

## 1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Vice Chairman Eli Rennert 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 *The Star Ledger* 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 & SWEARING IN OF PROFESSIONALS

Mr. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Isaacson, and Mr. Meyer were present.

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

## 3. RESOLUTIONS

1. **SD 2437 Shraga Sternbuch**  
332 & 336 Laurel Avenue Block 536, Lots 37 & 47  
Minor Subdivision to create three lots

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

2. **SP 2370AA Tuvia Steinharter**  
82 Erica Road Block 1248.01, Lot 14  
Change of Use/Site Plan Exemption to convert a house to a school

Mrs. Morris said a plan was provided by the applicant at the Board’s request just prior to the start of this meeting. It is shared on the public drive.

A motion was made and seconded to approve the resolution in accordance with the plan provided. All were in favor.

3. **SP 2376 Chemed Health Center**  
River Avenue Block 1064, Lot 3  
Preliminary and Final Major Site Plan for a medical office building

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

4. **SD 1949 Aaron Finkelstein**  
Congress Street Block 250, Lots 2-5  
Extension of Minor Subdivision to create 6 fee-simple duplex lots

A motion was made and seconded to approve the resolution. Mr. Rennert abstained, the rest were in favor.

## 4. PUBLIC HEARING

**1. SD 2440 Edgcomb Parkview II**  
Edgcomb Avenue Block 1019, Lot 3.01  
Preliminary and Final Major Subdivision to create three lots

Mr. Flancbaum stepped down from this application and left the meeting.

Mr. Vogt said submission waivers are for Traffic Study, EIS, Tree Protection Management and architectural drawings. As indicated in our review, the applicant is requesting a traffic study waiver based on the minimal number of new lots. The EIS waiver we support. Tree protection management we support as well. The submission waiver for architectural, that's actually a partial waiver. They've submitted for the duplex units but not the single family. We recommend approval of the waivers.

A motion was made and seconded to support the submission waiver requests in accordance with the engineer's recommendations. All were in favor.

Mr. Vogt continued, under zoning, 2 types of residential units are proposed. They are both permitted in this zone. Area variances are necessary for Lot 3.04. Setback variances are required as noted, due to the intensification of the new subdivision application. One of the reasons this is a major in addition to the number of lots is that Halsey Street is being improved. We have engineered plans and I believe they're already approved and bonded, which is why we have minimal technical comments in our review compared to your typical major subdivision.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He had Mr. Brian Flannery, professional engineer and professional planner, sworn in.

Mr. Flannery said this application is one lot of 18,500 sf and we are subdividing it for a duplex and a single-family lot. Sheet 137 of the tax map indicates where this property is located on the end of Halsey Street. Halsey connects out to Route 9, it's part of the Oak Street Core. We submitted an aerial which also shows the site and when you see that you can see all the duplexes that have been built. You can see the Chateau commercial area, and the duplexes and schools on Oak Street. And the property on the opposite side of Halsey is owned by Rabbi Schwartz's school which is slated for future school use. This is a 3 lot major subdivision because it was subdivided in the past. It was done last year, which took the four lots in this area and subdivided them into 5. There was an improvement plan for Halsey Street with that. Halsey Street is already constructed, as was indicated on the aerial.

Mr. Isaacson asked what was this originally subdivided for.

Mr. Flannery said it was subdivided because there were owners overlapping that subdivided it into pieces. It was 4 lots that were odd shaped and it was subdivided into 5 lots, 4 of which were 10,000 sf plus, and they just went for zero lot line subdivisions for duplexes. The end lot, the oversized one, is this one at 18,500 sf and was left as a remainder. The applicant found purchasers for a custom duplex that we are proposing on the 11,000 sf lot which exceeds the Ordinance requirement and the balance of the property will be left in a 7,500 sf lot which we are indicating for single-family residential at this time. Obviously it's not big enough for a duplex.

Mr. Isaacson said when they originally left that 18,500 sf lot what was their intention.

Mr. Flannery said well the owners, when they left Lot 3.01, they subdivided up the others into useable properties. So 3.01 oversized, it could be used for a school, for a duplex, or for what we are indicating here this evening.

Mr. Isaacson said they didn't give any indication when it was subdivided?

Mr. Flannery said it was a simple minor subdivision that just created the lots and it created 4 10,000 sf lots and the one remainder lot.

Mr. Herzl said explain to me again why it's called a major, because it was subdivided originally?

Mr. Flannery said yes. Once it's been subdivided, and you can make 3 new lots, because the duplexes all made extra lots, anything new on this lot becomes a major.

Mr. Herzl asked for the variances.

Mr. Flannery said they are on page 3 of Terry's report and they all relate to the 7,500 sf lot. The duplex lot complies in all respects. Someone looking at just the lot lines may question the different sizes of the lots. And the answer is clear, the purchaser of these lots needs the 50' and the 60' to fit the home that they want. And then the 7500, and there are other single-family lots that have been approved by the Board for a single on 7,500 sf, if it were a little bit more land it would be enough for a duplex. But we didn't want to go to the Zoning Board and say give us two duplexes here. We have people that are going to move into these custom homes on this kind of cul-de-sac street. There's a school behind it, there's a school across the street, if it's needed for a school use someone would have to come back. If someone wants to build a single-family they would have to build it within the confines of the lot shown.

Mr. Herzl said you have a front yard setback, right?

Mr. Flannery said we have it at 25, which we asked for on the original subdivision. And all of the units on Halsey were approved for a 25' front setback. It's the same as all the other units on the block. RVE had originally asked about the density. The density permitted in this zone is 8.7 units per acre. We are only doing 7.06 units per acre so we are less than the allowed. Minimum lot area, we comply for the duplex lots. For Lot 3.04 which would be the single-family, we are providing 7,500 sf where 10,000 is required. The R-10A is kind of a funny zone where you can get a duplex or a single on 10,000 sf. Obviously if you have the 10 you're going to build a duplex. When there's an abnormality in the block, the applicants come to the Board for a single-family. Terry also lists the 25' setback and indicates it should be noted it was previously granted. With respect to the justification for the variances, the Master Plan of 2017 talks about population growth. It says "based on this information, it is therefore important that Lakewood plan for residential development to house its growing population." That's why this Oak Street core was developed. You can see on the aerial it's developing nicely to provide those residential housing opportunities. On page 7 of the same Plan, the Vision Statement says encourage growth and development in appropriate locations consistent with established land uses. That's what we're doing here. The Municipal Land Use Law, NJAC 40:55D2 under purposes of the act says encourage municipal action to guide the appropriate use of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. It's my testimony that this does this. And E is the promote the establishment of appropriate population densities that will contribute to the well-being of persons, neighborhoods, communities, regions and preservation of the environment. It's my testimony that this does this also, as indicated by the fact that we are at a density of 7 where 8.7 is allowed. The variance we are looking for is a C2 variance, we need to show it relates to a specific piece of property. You can see on the tax map, this is the end of Halsey Street in an area that's developed with duplexes and schools, so this fits in well. The purpose of the municipal land use law I had given. The variance can be granted without substantial detriment to the public good. It's a variance that allows a single-family on a lot of 7,500 sf where you can have a duplex on 10,000 so that's certainly not going to be detrimental to the public good. The variance will not impair the intent of the zone plan and zoning ordinance, and the benefits outweigh the detriments. My testimony is there is virtually no detriment and the benefits are as stated with respect to the Master Plan and Municipal Land Use Law. With respect to the comments in the report, we can agree with all of them.

Mr. Herzl asked if any Board members have questions.

Mr. Stern asked about the lot sizes again. How are we putting a house on a 5,000, I thought 7,500 was the minimum.

Mr. Flannery said the 5,000's are combined and it's a duplex lot that is conforming.

Mr. Herzl said it's a zero lot line, it's 10 together.

Mr. Stern said you can put a duplex right back to back with each other.

Mr. Flannery said yes, it's two side by side with a line down the middle.

Mr. Stern said so the only issue is the single, which is supposed to be 7,500 and you're asking it to be 6?

Mr. Flannery said no.

Mr. Pfeffer said the duplex lot is a total of 11,000 sf. The balance of the lot is 7,500, which normally requires 10,000 sf for a single. We have a 7,500 sf single family lot.

Mr. Stern said so that's really the only variance.

Mr. Pfeffer said correct, but we also have the front yard setback variance. We are asking for 25 instead of 30 which was previously approved.

Mr. Stern asked how parking will work, does the setback mess that up?

Mr. Pfeffer said we will comply with all the parking requirements.

Mr. Vogt said they will verify when they submit for plot plan review.

Mr. Flannery said there will be at least 4 parking spaces on each of the duplex lots and there is plenty of room for that.

Mr. Sabel said why don't we do two 5,000's and then make the single 8,500.

Mr. Flannery said because there is an end use that has a specific house and we've submitted those plans. It's a very nice house. Whether the end lot is 8,500 sf or 7,500 it still needs a variance and still fits the house. The only people that are going to know how big those lots are on the end of this cul-de-sac are the ones that are moving into the duplex that's there.

Mr. Sabel said the reason we want 8,500 is because down the line another property will come and say we gave 7,500 already for a single.

Mr. Flannery said you don't have to do that here, you already have granted 7,500. I think it was Block 1043 where we had a situation like that. More of a reason to leave it at 7,500, if we do it at 8,500 someone is going to come back and say it should be a duplex. This is similar to the R-7.5 zone which requires 10,000 sf for a duplex as well.

Mr. Pfeffer said Mr. Flannery would you agree that the optics of a single family 7,500 sf lot are no less than a duplex on 10,000 sf in terms of breaking up to 5,000 each. All of that is similar in the yards and the setbacks.

Mr. Flannery said yes, and no one is going to be driving past here because the road ends here. But if they did, it wouldn't look any different.

Mr. Stern said so we're going to have a duplex, which means a unit upstairs, a unit downstairs, 4 dwelling units, times 2 is 8 cars. And your 25 foot setback, are you going to be able to accommodate all those cars?

Mr. Flannery said there will be a minimum of 8 cars and they fit easily, the same as all the other duplexes here. If they have a larger unit on the larger lot and need an extra parking space for more bedrooms, that will fit as well. I anticipate we will have 5 on the 60' wide lot and there's plenty of room to accommodate that.

Mr. Sabel asked for a sidewalk from the front to the side entrance of the basement unit, separate from the driveway. The driveway is not a pathway.

Mr. Flannery said we have enough room to add the pathway.

Mr. Herzl opened to the public.

Mrs. Morris stated she did not receive any emails on this application. Mr. Jackson agreed.

Mr. Sabel said I was on a Hatzolah call last week in this neighborhood where a child fell into the window well. Can we ask the applicant to put the permanent metal covers on them?

Mr. Isaacson said you don't mean permanent, you mean the metal ones?

Mr. Herzl said it can't be permanent because you need egress.

Mr. Sabel said the strong metal ones, not the plastic ones.

Mr. Sabel made a motion to approve the application, including the pathways and the window well covers discussed. Mr. Meyer seconded. Mr. Rennert abstained. The rest were in favor.

Mr. Stern commented to the professionals present that the window wells are dangerous and they need to be covered.

**2. SD 2438 Moses Schwartz**  
102 Ivory Court & 1495 14<sup>th</sup> Street      Block 25.05, Lots 46.09 & 47  
Minor Subdivision to realign lot lines

Mr. Vogt said the application requires a front yard setback variance for new Lot 47.01 as well as a rear yard setback variance for the same property, for a deck that is going to be left in place. Design waivers, as indicated the revised plans require a design waiver from providing street trees along the Hope Chapel Road frontage.

Mr. Herzl said they aren't adding any new lots.

Mr. Vogt said no, they are adding some area from one lot to another to accommodate a larger dwelling.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said this application is for a lot realignment to convey approximately 7,500 sf from Lot 47 which is a lot fronting on 14<sup>th</sup> Street and Hope Chapel Road, to old Lot 46.09, which is the lot located on the corner of 14<sup>th</sup> Street and Ivory Court. The existing single-family home will remain on new Lot 47.01, and a new single-family home is proposed on proposed Lot 46.12. This residence is for Rabbi Schwartz, he's the Rabbi of the shul across the street Kol Aryeh. The only variance relief is for a front yard setback to 14<sup>th</sup> Street on the existing home of 26.1' where 30' is required, It's an existing condition. We are looking for a rear yard setback variance for the deck on the existing home. We know this is a rear yard setback but it's actually the side of the applicant's new home. I'd also like to point out that the applicant is going to continue to own both homes. And he doesn't have a problem with that deck in the rear yard setback. She had Eric Halpert, professional engineer, affirmed.

Mr. Halpert said regarding the zoning relief we are seeking, the applicant is looking to move over the lot line. On June 30<sup>th</sup> I measured the deck floor and it's under 3 feet. It's around 33", so it could be considered a patio.

Mr. Herzl said and this is for the second property which is owned by the same owner.

Mr. Halpert said correct, it's to the existing deck which is going to remain. Owned by the same owner, Mr. Schwartz. And he's looking not to have to take that deck down.

Mr. Herzl asked if there are any other variances requested.

Mr. Halpert said yes there is a front setback to the existing house at 26.1' to 14<sup>th</sup> Street and it requires 30'. We are looking for relief for the existing setback.

Mr. Herzl said it has double frontage.

Mr. Halpert said yes.

Mr. Herzl said we could consider one as a front and one as a side.

Mr. Halpert said the front door faces Hope Chapel, but the address is 14<sup>th</sup> Street. But Lakewood considers two frontages as two frontages with a side and a rear. So the side is along this property line.

Mr. Herzl said you aren't creating this variance, it's existing.

Mr. Halpert said it's existing.

Mr. Herzl said so the only variance when you move over the lot line is the porch, and it's less than 3' high and owned by the same owner.

Mr. Halpert said correct. Regarding the design waiver, the County is requiring a site easement. So we are not able to get shade trees in along Hope Chapel because of that dedication.

Mr. Herzl asked if there is anything else in the report he doesn't agree with.

Mr. Halpert said we agree with the report.

Mr. Herzl asked for the reason for the variance.

Mr. Halpert said the applicant is looking to move over his lot line. The property fronting on Hope Chapel is a large lot and he's looking to redistribute the two lot areas and have the more desirable Ivory Court lot with some more room. On the improvement plan there is a ramp and he has a handicap accessible entrance on the left side for an elderly parent. Having the lot line shifted over to allow for that is promoting development and complying with the municipal land use law to allow for the relief. It is not impacting the zoning ordinance of the town because the variance we are seeking is only to the existing deck that is under 3' and it is not to the structure.

Mr. Herzl opened to the public.

Mrs. Morris stated she did not receive any emails on this application. Mr. Jackson agreed.

Mr. Herzl closed to the public.

Mr. Meyer made a motion to approve and Mr. Isaacson seconded. All were in favor.

**3. SP 2368 Rabbi Moses Krusz**

Vine Street & Bradhurst Avenue Block 1035, Lots 4.03 & 4.04, Lots 5.01 & 5.02  
Preliminary and Final Major Site Plan for a synagogue

Mr. Vogt said from our review, under submission waivers, you have several listed including traffic study, proof of submission to County Planning, topo contours and manmade features within 200', plans and profiles, EIS, Tree Protection Management, and soil erosion. The applicant's request for traffic study, they will make justification in their testimony. Their opinion is that based on size and location it appears to be exempt. We believe that's the case as well. Submission waivers for the information within 200' we support since we have adequate site information. We support waiver of EIS since they've already obtained a CAFRA permit as part of the Oak Street Core. Tree protection management, there are no trees on the site. And finally from Soil Erosion and Sediment Control, we recommend that be provided and it can be done as a condition of approval.

A motion was made and seconded to support the submission waiver requests in accordance with the engineer's recommendations. All were in favor.

Mr. Vogt continued under zoning, front yard setback variance is required as noted. Relief from buffer requirements is also required. Under design waivers, required from driveway width in excess of 30'. This has been granted by the Board on similar applications. Finally, a waiver is required for fence height within the front yards. A 6' tall vinyl fence is proposed. Typically it's limited to 4' tall in the front setbacks.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said as Terry indicated, we are here for a shul. The footprint is about 3,250 sf. The total building including the second floor and the basement is a little more than 8,000 sf. Before we get started I want to point out, there are architectural plans submitted. The useable basement area is only about 850 sf. There shouldn't be any concern about using this as a rental hall. I spoke with the applicant who indicated that's not the intent here. He had Mr. Brian Flannery, professional engineer and professional planner, sworn in.

Mr. Flannery said this is an application to build a shul in the Oak Street Core. Sheet 137 of the tax map shows where the property is. It has frontage on Vine Street, between Bradhurst and Haven Avenues. It was approved already for four duplex units so instead of those we are proposing a neighborhood shul where 17 parking spaces are required and we are providing 34. As Adam indicated, the layout of the basement the room is only 800 sf so I don't think there are any concerns with it being rented out. With respect to the variances that are requested, it's a front yard setback of 27.5' where 30' is required. That's to an architectural projection on the building. My testimony is

that is exempt from the setbacks by the Ordinance. Out of an abundance of caution, I would say that the majority of the building complies with the setback.

Mr. Isaacson said is it an overhang?

Mr. Flannery said yes.

Mr. Pfeffer said it does not touch the ground.

Mr. Flannery said I think the architect's plans showed it having a foundation. We can remove the foundation if that's a problem. I didn't see anything in the Ordinance that said you can't have a foundation underneath an architectural project. The projects relate to chimneys and other items, and certainly the chimney goes all the way down as well. But if the Board wants to treat it as a variance, the 2.5' on that small part of the building, I will hit on that in my justification of the variances. With respect to the 20' wide buffer, we are proposing a 6' high vinyl fence and screening. As Terry indicates, we showed the 6' in the front yard setback. The applicant will defer to the Board's wisdom if we should reduce that to 4' within the front setback. Whatever the Board feels is best, we will be in accordance with that. We need a design waiver along Bradhurst. That's where the handicap parking is provided. You can see on the aerial we have the schools across the street and all duplexes developing in this area. The shul clearly is an inherently beneficial use that will fit in well in this area. The driveway that we are requesting relief for is along Bradhurst and it's similar to a lot of the duplexes around there, but it provides for the handicapped parking and for additional parking and it's my testimony that the additional parking is well justified and that this fits well with the character of the neighborhood. The second design waiver is that fence in the front setback. If the Board fees 4' is appropriate in the front we would defer to the wisdom of the Board. With respect to the projections into the front, in Section 18-818 it indicates no part of a building shall project into a required area except cornices, projecting eaves, gutters, chimneys, bay windows, or similar architectural projections. Up to a distance of 30", and we comply with that. With respect to the justification, the Master Plan of 2017, the vision statement, says encourage growth and development in appropriate locations consistent with established land uses. I think we see that on the aerial. The neighborhood shul will be a welcome addition. The Municipal Land Use Law NJAC 40:55D2 under purposes of the act says encourage municipal action to guide the appropriate use or development of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. It's my testimony that this does this. It's a C2 variance for the front setback, and it certainly relates to a specific piece of property. This was slated for 4 duplexes and is being replaced with an inherently beneficial use. I indicated the purposes of the municipal land use law that would be advanced. The variance can be granted without any detriment to the public good, it's actually a benefit. The variance will not impair the intent of the zone plan and zoning ordinance because shuls are a permitted use there. My testimony is there are no detriments and the benefits are it will be good for the neighborhood and general public.

Mr. Herzl asked how many parking spaces he has.

Mr. Flannery said we have 34, the main sanctuary is 1,700 sf so we are required to have 17 and we have twice as many.

Mr. Herzl said even if you would rent that 800 sf in the basement for a simcha, you still have plenty of parking.

Mr. Flannery said that is correct. We have more than would be required for that.

Mr. Rennert said if there is a simcha in the basement there's more than 35 people there.

Mr. Pfeffer said we aren't asking for it. It's really for the shul itself.



Mr. Rennert said let's leave it that way. Don't give them anything they aren't asking for.

Mr. Flannery said in the report, it says to eliminate some conflicts with the shade tree easement by reducing parking spaces. My testimony is there's nothing that says we can't have parking in the easement. There is sufficient area for landscaping and it's my opinion that parking spaces shouldn't be removed. We've provided an area for utilities and it is landscaped properly. The design waiver for the parking on Bradhurst, there was comment that maybe we remove some but my testimony is that the extra parking is always a benefit. The rest of the report we would satisfy the Board Engineer.

Mr. Herzl said my opinion is to have as much parking as possible.

Mr. Sabel asked where garbage is going to be stored.

Mr. Flannery said there is a pad on the site of the building, and they will be rolled out and picked up by DPW.

Mr. Sabel asked if they could put sidewalk on that west side of the building, from the street to the building. The main building is to the south.

Mr. Flannery said yes the main parking area is to the south. The main entrance is at the north and there is some parking there that connects.

Mr. Sabel said and the handicapped ramp prevents walking on the east side of the building, so can there be sidewalk on the west to connect it.

Mr. Flannery said if that's what the Board wants we will move the trash pad and connect the sidewalk.

Mr. Rennert said I don't understand.

Mr. Sabel said the entire Oak and Vine Area is going to walk.

Mr. Flannery said there is sidewalk around the frontages, so all you are doing is saving the people some exercise from having to walk all the way around. There is the availability to do it.

Mr. Sabel said they are going to do it anyway, let it be sidewalk.

Mr. Rennert said I don't understand.

Mr. Sabel said everyone from Oak and Vine is going to come from the west, this is at the east end of the area.

Mr. Herzl said I agree, it's not that much of an area to complete around the building. He opened to the public.

Mrs. Morris said she just received an email from Moshe Zeines. He said:

1. Can the driveway on Vine be right in/right out, with a raised curb to the approved by Lakewood Police Department's Traffic Safety unit.
2. Can the applicant provide crosswalks across both Havens and Bradhurst?

Mr. Flannery said painted crosswalks at the intersection. The applicant would agree to that. As to the first item, my professional opinion is it's not a good idea. It's a street that allows the lefts, and the Lakewood drivers are going to make them anyway. So I would be against his first suggestion.

Mr. Herzl said and the crosswalks you're making.

Mr. Flannery said we'd be happy to provide painted crosswalks.

Mrs. Morris said there were no other emails.

Mr. Herzl closed to the public.

Mr. Rennert asked if the ingress and egress over here is dictated by the County.

Mr. Flannery said County has no jurisdiction.

Mr. Sabel made a motion to approve with adding sidewalk on the entire west side of the property, no simcha hall, crosswalks as suggested, and window wells should have a metal cover.

Mr. Pfeffer asked to clarify the no simcha hall. He said there is no simcha hall for rental, but the synagogue can use it for their use.

Mr. Jackson said of course they can use it, they just can't have outside catered events.

Mr. Isaacson seconded the motion.

Mr. Rennert asked for clarification. Will the simcha hall be used during the week for parties.

Mr. Herzl said not for outside parties.

Mr. Pfeffer said correct. It won't be used for rentals. Are you asking if there's going to be a bris?

Mr. Rennert said yes, I want to know if there's going to be cars parked on Vine Street.

Mr. Pfeffer said I expect they will use it, but again it's only 800 sf. If you're having a large simcha its not going to be here. It's only for the congregants use.

Mr. Rennert said I don't think there should be any parties downstairs. If you're going to use it on Shabbos, that's fine because no one will be driving. But during the week, I'll ask whoever made the motion if he had the intent that there could be parties without outside people coming in.

Mr. Stern said a 40x20 is like a large bedroom...

Mr. Pfeffer said and there's no kitchen.

Mr. Rennert said my concern is there is going to be a bris and there will be cars parked on Vine Street. Vine Street is very narrow.

Mr. Herzl said they have double the amount of parking that they need.

Mr. Rennert said do you think 35 cars for a bris is good enough? I'm not trying to persuade anyone one way or another. I'm not comfortable with any catering downstairs unless it's on Shabbos.

Mr. Herzl asked Mr. Sabel to clarify his motion.

Mr. Sabel said how would you word, if I wanted to change my motion.

Mr. Rennert said that there should be no parties downstairs except on Saturdays.

Mrs. Morris said I want to add in for consideration, I think in the past we have had questions about whether or not the Board can limit an applicant's use of their property, for example certain business hours. If they are using it for themselves, Mr. Jackson are we allowed to tell them that they can't use the space in a certain manner at a certain time?

Mr. Jackson said that gets tricky when you say they use it for themselves. Mr. Rennert's notion that it can't be used for social gatherings and catered type of events where there is food, except on Sabbath, I think that's pretty straightforward. What Mr. Pfeffer is saying they will use it for their own purposes and they won't have parties there.

Mr. Sabel said it's impossible to enforce.

Mr. Jackson said not if the neighbors are complaining. Code enforcement would have to come out and then it's a violation of a site plan. No one will complain if there isn't a problem, and there won't be a problem if they're doing what they're supposed to be doing.

Mr. Sabel withdrew his motion.

Mr. Rennert made a motion to approve the application with the sidewalks as discussed, and there should be no parties downstairs except on Saturday, no rental of the simcha hall, and the grate covers for the window wells and crosswalks across Bradhurst and Havens. Mr. Sabel seconded. All were in favor.

4. **SP 2373AA Beth Medrash Govoha of America Inc.**  
619, 625, 633 7<sup>th</sup> St & 526, 620, 634 8<sup>th</sup> St                      Block 46, Lots 4-6 & 22-24  
Site Plan Exemption for a parking lot

This application was carried to the July 14<sup>th</sup> public hearing.

5. **SP 2360 Yeshiva Tora Chaim**  
999 & 1027 Ridge Avenue                                      Block 190 & 190.03, Lots 57 & 31  
Preliminary and Final Major Site Plan for a dining hall and dormitory

This application was carried to the July 14<sup>th</sup> public hearing.

5. **APPROVAL OF MINUTES**
6. **APPROVAL OF BILLS**
7. **ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary