

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. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Mrs. Zografos

3. SWEARING IN OF PROFESSIONALS

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

4. PUBLIC HEARING

1. **SP 2218 Lakewood Shopping Village, LLC**

Avenue of the States Block 961.02, Lot 1
Preliminary and Final Major Site Plan and Minor Subdivision for a shopping center

Mrs. Morris announced this application will be carried to a future meeting date. The applicant will re-notice.

2. **SD 2188 Aaron Sperber**

Locust Street Block 1083, Lot 7
Minor Subdivision to create three lots

Mr. Brian Flannery, P.E., P.P. Said the applicant is trying to work with Harrogate and requested this project be carried to the April 25, 2017.

A motion was made and seconded to carry the application to the April 25, 2017 meeting.
All were in favor.

3. **SP 2067 Yeshiva Gedolah of South Jersey, Inc.**

Cross Street Blocks 457, 458, 466 - 469
Extension of Preliminary and Final Major Site Plan for a school campus

Mr. Paul Schneider, Esq. said this was an approval granted in 2014. It was conditioned on the governing body vacating portions of three right-of-ways. As the board is aware, the governing body has a moratorium on street vacations. There was one prior extension given where a total of three 1 year extensions are permitted. He requested two 1 year extensions.

Mr. Jackson said this protects the applicants from a zoning change. Site plans do not expire so it is really an extension of the protection period.

Mr. Brian Flannery, P.E., P.P. was sworn in. The applicant submitted their request for street vacations to the governing body in a timely manner but the answer they received was the Master Plan is being updated and once that is complete they would give an answer. They thought it was going to take a few months but it does not look like it is going to be done anytime soon.

Mr. Herzl questioned what would happen to this application if the Township denies their request.

Mr. Flannery said the applicant would amend it and come back. Since the applicant owns property on both sides, they think it makes sense to vacate it.

Mr. Herzl opened to the public.

Mr. Frederick Robison, 79 Eagle Ridge circle, was sworn in and read the following letter into the record:

1. *I appreciate the concerns of the land owner. However, i do not believe an extension is the appropriate means to address those concerns at this time. I respectfully offer the following reasons.*
2. *First, there was, and still may be the impression that the plan approved in august of 2014 garnered the support of the neighboring residential areas – specifically the hearthstone, enclave and fairways neighborhoods. As stated in the original resolution it was counsel for another developer who spoke in support of the application. I think a more accurate depiction of the negotiations that occurred, and the testimony that was offered, is a “developer to developer” arrangement rather than respect for or true consideration of the impact on the existing neighborhoods.*
3. *Related to those negotiations both the minutes and the resolution make it clear that amendments to the submitted plans were to be submitted. To the best of my knowledge the amended plans were never submitted. I base this upon a thorough review of the entire file that was obtained from the office of our planning administrator.*
4. *Compounding this issue is the fact that subsequent to the original approval the requirements to make use of the planned educational campus section of the uniform development ordinance were changed to require accreditation of a school. To grant an extension now is tantamount to granting a use variance, which, in my opinion is not an acceptable use or reason for an extension.*
5. *It is important to note that the original; resolution requires the applicant to submit plans if there are changes of any kind. The unusual and rather precise wording of this requirement is tantamount to a new application. As it is my opinion that either requesting or granting an extension is, in many respects, an exercise in futility.*
6. *I recognize that a board has considerable discretion in granting an extension. One common example is a delay in obtaining the necessary approvals. In fact, this was the reason given at the time the first extension was granted in 2016. The specific reason given was that the township would not consider the request to vacate paper streets until the master plan update had been completed. In spite of the good work of many volunteers, some of whom are on the dais tonight, that work is still not complete. We all know that the master plan process is rather lengthy. It is not unreasonable to suggest that the master plan update may not be completed or approved by the state a year from now. As such the requested extension would, in all likelihood, have lapsed.*
7. *Approval of water and sewer service from New Jersey American water was another condition of the original approval. While i see no reason why NJAW would not provide service, to the best of my knowledge there was no*

application submitted to NJAW. Failure to actively pursue all of the required approvals is recognized as a legitimate reason to deny an extension.

8. *The question of the timing of the request is particularly pertinent. The original approval was granted in august 2014. In 2016, a one year extension was granted. This extension does not expire until august 2017. It is both premature and unreasonable to grant an extension five months prior to the effective end date.*

9. *Last, discussions have already begun with the land owner on a different plan that, i believe would gain considerable support from the adjacent neighborhoods. I believe much progress can be made between now and august. However, if these discussions do not bear fruit then the applicant can appear in July, present timely reasons for an extension and allow the board to render a decision that does not stand the risk of being defined as unreasonable, arbitrary or capricious.*

In closing, i respectfully request that the board table or adjourn the request for extension until the July meeting. There is no notice requirement for an extension or any other burden that would be placed on the applicant if this matter is tabled. God willing before the need to discuss an extension occurs there will be a room full of people voicing their support for a plan that addresses the legitimate concerns of the adjacent neighborhood while simultaneously meeting the personal and financial needs of the applicant. Thank you."

Mr. Flannery said the MLUL clearly states the applicant can and should submit before the application expires. If he felt they would have a master plan and a decision in a timely manner, perhaps they wouldn't need to extend it but he thinks even the neighbor who stood up doesn't expect it until 2018. Based on that, he believes it is an appropriate time. He does not think the discussion would be any different in July. There is nothing prohibiting them from asking for it now and they would just spend more of the board's time in July rehashing the same items.

Mr. Herzl said it is likely the applicant would be coming back with an amended plan in two years if the master plan is not complete.

Mr. Flannery agreed. As far as pursuing the other approvals, if the governing body says no to the vacations, then that is just wasted time. That is the key item to determine and as soon as that decision is made, the applicant will pursue this. As the neighbor hinted, if there is a better option for this property then the applicant is certainly open to that but he does not want this approval to lapse.

Mr. Shlomo Klein was sworn in. He said this is a plan which doesn't only hurt the residents of Lakewood, it hurts the developers. Not only was the applicant given waivers for roads and sidewalks, he was given approval to build apartment buildings on a public road. He then gets developers and investors but they are not aware this application is faulty as it was given approval on a public road. He urged the board to be more careful in the future when applicants are requesting approval to build on public roads which are not yet vacated.

Mr. Jackson said the condition to vacate the roads was a condition in the resolution, it was not a secret or improper. It is something the board deals with on a regular basis.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He said the 2013 smart growth plan specifically dealt with the Cross Street triangle and there was a condition which said there would be no ingress/egress on Cross Street and Massachusetts Avenue, the only ingress/egress would be to Prospect Street. That has been adhered to since that time. He understands the township has said they would not vacate any more streets and the fact that this would be

a violation of that smart growth plan. The new master plan is not going to be completed until late 2017 or 2018. He doubts at that time, they would change that zoning because there are so many residents in that area and the congestion is so dense it just can't hold anymore and especially an application like this. He urged the board to deny the extension.

Mr. Thomas Riley, 662 Plymouth Drive, was sworn in. He requested a moratorium on any further building or expansion until new noise and pollution levels are reduced, traffic patterns are examined and the smart growth plan of 2013 be amended to be reflect the more recent and future surging population.

Mr. Herzl closed to the public.

Mr. Jackson asked if those extensions would run from the date the permit extension act stops its tolling.

Mr. Flannery believes the first extension they received runs from when the permit extension act expires and these would run from when that expires.

Mrs. Morris said the first extension would run from the end of the permit extension act which was the end of this past December up to the latest possible extension date which is the end of June of this year.

A motion was made and seconded to grant two 1 year extensions.

All were in favor.

4. SP 2232 Yosef Tress

Spruce Street

Block 778.05, Lot 27

Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated March 16, 2017 was entered as an exhibit.

Mr. Grunberger stepped down.

Mr. Vogt said submission waivers are requested including topography, contours, man-made features within 200 feet, plans and profiles of proposed utility layouts and an environmental impact statement. They recommend granting the 'B' waivers and recommend deferring any utility profiles to compliance if approval is granted. Finally, waiver of the EIS is recommended since the property is already developed.

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

Mr. Vogt said a minimum setback variance is required as well as buffer relief with regard to the adjacent uses and parking is within 5 ft of the rear property line.

Mr. Follman asked if it is a variance or waiver.

Mr. Vogt said the buffer sections are in section 905 and because that is the zoning section of the UDO, they traditionally treat them as being variances.

Mr. Brian Flannery, P.E., P.P. was sworn in. The site plan shown proposes 23 spaces whereas 7 is required. It is an existing congregation in the neighborhood and they are looking to build an appropriate shul to better house the congregation. A front setback of 24.8 ft is requested whereas 30 ft is required. With respect to the buffers, the buffer requires a 20 ft side perimeter buffer and they would be providing a fence which would provide the same intent with respect to the buffering. The ordinance also says that no parking within 5 ft of the property line and they could reduce the encroachment into the parking by providing less parking spaces but the applicant feels the additional parking would certainly warrant the encroachment into that 5 ft which they would buffer with a fence. If the board felt differently, they could remove those spaces.

Mr. Herzl said the main sanctuary is 1,684 sf. He would personally like to give the relief rather than lose parking spaces. It's a large synagogue.

Mr. Flannery said the existing building has a 24 ft front setback which is why the applicant proposed the same 24 ft so there is really no change to that. The relief requested certainly outweigh any detriment and it is his opinion the board can grant these variances without any detriment to the zone plan or zoning ordinance. They would need to get DPW approval or get private trash hauling. With respect to the sanctuary, the basement would be limited to members only. It would not be rented out and would be used on Shabbos and non-driving holidays. The applicant agrees to satisfy all of the other comments in the board engineer's report.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn in. He asked what the parking requirements are for a Simcha hall.

Mr. Flannery said the ordinance does not have parking requirements for a Simcha hall. The applicant is agreeing it would be used on Shabbos and non-driving holidays, therefore there is no parking requirement.

Mr. Klein asked what the parking requirements would be if they used it in the middle of the week.

Mr. Flannery said they would either be on a per seat or area basis. He did not calculate that because no one would be driving so there is no parking needed.

Mr. Jackson asked how that gets enforced. If the Simcha hall and seats are there, don't they need a variance for seating.

Mr. Flannery said it is not a Simcha hall. It is a basement for the members to use. If the shul was rented it out, then it becomes a hall, then it is a catering facility and they would have to provide parking in accordance with the catering facility.

Mr. Jackson said they have an area which could be used as a Simcha hall and it will be used as a Simcha hall.

Mr. Flannery is not saying that, he is saying the members of the congregation will congregate there on Shabbos and non-driving holidays. When the members walk to shul to pray, they would congregate in that area.

Mr. Jackson asked how many square feet.

Mr. Flannery said about 2,000 sf.

Mr. Jackson asked what the occupancy limit is.

Mr. Flannery said it depends on the type of use. It could be somebody's basement.

Mr. Jackson asked for the dimensions.

Mr. Flannery said 53 ft by 74 ft.

Mr. Herzl asked if the applicant would agree to a deed restriction.

Mr. Flannery said they would agree to it being a condition of approval as the board has done in the past. Deed restrictions are something that are forever. That is why every applicant that has come before is happy with it being a condition of approval which is something that is enforceable. The neighbors would know and they could go to the zoning officer.

Mr. Klein does not object to this application. The problem is whenever someone wants a Simcha hall in Lakewood, they build a shul so no parking would be required. All the applicants claim it would only be used on Shabbos and you can enforce it but he has spoken with code enforcement and they confirmed they do not enforce usage, they only enforce the building. If someone is using the Simcha hall in the middle of the week when the resolution only states it should be used only on Shabbos, they will not enforce it. The board should judge if the applicant is really coming in to build a Simcha hall or a Bais Medrash. If it is being used, then the applicant needs a variance or waiver.

Mrs. Morris said even if it is only being used on Saturdays, there are still parking requirements.

Mr. Follman said there is still not enough parking. He asked why it is not enforceable.

Mr. Jackson said it is a practical reality, no one is going to shut down a Simcha hall.

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

Mr. Flannery said it is a typical Lakewood residential neighborhood where there is limited on-street parking.

Mr. Billy Hobday, 30 Schoolhouse Lane, was sworn in. The expectation is the residents are going to get to the park on the street but in cases like this where there is a celebration of some kind, basically takes up all of the spaces leaving the homeowner leaving nowhere to park. This is a quality of life issue.

Mr. Eliyohu Rapaport was sworn in. He lives next door to the subject property and has no issue with the shul. He does realize a lot of parking is required but he is concerned from a safety standpoint since there are two entrances close to each other and cars will be backing out into the street.

Mr. Herzl asked if it is an issue that the two driveways are so close to each other.

Mr. Flannery said no.

Mr. Chaim Obstfeld was sworn in. He has worked very closely with the applicant and he is really trying to make sure the neighbor's needs are fulfilled. The neighbors have accepted the variances requested. The applicant is going above and beyond to get the maximum parking to alleviate any stress on the street but they are concerned having a regular parking lot with a narrow entrance and exit. They do have safety concerns with cars backing out into the street but the flip side is to get the maximum parking so they are torn exactly how to go about this. He asked if any alternative plans could be made to keep the parking and make this safer.

Mr. Vogt said the four spaces he believes are the issue here, people do not have to back onto the road. There is an aisle proposed where people would be able to back out there and come back off the property head out.

Mr. Obstfeld understands they don't have to.

Mr. Vogt said they can't control how people drive.

Mr. Herzl doesn't think anyone is backing out if they have the option to go head first out.

Mr. Obstfeld said the applicant has agreed to install an 8 ft high fence on both sides of the property.

Mr. Vogt said you can't put an 8 ft fence within the front setback, it would have to be 4 ft.

Mr. Obstfeld asked if a variance could be granted for that.

Mr. Vogt said you do not want an 8 ft fence within the setback because you would be creating an issue with people not being able to see cars backing out.

Mr. Obstfeld said the applicant would install privacy trees on both sides of the property, there would never be a dormitory on this property, there would be no public events, parties, Simchas taking place during the week but only on Shabbos. There is a porch proposed on the second floor, the applicant was adamant there would be a barrier at least 6 ft high where no one would be able to see out. Any windows would be frosted or any similar treatment which would render it impossible to see outside and the windows, even when opened, should not have a view out.

Mr. Flannery said the applicant agrees.

Mr. Vogt asked what is being proposed for the perimeter buffer.

Mr. Flannery said a solid vinyl 8 ft high fence outside of the front setback.

Mr. Jackson said one of the conditions was that no events shall take place in the basement during the week. He asked what happens if they do it anyway.

Mr. Obstfeld was a little surprised to hear the township can't enforce it or do not enforce it.

Mr. Jackson does not see the police walking into a room full of people celebrating and telling them they have to leave. It will never happen.

Mrs. Morris said they recently had a weekend shul come back under correspondence to remove the fact that their testimony had been that it would be used primarily on weekends and they wanted to use it full time. The question is, does the board really have the right to approve a retail building, for example, with the condition that they can only operate on Tuesdays or Thursdays.

Mr. Jackson said it is very problematic. If you put that facility there, the board has to assume they are approving it for that and they should put in the appropriate improvements to deal with that because there is no way to stop it. How can the board tell someone they can only use their facility on weekends.

Mrs. Morris said the building department clearly doesn't think it's enforceable.

Mr. Flannery said the applicant has sufficient parking. The first thing he would do as a neighbor would be to call the Rabbi. The neighbors have the second option of going to Rabbinical court. Beyond that, the ordinance says they need 7 parking spaces for the shul. For the 2,000 sf room, they would need an additional 18 parking spaces. That is 25 parking spaces, they have 23.

Mr. Jackson said they should ask for a variance.

Mr. Follman said they are not using the upstairs when they are using the downstairs so they have adequate parking.

Mr. Flannery agrees, clearly you are not going to do both at the same time. They are getting hung up on there could be a misuse of it but there are basements in a lot of houses in Lakewood that are 2,000 sf and if they invite people over for a party, there will be cars parked on the street.

Mr. Follman commented that this is one of the only shuls he has seen with this much parking.

Mr. Flannery said they are providing more parking spaces than the average shul, they have a rabbi who everybody that spoke of him has indicated he is of good character and 23 parking spaces for a 2,000 sf room is sufficient.

Mr. Obstfeld said they do not want a Simcha hall at all and the reason why they do not have all of the neighbors here screaming and yelling is due to the agreement there would be no Simcha hall.

Mr. Herzl said he doesn't know if it is enforceable but the applicant did agree they would not use it on the weekdays.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.
Affirmative: Mr. Flancbaum, Mr. Herzl, Mr. Follman, Ms. Zografos
No: Mr. Franklin, Mr. Hibberson

5. OAK STREET CORE RESIDENTIAL DEVELOPMENT SUBDIVISIONS

- 1. SD 2220AO Oak Vine Development, LLC**
Broadway Avenue Block 1043, Lots 1 & 2
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural plans as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural plans and restrict them.

Mr. Follman said he as a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

2. SD 2221AO G&G Property Holdings, LLC
Wadsworth Avenue Block 1027, Lot 3
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

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Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

3. SD 2222AO G&G Property Holdings, LLC
Wadsworth Avenue Block 1025, Lot 4
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

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Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architecturals as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

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Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

4. SD 2223AO Daniel Czermak
Wadsworth Avenue
Administrative Minor Subdivision

Block 1026, Lot 4.01

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

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Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

5. SD 2224AO Daniel Czermak
Wadsworth Avenue Block 1026, Lot 4.02
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

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Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

6. SD 2225AO Turin Ave, LLC
Turin Avenue
Administrative Minor Subdivision

Block 1043, Lot 6

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural plans as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural plans and restrict them.

Mr. Follman said he has a right to go to the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural plans.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

- 7. SD 2229AO Vine Heaven, LLC**
Bradhurst Avenue
Administrative Minor Subdivision
- Block 1026, Lot 5

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural and restrict them.

Mr. Follman said he as a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

8. SD 2230AO Vine Heaven, LLC
Havens Avenue Block 1037, Lot 1
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural plans as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural plans and restrict them.

Mr. Follman said he has a right to go to the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

9. SD 2231AO Vine Heaven, LLC
Wadsworth Avenue Block 1027, Lot 1
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural and restrict them.

Mr. Follman said he has a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

A motion was made and seconded to approve the application.

All were in favor.

10. SD 2232AO Vine Heaven, LLC
 Broadway Avenue Block 1036, Lot 5
 Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architecturals as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architecturals and restrict them.

Mr. Follman said he as a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architecturals.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

A motion was made and seconded to approve the application.

All were in favor.

- 11. SD 2233AO Vine Heaven, LLC**
Broadway Avenue
Administrative Minor Subdivision

Block 1045, Lot 1

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditionally submit architectural plans as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

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Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural plans and restrict them.

Mr. Follman said he has a right to go to the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural plans.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

12. SD 2234AO ABGK, LLC
Broadway Avenue Block 1037, Lot 5
Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

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Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architecturals and restrict them.

Mr. Follman said he as a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

13. SD 2235AO ABGK, LLC

Havens Avenue

Administrative Minor Subdivision

Block 1036, Lot 1

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

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Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural and restrict them.

Mr. Follman said he has a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

14. SD 2236AO ABGK, LLC

Broadway Avenue

Block 1044, Lot 1

Administrative Minor Subdivision

Mr. Herzl asked if these applications are conforming.

Mr. Vogt confirmed, no variances are required.

Mr. Shlomo Klein said these applications account for 60 units. There was no public notice given, some of these are missing roads and sidewalks as discussed in the past. These units are being sold with two rentable basements on each side with outside entrances.

Mrs. Morris said they may be advertised or selling them that way but they are not legal.

Mr. Follman said they should ensure it is part of the approval.

Mr. Klein said there is also access to the attics from the outside.

Mr. Herzl asked if the architectural plans were reviewed.

Mr. Vogt said they don't get architectural plans with these.

Mrs. Morris said minor subdivisions do not traditional submit architectural as they are essentially creating a few small lots which would be sold off to separate entities. Architectural plans are reviewed by the building department when they submit for building departments.

Mr. Jackson said this is very similar to a lot in the town that has been there for 30 years and someone wants to go to the zoning officer and get permits. You have to meet the criteria to get the permit.

Mr. Klein said they could build it and rent it out illegally. If this didn't go through the special ordinance then they wouldn't have gotten this special treatment. They would have had to come in as a regular application with architectural and restrict them.

Mr. Follman said he as a right to go the building department and bring it to their attention if he thinks they are doing something illegal.

Mr. Klein said the Zoning Board makes sure, when they give approval, exactly how many entrances are to the basement and they make sure there is no access to the attic from outside.

Mr. Herzl said it is not required to give architectural.

Mr. Grunberger said perhaps the board could make a recommendation to the committee to create an ordinance concerning this.

Mr. Flannery said there is an ordinance and it says you are only allowed to have one rentable basement, anything more is illegal. There are inspectors that go out and look for these things. He is comparing use variance applications at the Zoning Board with conforming applications at the Planning Board, two different applications.

Mr. Avraham Sharby said there are a lot of units being built but he is confident they can find a solution somehow to make sure these additional basement and attic apartments are properly enforced.

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

6. CORRESPONDENCE

- **SP 1985 Bais Tova, Inc**

Mr. Vogt said the nature of the request is for the previously approved Bais Tova project. If the board recalls, there was a gymnasium on the main school building. The applicant is looking to relocate as to where that gym is being situated and as a result of that, change the internal access drive and lose a few parking spaces. They would still exceed parking per UDO standards. The applicant would like to do this administratively.

Mr. Herzl asked if there would be any new variances as a result of this change.

Mr. Vogt said not to his knowledge but testimony should be provided by their engineer.

Mr. Jackson said the MLUL conveys if someone makes a non-material change then a lot of times it can be approved administratively. He went over it today with the board engineer and applicant's engineer and it looks to him like just a very minor tweak but he recommended that Mr. Flannery come before the board to confirm that the board views this as an insignificant change which could be done administratively.

Mr. Brian Flannery, P.E., P.P. said this request is for the Bais Tova girls school and the high school next to it. It is a 14 acre campus and they received approval for the gymnasium for the Bais Tova building. The ordinance requires 265 spaces, the original application proposed 424 but they are going to look 14 parking spaces with this change. Therefore, 410 parking spaces would be provided whereas 265 are required so they still greatly exceed ordinance requirements. The changes are all internal, the exit out to Oak Street comes out in the same place but this would make for a nicer gym.

Mr. Herzl asked if any variances are being requested.

Mr. Flannery confirmed, no variances are required.

Mr. Jackson asked if this could have a negative impact or any impact at all on surrounding properties.

Mr. Flannery said it does not. The entrance point is the same, the traffic is the same and it is actually going to look nicer because it would add a little more curvature and dimension.

Mr. Vogt said everything shown on the plan is basically self-contained. They are maintaining the access points, no variances conditions are being created, and parking greatly exceeds UDO standards.

Mr. Jackson asked if he sees any reason why this could not be considered a non-material change.

Mr. Vogt said no.

A motion was made and seconded to approve.

All were in favor.

- **SP 2221AA Congregation Bais Yesocher Tiferes Aryeh** – request to permit temporary trailers on the site

Mrs. Morris said this was recently approved and there had been testimony that the applicant would not be utilizing temporary trailers for the school.

Mr. Joshua Schmuckler said the testimony was that the board wanted to see the trailers. The board did not want to allow something without seeing it so they are back before the board.

Mr. Follman does not recall that. He remembers the board restricting trailers.

Mr. Schmuckler remembers Mr. Klein asking about the trailers. There was a lot of back and forth, based on his interpretation of the resolution, if the applicant wants to add trailers then they would have to come back before the board. These would be temporary trailers while the applicant prepares a site plan. He would agree to a time limitation.

Mr. Follman said they can't enforce it. Trailers stay for years.

Mr. Schmuckler said the building department has been cracking down on trailer permits.

Mr. Herzl asked when the applicant anticipates to build.

Mr. Schmuckler said preparing the plans, going through compliance and constructing the building takes at least 24 months.

Mr. Vogt believes the zoning officer has the authority to grant trailers up to two years.

Mrs. Morris thinks the town also grants extensions which the town has been very liberal with.

Mr. Franklin asked where the parking would be for the trailers.

Mr. Schmuckler said the site would stay the same. The trailers would be placed back in a gravel area. The applicant can either spend thousands of dollars to renovate the house in order to make it usable for 24 months and then come in with a site plan or instead of putting money into the house, which they would tear down anyway, to rent the trailers temporarily.

Mr. Herzl asked if the home is only being used for this school.

Mr. Schmuckler confirmed. He asked for a two year time limit for the trailers.

Mr. Grunberger asked if the neighbors were noticed.

Mr. Schmuckler said anyone could go to the building department and ask for a temporary trailer permit without notifying the neighbors.

Mr. Grunberger is concerned if any residents were in attendance at the last meeting and are not here tonight.

Mr. Jackson said it is nice to be liberal but at the same time, it takes a bite out of the board's authority and integrity when applicants come in under correspondence and change what the conditions were without notifying everyone and going through the whole process.

Mr. Schmuckler said the applicant would provide notice and come back at a future meeting.

Mrs. Morris said one of the board questioned his comment that the house was going to be torn down. The applicant previously indicated that the house was going to be converted into classrooms anyway.

Mr. Schmuckler said that is correct.

Mrs. Morris said rather than convert the existing house, the applicant wishes to tear that down, put up some temporarily trailers and come back sometime in the future with a site plan.

Mr. Schmuckler said they are going to leave the house.

Mrs. Morris said it seems to be a significant change to go from converting the existing house to using trailers instead when the original testimony indicated no trailers.

Mr. Vogt said the UDO speaks to this, temporarily classrooms for schools. The zoning officer may approve the addition for a period not to exceed two years. The trailers must be used for educational purposes, must meet the building code, a site plan showing setbacks, parking and other buffer requirements, ADA approved walkway. The zoning officer can grant up to two 1 year extensions.

Mr. Herzl pointed out the UDO says an addition. This would be used primarily for the school.

Mrs. Morris said the zoning officer is not permitted to give temporarily trailer permits for a school on a site that is not currently a school. The temporary trailers is predicated upon this board granting either a site plan or a change of use to a school first. Without a change of use approval which was to convert the house, the applicant is just asking for trailers.

Mr. Vogt said the UDO does say at the site of a school.

Mr. Herzl said that is why he was questioning if the house is being used for school purposes.

Mr. Jackson said the ordinance is trying to facilitate it. If you have a school that grows and it's bursting at the seams and need to expand quickly, they get the trailers so the kids are not squeezed together. This is a site where there is no school there now so that ordinance doesn't apply to this. The board is basically founding a school starting with

trailers, everybody will want to do this and everybody will have a special reason and there will be trailers everywhere.

Mr. Herzl said the house must have classrooms or something.

Mr. Schmuckler said the applicant would agree to that.

- **SD 2130 New Central Properties, LLC** – request to clarify variances listed in Resolution

Mrs. Morris said this is a request to clarify some variances listed in the resolution. This often happens where if either the testimony or questions posed at the public hearing are not clear enough, it doesn't get conveyed correctly in the minutes and/or resolution. When the applicant comes in for resolution compliance, there are questions whether how much of a variance was or was not granted, if a design waiver was granted, etc.

Mr. Schmuckler said the township engineer actually raised the issue. He read in the resolution that proposed lot 1.41 would contain approximately 10,700 sf and lot 1.42 would contain approximately 11,000 sf. Lot 1.41 contains 10,685.41 sf and the other lot has a foot or two more. The board engineer did not like the fact that the resolution only said approximately. The resolution also states there will be a lot width variance but it is not clearly stated exactly what the width is. The plan has not changed since the board last saw it, the resolution just needs to be clarified specifically stating lot 1.41 would be 10,685.41 and lot 1.42 would be 11,001.59. The lot widths would be 91.41 for lot 1.41 and 95.34 for lot 1.42.

A motion was made and seconded to approve.

All were in favor.

7. PUBLIC PORTION

Mr. Shlomo Klein understands notice is not required for all correspondence items but he upset that it was added at the last minute and not listed on the agenda. He thinks there should be a cutoff date when a correspondence could come in.

Mr. Helburn, 18 Goldcrest Drive, he commented the board should be cognizant of all the density and traffic when they are approving these applications.

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