will be located on the roof and will be screened in accordance with the ordinance. A trash enclosure will be provided. The drainage will be provided will be specifically for the proposed addition in the front of the building.

Mr. Herzl asked how large the addition is.

Mr. Kociuba said it is about 6,000 sf to the mezzanine area. The total square footage will be 52,500 sf.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman

## **6. PUBLIC HEARING**

- 1. SP 2145 & SD 2089 Somerset New Hampshire, LLC**  
Route 70 & New Hampshire Avenue Block 1248, Lot 2  
Preliminary and Final Major Site Plan and Major Subdivision for a mixed use site  
(continuation)

Mr. Banas stepped down.

Mr. Brian Flannery, P.E., P.P. said this is a conforming application for 37 duplex structures for a total of 74 units. There will be two commercial buildings in the front with approximately 21,000 sf of space. A community building

will be provided further to the west. The relief being requested is a setback to an internal street from one of the commercial buildings and buffer relief to the adjoining commercial site.

Mr. Sean Gertner, Esq. said there is an agreement between the board and applicant. Most of that agreement was read onto the record at the last meeting. He asked that the content of that agreement be incorporated into the resolution as acceptable to the board attorney. He wanted to express that this is a compromise. It is not a 100% win for either party but they are appreciative of that compromise and have no objection with moving forward with the application.

The agreement was marked as an exhibit.

Mr. Gertner asked that the meeting be opened to the public as he only represents the Leisure Village Board.

Ms. Cecilia Cahill, 211A Huntington Drive, was sworn in. She asked if there are basements.

Mr. Flannery said yes, all of the units will have basements. The Lakewood ordinance permits the rental as a basement apartment.

Ms. Cahill said then there is a potential of 148 units. She asked how many bedrooms are in the basement apartments.

Mr. Neiman said basements usually have two or three bedrooms. The basements are built to code to allow a rentable apartment in the basement.

Mr. Jackson said the regulations also have allowances built into them for parking and amenities to take into account what is allowed under the ordinance.

Mr. Neiman said each duplex would have 8 parking spaces.

Ms. Cahill asked if there would be a kitchen in the basement.

Mr. Neiman said yes, it is a regular apartment.

Ms. Cahill is concerned about the affect of this application on Route 70.

Ms. Velesca Gamble, 254A Jefferson Court, was sworn in. She thanked the Leisure Village attorney and directors. She is happy with the agreement and encourages the board to approve this application.

Ms. Ann Keller, 253A Jefferson Court, was sworn in. She asked when the Master Plan will be revised.

Mr. Jackson said under the MLUL, it is revised every 7 or 10 years but it is an ongoing process and can be done sooner than that. He understands the Township Planner and Board Planner have been working on aspects of that. The public can be heard either here or at the committee meetings.

Mr. Bud Andrews, 55C Buckingham Drive, was sworn in. He asked how many bedrooms there will be in each unit.

Mr. Flannery said the application is for 74 duplex units which would typically be 5 bedrooms upstairs and the basements can be rented and are typically 2 or 3 bedrooms.

Mr. Jackson asked what the total number of households is.

Mr. Flannery said it would be 148 if all the basements were rented out.

Ms. Nancy Patterson, 237 Sophee Lane, was sworn in. She asked where the entrance and exit will be.

Mr. Flannery said the only frontage where ingress and egress is available is on Route 70. There will be one entrance on Route 70. There will be an open easement area so in the future, there will be the availability to connect with the adjoining project so there would be an exit on New Hampshire Avenue.

Ms. Patterson asked if there are any plans for New Hampshire Avenue.

Mr. Flannery said the County engineer is working on plans for widening all of Lakewood's collector roads. Every price tag that gets approved comes with a fee to the County to pay for those kind of improvements. This project will require both a County approval and a DOT approval.

Ms. Joanne Kashansky, 137 Sophee Lane, was sworn in. She asked where exactly the exit will be on New Hampshire Avenue.

Mr. Flannery said that depends on how the project next door develops.

Ms. Kashansky understands there is a lot of building going on in town but the infrastructure must be in place as well.

Mr. Neiman closed to the public.

Mr. Pfeffer said part of the agreement with Leisure Village is that separate from their application to the DOT, they are sending a letter on behalf of the general area asking them to please look at this area for traffic purposes.

A motion was made by Mr. Follman, seconded by Mr. Herzl to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**2. SP 2143 Avraham Grubner**

East County Line Road                      Block 174.04, Lot 57.02  
Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated November 16, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum side yard and rear yard setbacks. Design waivers are requested for the proposed trash enclosure design, construction of 6 ft wide sidewalk along a County highway frontage and a partial perimeter buffer.

Mrs. Miriam Weinstein, Esq. said this applicant, Yeshiva Shvilay Hatalmud, came before the board several months ago with two separate applications. One was a subdivision to create 3 residential lots fronting on East Kennedy Boulevard that have since been sold. One lot will be used for the school which will be a boy's Bais Medrash along with a dormitory and one additional lot 57.02 which is the subject property. Since the time this subdivision was approved, the Township has changed the requirements of this zone to permit commercial office

space as a conditional use if certain conditions are met. Side and rear yard setbacks are being requested but they are internal variances as the applicant also owns the neighboring lot 57.01.

Mr. Joe Kociuba, P.E., P.P. was sworn in. A 11,123 sf two-story office building is being proposed on East County Line Road. The use is permitted under the conditional use standards for commercial uses on East County Line Road. This application does meet all conditions required. The applicant is requesting a side yard setback variance of 15 ft whereas 25 ft is required and a rear yard setback variance of 20 ft whereas 50 ft is required. He reiterated that these are internal variances. The layout plan was marked as exhibit A-1 and the final plat prepared by FWH dated 12/16/14 was entered as exhibit A-2.

Mr. Neiman asked what they mean by internal variances.

Mr. Kociuba said lot 57.01 is the school property and is the same owner as lot 57.02. The proposed building will have a 60 ft side yard setback to the west, 205 ft from any residential line to the east and 116.26 from any residential property.

Mr. Neiman said a 20 ft rear yard setback is a big variance.

Mrs. Weinstein said they are the same owner.

Mr. Neiman said it is two separate uses. These setbacks are created for separation between these two uses.

Mr. Kociuba said the commercial ordinance was prepared because along this portion of County Line Road was primarily and zoned residential. The intent was to provide sufficient buffering from residential properties so that proper uses would be along County collector roads while also benefiting the surrounding residential lots. They are meeting with the intent of this application. The rear yard setback is to a recreation area.

Mr. Flancbaum said they are inherently incompatible uses and setbacks are in place for a reason.

Mr. Neiman said there needs to be separation between buildings.

Mr. Kociuba said the school was approved with a 38.2 ft setback. They are proposing on that side a 15 ft setback so the separation between the two buildings will be 53 ft.

Mr. Banas said that does not fly in his way of looking at it.

Mr. Kociuba said the intent of zoning is to keep air, light and open space. The side yard setbacks back to back require a 50 ft separation between buildings which they provide.

Mr. Vogt said this application meets the conditions of the conditional use. What is being asked for is bulk relief including the rear yard setback. The board has to be satisfied with the testimony.

Mr. Kociuba said the proposed variances can be granted under the C-2 criteria in that the proposed development will enhance the purposes of the act specifically the purpose of general welfare. The Township Committee and this board has recommended that commercial use is a proper use along this section of County Line road if certain conditions are met.

Mr. Herzl asked if they would agree to restrict any additions within that 53 ft.

Mrs. Weinstein agreed.



Mr. Franklin said the adjoining property is not part of this application and the board can not restrict that.

Mr. Kociuba said they would request it be a condition of approval that the owner would agree to it.

Mr. Banas said it is not consistent to the dimensions of the floor plan.

Mrs. Weinstein said the approval for the school was a two phased approval. Phase I was for renovations to the existing building and phase II to construct the new portion. This building is going to take them through a lot of years of growth. There is no reason why the applicant would want to make an addition in that area.

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

Mr. Herzl asked what will be within the buffer.

Mr. Kociuba said they would provide landscaping along the rear. The board engineer has requested that they increase the 5-6 ft arborvitae to 6-8 ft which they will comply with.

Mr. Banas does not agree with granting of the variance.

Mr. Franklin agrees that it is too big of a variance. The property next door could be sold tomorrow.

Mr. Neiman said it is protected by the homeowners to the rear of this .They have an agreement with those homeowners that there will not be anything built there. Under normal circumstances, if there was frontage there or no other protection, he would agree.

Mrs. Weinstein said if the school next door is sold and the new owner decided that they wanted to put an addition in that area, they would be constrained by the same buffer requirement because they would have to have a buffer to the commercial use.

Mr. Franklin said the way the ordinance reads, the buffer is only to their property line. It is not saying from another building.

Mrs. Weinstein said there is a buffer between the school use and the adjacent commercial use. They would have to maintain that which would really constrain them from putting an addition of that property. They wouldn't have a problem imposing a conservation easement or something to that effect on this property but it is not part of this application.

Mr. Neiman asked if there are any parking variances requested.

Mr. Kociuba said no. A total of 38 spaces are required and 38 spaces are provided. They did also amend the eastern driveway to be a full 24 ft width as opposed to 20 ft.

Mr. Herzl asked if the County is going to allow two driveways so close to each other.

Mr. Kociuba said it is subject to County approval. They are trying to maximize access to all of the parking.

A motion was made by Mr. Banas, seconded by Mr. Franklin to deny the application.

Affirmative: Mr. Franklin, Mr. Banas

No: Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman

Abstain: Mr. Rennert

Motion is not passed.

Mr. Jackson suggested that the board impose a restrictive covenant from the applicant for the adjoining lot.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to approve the application.

Affirmative: Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman

No: Mr. Franklin, Mr. Banas

Abstain: Mr. Rennert

- 3. SP 2060B Toms River Torah Center**  
Seminole Drive Block 2, Lot 38  
Preliminary and Final Major Site Plan for an addition to the existing school

This application is being carried to the January 19, 2016 meeting.

- 4. SP 2113A Yeshiva Shaar Hatalmud**  
Edgecomb Avenue Blocks 1009; 1019; 1022; 1023, Lots 1.04 & 1.06; 2.01; 3; 1  
Amended Preliminary & Final Major Site Plan for a school with duplexes  
(continuation)

Mrs. Miriam Weinstein, Esq. said where they left off is the board had asked them to go to the Township Committee to discuss whether or not construction of faculty housing constitutes an educational use. She is in receipt of an email from Steve Secare, Township Attorney, where he states, "it is his opinion that faculty and student housing is an educational purpose if the housing is for those teaching or residing at a tax exempt school." As the board recalls, they are proposing 7 duplex buildings on this site together with the already approved school. The housing will be in fact used for members of the faculty as well as the members of the kollel. This property was to be used as a high school for 9th through 12th grade which would have 2 teachers a piece. Then there would be a three year post high school Bais Medrash with another 6 teachers as well as an existing kollel with 14 members and is slated to grow so there are definitely enough people to reside in these houses. The concept was that the members of the kollel, who are young married couples, would live in the basements and then the faculty members would live upstairs. Any of the other proposals that the board had brought up at the last meeting are not feasible. The restriction cannot be lifted without going back to court and it is unlikely that it would ever be granted.

Mr. Jackson said he discussed this with Mr. Secare. Mr. Secare can give his opinion on this but it is not the official opinion of the governing body and it is not what they have voted on. The deed restriction stands on its own. It is not the township attorney's place to advise an autonomous board. His concern is that it is generally true that it is not the province of a land use board to get into the nuance of a deed restriction. That is the case when it is between two private individuals. This is not a deed restriction that is put in place by a private individual though. This is by the governing body for a public purpose. Certainly there are factual scenarios where on campus housing might be part of the school but also the deed restriction. His concern is that this was bought at a public auction with a deed restriction for educational purposes only. The board must be careful whether the units are legitimately and genuinely being used for educational purposes. He thinks the board would be within its right to say they are not taking jurisdiction over this until the applicant comes forward with a court order. Perhaps it is different if there is one house for a head master. It is ultimately a factual question and it is ultimately up to the board.



Mr. Adam Pfeffer, Esq. said the original notices were sent out to all property owners within 200 ft including Toms River. The plans were then revised and the property owners within Toms River were not noticed but signed affidavits from those owners were submitted to the Planning Board.

Mrs. Morris said she does not have the official certified list from Toms River Township. The Board Engineer may also have an issue with the application itself as it is not complete.

Mr. Pfeffer said that Toms River had never given them a list. They had provided their own and understand the risk involved in that.

Mr. Jackson said they have identified all property owners within 200 ft.

Mr. Pfeffer said yes. The engineer's office prepared the plans and they are the ones who gave them the four property owners in Toms River. A title company has also done a search confirming those property owners. Those notices were hand delivered. The risk would be on the applicant.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said they would provide the certified list from Toms River as a condition of approval.

Mr. Vogt said there have been changes to the originally submitted design since the tech meeting. The design is not perfected at this time. There are elements that have to be done such as stormwater, grading, etc. He suspects the applicant would meet those conditions if the board acts favorably.

Mr. Pfeffer said those are items that would often be finalized during resolution compliance.

Mr. Franklin would like to see how the drainage will work before they approve this.

Mr. Flannery said the drainage as submitted on the original plans is very similar to this. The property drains toward Route 70 and the water would go down the roadways into underground drainage.

Mr. Franklin asked how much drainage would go over private property and who would be responsible.

Mr. Flannery said it is going to be similar in that they are going to reduce the amount of structures but there is a situation like this, the drainage would be maintained by a homeowner's association. They would meet with Public Works. The HOA would maintain everything that is not within the right-of-way and everything in the right-of-way would be maintained by Public Works and would get a one-time maintenance fee to cover it. There will be 18 duplex units and 56 townhouse lots for a total of 74 units. A community building/shul and two tot lots will be provided. The project will have one entrance off an unnamed street that comes off of Route 70. There is a community building at the end of the road closest to Route 70 which will have a parking area and would adjoin the property line. There is a development on the other side that has an entrance road so there will be emergency access there. A cross access easement would be provided. He read from the ordinance that the minimum lot size for the duplexes shall be 10,000 sf except in zone districts where townhouses are a permitted conditional use in which case the lots can be reduced to 8,500 sf. Conditional uses included in this zone are duplexes and townhouses. There is a front setback from the internal roadway for the synagogue lot which they comply with and a side setback has been indicated to Route 70 and Locust Street where 21 ft is provided and 25 ft is required. The variance could be eliminated if the board prefers but he feels the larger shul would better serve the needs of the community. There are two issues with RSIS. One is that the portion of the entrance road was narrowed down to 44 ft in the back in front of the last 5 units. If the board feels that's a problem, they could put more area into it. It is his opinion that it is appropriate since it is only 5 units.

Mr. Neiman asked how wide the roads will be.

Mr. Flannery said the entrance road coming in is 36 ft wide and the cul-de-sac is a 32 ft paved cartway.

Mr. Franklin said they will need a K-turn in order to get vehicles turned around.

Mr. Flannery said per RSIS, they can do that if it is less than 300 ft. He agrees with Mr. Franklin that a hammerhead should be put in there to provide for a turn around. They do intend to meet with Public Works and work out the drainage as well as the trash removal. They could add another 6 ft of right-of-way if the board prefers and the hammerhead which would make that portion RSIS compliant. The next RSIS item is the road that comes down to the clubhouse. They could do a hammerhead there but he knows the board does not like those so they provided a parking lot which would connect with a cross access easement to the other project which also will make a better situation.

Mr. Neiman asked where the tot lots are located.

Mr. Flannery said the first tot lot is at the end of Albers Road. The second is at the end of Otero Point.

Mr. Neiman asked if there are 4 off street parking spaces per unit.

Mr. Flannery said yes.

Mr. Rennert asked if there is any screening along Route 70 so drivers cannot see the back yards of these lots.

Mr. Flannery said typically it would be a fence with some landscaping.

Mr. Franklin said there needs to be gates along the fence so the residents can mow up to the curb.

Mr. Flannery said there would be gates.

Mr. Rennert asked if there will be landscaping on the Route 70 side.

Mr. Flannery said landscaping will be proposed on both sides of the fence.

Mr. Pfeffer said this a conforming application except for possibly one minor variance.

Mr. Neiman opened to the public.

Ms. Colleen McGurk, P.P., representing Toms River Township, was sworn in. There are two issues. One is an easement which is not fully shown on the plan. A deed was filed with the County for an easement but it is not shown with the correct width of 54 ft on the plan and there is no indication that there is a full easement there. It is extremely important to Toms River Township that that easement remain.

Mr. Flannery said the applicant agrees to add the easement to the plans. There is a property in the back that Toms River Township owns and that gives access to it.

Ms. McGurk said a proposed structure on lot 4.77 may interfere with that easement.

Mr. Flannery said if that is the case, that unit will be removed. They would survey it and show it exactly on the plan. If it does indeed encroach, it would be eliminated.

Ms. McGurk entered easement information as exhibit TR-1. She asked what kind of buffer would be provided along the property line that borders Toms River.

Mr. Flannery said there are existing trees along there and would agree to provide a 6 ft high vinyl fence. The trees would be planted on their side.

Ms. McGurk asked what the required buffering is.

Mr. Neiman said there is nothing there presently and no buffering is required but he does understand that something may be there in the future so there should be a fence separating this project from the Toms River side.

Ms. McGurk asked if they could provide a row of evergreens.

Mr. Flannery said they could stagger them.

Mr. Vogt asked who would maintain the evergreens.

Mr. Flannery said the HOA.

Ms. McGurk said she did have concerns with the plans submitted as they seemed more like concept plans. There was a lot of information missing so Toms River does not feel like they could do any kind of real assessment of any impacts. The stormwater, drainage, public safety as it relates to RSIS, recycling plan, tree plan were not provided. She feels it is inadequate.

Mr. Neiman said that point was also brought up by the board engineer. He knows there was a drainage plan provided for the prior design.

Mr. Flannery said the drainage plan for the prior design shows the feasibility and the intent of the application. He is confident that the plans submitted will work and the details can be worked out during compliance. The topography in this area drains away from Toms River.

Mr. Vogt said you do typically see more than was is provided on these plans but if the board has faith, they will try to work it out during compliance.

Mr. Neiman closed to the public.

A motion was made by Mr. Follman, seconded by Mr. Herzl to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**6. SP 2138 Flea Market Developers, LLC**

Route 70 Block 1077, Lot 22 & 23  
Preliminary & Final Major Site Plan & Subdivision for a mixed use development  
(166 townhouses, a retail building, and a clubhouse)

A review letter prepared by Remington, Vernick & Vena Engineers dated December 10, 2015 was entered as an exhibit.

Mr. Neiman stepped down.

Mrs. Morris said the applicant intends to start from scratch as two of the members were not here for the previous meeting.

Mrs. Miriam Weinstein, Esq. agreed they would redo all previous testimony.

Mr. Vogt said a variance is requested for minimum distance between building and minimum area of recreational facilities. A parking variance is required for the community center only. As previously noted, the overall parking does work which including 32 parallel spaces.

Mrs. Weinstein said this application is to create a mixed use development on the flea market site. The ordinance provides for a grouping of retail and residential uses on a single site, planned and constructed as an integrated entity with onsite customer employee and residential parking. The proposal calls for 166 townhouse units that can be classified as multi-family dwellings as defined in the UDO as they have two or more dwelling units located in each single building with a private entrance to each dwelling. A 23,650 sf retail building, a community center, roadways, parks and open space are also proposed. Any approval would also be subject to the approval by CAFRA and NJDOT. Trash pickup and snow removal will be private.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is for 166 townhouse units on the flea market site. There will be a commercial building at the front of the site with 11,000 +/- of retail on the first floor and 11,000 +/- office on the second floor. At the tech meeting, it was a smaller commercial building. They have since expanded it based on input from the board. Based on the parking requirements, they would be 15 spaces short but as he goes through the application he will explain why he believes a variance is not required. A clubhouse, a tot lot and a storm water management facility are also being proposed. A rendered version of the site plan was entered as exhibit A-1. That plan shows the tree save area, townhouse units, commercial building, community center and parking. There is one boulevard entrance and this is a project that is going to require NJDOT approval and a CAFRA permit. Both of those agencies will require one entrance to the project so there aren't as many conflicts on Route 70. It has been designed as a boulevard so that it provides adequate access in accordance with traffic standards. The board engineer's report indicates that testimony should be provided for the B-5 zone under conditional uses number G is mixed use multi-family development. They meet all the conditions including minimum tract size of 20 acres, 21 is proposed, maximum gross residential density of 18 units per acre, 15.74 is proposed, maximum building coverage is 30%, 25.06% is proposed, maximum building height of nonresidential buildings will be less than 55 feet. The majority of the buildings are residential which will be less than 35 feet. The tract shall have at least 500 feet of frontage on a state highway, 1,309 ft is provided, the tract depth shall be no less than 500 feet, 800 feet is proposed, minimum tract setback from a state highway is 75 feet from residential and 25 feet for non-residential. Other building setbacks include residential is 35 feet, 40 feet is provided, non-residential is 50 feet, 380 feet is proposed. The interior roadway driveway setback is 25 feet as well as the interior paved parking of 15 feet. The ordinance also requires that a minimum of 15% of the tract be non-residential in nature and the intent was that there be non-residential uses along Route 70. They have provided 17.99% non-residential uses. At the tech meeting, there was a comment with respect to the loading

dock for the building. They have revised the loading dock and have a plan showing the turning movements and it now works as a tractor trailer can back in and out. The engineer's report indicates relief is required for recreation. Under section 3, it indicates each mixed use multi-family development shall contain active recreational facilities. When you look at all the active and passive recreation areas, they do comply with the ordinance.

Mr. Vogt wanted the board to recognize that the commercial building is larger than what was proposed on the original plan.

Mr. Flannery said the review letter indicated the 14,850 sf commercial building and the revised plan shows the building over 22,000 sf.

Mr. Vogt said the larger building may require a variance for spaces.

Mr. Flannery said they provide 4 parking spaces per residential unit. The parking for the commercial would require a total of 99 spaces, 59 for retail and 39 for office. The plan proposes 84 so there is a deficiency of 15 spaces when you look at just those two criteria but if you look further in the ordinance in section 18-1017 under off-street parking requirements, the total off-street parking provided for the site residential and non-residential portions may be reduced based on shared parking. It is his testimony, under that section of the ordinance, they are only sharing 15 spaces out of 664 spaces for the residential.

Mr. Franklin said there are areas that do not show enough parking spaces.

Mr. Flannery said there are 4 spaces per unit but they are distributed throughout the site. Under the off-street parking requirements, separate off-street parking for the clubhouse/community center shall not be required. The engineer's review letter is indicating a parking requirement for the separate clubhouse whereas this ordinance specifically states that separate parking is not required because of the shared parking arrangement. The developer is willing to reduce the size of the upstairs office to a level that the board feels comfortable with. It is his professional opinion that the parking works.

Mr. Franklin said the sidewalks should be 6 ft wide, not 4 ft as proposed as the vehicles will overhang onto the sidewalk.

Mr. Flannery said the applicant would agree to put curb stops in areas where the parking adjoins the sidewalks so that the vehicles cannot overhang on the sidewalks.

Mr. Rennert is concerned that the private roads will become public as it has happened in the past.

Mr. Flannery said the township has made it clear that if the roads are not RSIS compliant then the Township will not accept them.

Mr. Flancbaum does not believe the community building should be factored into the non-residential portion.

Mr. Rennert agrees as the intent of the ordinance is for there to be more ratables for the Township.

Mr. Flannery said per ordinance, a minimum of 15% of the tract shall be utilized for non-residential use including non-residential buildings, which a school would fit into, parking and open spaces so it is not just for commercial.

Mr. Banas said the tree save area seems to be minimal in relation to the entire project.



Mr. Flannery said the tree save area is determined by CAFRA. It is 10% of the existing trees.

Mr. Rennert asked about the buffering along Route 70.

Mr. Flannery said there will be a commercial building along Route 70 so that would help buffer the residential. Landscaping is shown around the basin. This is typical of a highway corridor.

Mr. Vogt said if the board acts favorably, a parking summary should be provided.

Mr. Flannery said that will be provided and if their parking analysis is incorrect, they would reduce the size of the office to the board engineer's satisfaction.

Mr. Banas opened to the public.

Ms. Karen Kolosky, Lanoka Harbor, was sworn in. She frequents the flea market and she has friends that sell and buy there as well. She is against this application.

Mr. Banas closed to the public.

Mr. Rennert asked where the active recreation areas are.

Mr. Flannery said there are pocket parks all along the ends of the townhouse roads. There is a passive recreation area where the two roads come together, active by the shul and there are tree save and open areas all around the site.

Mr. Banas said there should be benches in the pocket parks.

Mrs. Weinstein agreed they would add benches where needed.

A motion was made by Mr. Herzl, seconded by Mr. Follman to approve the application.  
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**7. SP 2144 Yosef Hirsch**

East County Line Road                      Block 208.01, Lots 14 & 15  
Preliminary and Final Major Site Plan for a mixed use site (retail, office, shul)

A review letter prepared by Remington, Vernick & Vena Engineers dated December 7, 2015 was entered as an exhibit.

Mr. Ed Liston, Esq. is representing Ruth Schuster whose property backs up to this project. If this project is revised to eliminate all the variances, his client would no longer object as it will be an as of right application.

Mrs. Miriam Weinstein, Esq. said they had not made any revisions to the plans because they knew Mr. Liston was representing an objector but did not know who or where they were located. Now that they do know, they will be asking to carry this application to the next meeting to go back to the drawing board and see if there are any changes they would like to make.

A motion was made by Mr. Herzl, seconded by Mr. Follman to carry this application to the January 19, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**8. SP 2154AA Yeshiva Sharrei Binah**

Laurel Avenue Block 536, Lot 41  
Change of Use/Site Plan Exemption to convert property to a school with temporary trailers

This application is being carried to the January 5, 2016 meeting.

**9. SP 2155 Congregation Williams Street**

Williams Street Block 411, Lots 12.01 & 13  
Preliminary and Final Major Site Plan for a synagogue

This application is being carried to the January 5, 2016 meeting.

**10. SP 2057A Congregation Satmar of Lakewood**

Kennedy Boulevard East Block 174.11, Lots 38.02, 39.01, & 39.02  
Amended Preliminary and Final Major Site Plan for proposed synagogue, addition to existing residence, and Minor Subdivision to adjust lot line

A review letter prepared by Remington, Vernick & Vena Engineers dated November 19, 2015 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. said they have revised the plans to add a handicapped ramp.

Mr. Charles Surmonte, P.E. was sworn in. A variance is being requested for a side yard setback to construct a handicapped ramp to the building. There were some architectural changes to the building to necessitate the relocation of that ramp.

Mrs. Morris said the building footprint was originally shown on the plans but it did not reflect the porch that was on the architectural so when the plans were designed, the ramp was proposed in the back because it made more sense but it turns out there is a porch there and because that ramp is going over a certain height, it technically requires a setback variance.

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

A motion was made by Mr. Herzl, seconded by Mr. Follman to approve the application.  
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**7. PUBLIC PORTION**

**8. APPROVAL OF MINUTES**

**9. APPROVAL OF BILLS**

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth, Planning Board Recording Secretary