

west and east there is significant heavy commercial activity and to the rear is a parking lot. Because of the nature of the design of the site which is similar to what is existing, there is no opportunity for foundation plantings.

Mr. Vogt said they are seeking relief for the recommendations of the Shade Tree Commission.

Mr. Hopkin confirmed, the rest of the comments can be met.

Mr. Rennert asked what the use is of the existing building.

Mr. Hopkin said it is flex space. There are various tenants with a small amount of office.

Mr. Pfeffer said the current and new proposed building would be flex space.

Mr. Rennert said it is like a warehouse with offices. He asked if all of the parking would be around the new building.

Mr. Hopkin said they do have new parking around the new building and they have also added an additional parking lot to the other buildings as well.

Mr. Pfeffer said they have a total of 198 spaces.

Mr. Hopkin said 45 spaces are required.

Mr. Rennert questioned why they are adding so many spaces.

Mr. Hopkin replied to add to the existing site. The existing site complies but it appears there may be some additional spaces required. The stormwater management has been designed for it.

Mr. Franklin asked if the only office area is the area shown on the architectural plans.

Mr. Hopkin confirmed.

Mr. Franklin thinks it seems to be an excessive amount of parking for a small office.

Mr. Herzl said it is for warehouse workers.

Mr. Franklin just wants to confirm they are not using the whole area as an office.

Mr. Pfeffer said they are not, it is flex warehouse space. It is not office space.

Mr. Follman asked how many parking spaces they would need if it were all office space.

Mr. Hopkin said approximately 135 spaces.

Mr. Herzl said they would conform even if it were all office.

Mr. Vogt said it is their understanding that any change of use, if this is approved, would have to come back to the board.

Mr. Jackson asked what he means by change of use. He asked if they have to come back if they change it all to office space.

Mr. Pfeffer said it is not being built as office space. There is no air conditioning or heating. It's warehouse space.

Mr. Jackson said if it were to be changed from warehouse space then they would require amended site plan approval.

Mr. Pfeffer said that is correct. The only office shown on the plans is for one or two people to help run that space.

Mr. Rennert asked how many other buildings are on the site.

Mr. Hopkin said there are four other buildings. There are two existing buildings, one is being built now and there is one which has been approved but not built yet.

Mr. Rennert asked if all of those buildings are flex space.

Mr. Hopkin confirmed.

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

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

2. SD 2188 Aaron Sperber
Locust Street Block 1083, Lot 7
Minor Subdivision to create three lots

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

Mr. Hibberson and Mr. Rennert stepped down.

Mr. Vogt said a variance is required for minimum side yard setback for proposed lots 7.01 and 7.03.

Mr. Brian Flannery, P.E., P.P. was sworn.

Ms. Susan DiMaria, Esq representing Harrogate would like an opportunity to have her planner speak about jurisdiction. There is contention that this application requires a 'D' variance.

Mr. Jackson asked what the contention is based on.

Ms. DiMaria would like her planner to explain further.

Mr. Jackson said the board should hear the application first and it would be part of the applicant's proofs to address what the use is and why they believe it is conforming in the zone then the objector can proceed.

Ms. DiMaria wants to be clear they are not waiving their objection.

Mr. Jackson asked what use is being sought and why he thinks it is permitted in this zone.

Mr. Flannery said multi-family residential. The property is located in the B-5A zone, section 18-903.F under permitted uses it reads 'multi-family residential which may include two-family and duplex housing.' It goes on under design regulations 'multi-family dwellings shall be permitted in accordance with the standards set for multi-family dwellings located in the B-2 zone as to all criteria, except density. Maximum density for multi-family dwellings shall be limited to 17 units per acre'. As defined in the UDO, a multi-family dwelling is 'two or more dwelling units located within a single building, with a private entrance to each dwelling unit' and this application clearly fits that. The UDO says multi-family in accordance with the B-2 under section 18-903B permitted uses 'all uses permitted in the B-1 and R-M zones' and it goes on to list the design regulations for multi-family dwellings and as the board engineer's report points out, the one thing they are requesting relief on is for side yard setback where 20 ft is required and they are seeking 12 ft.

Mr. Jackson read in the board engineer's report that multi-family dwellings shall be permitted and he seems to indicate this is a permitted use in the zone.

Mr. Vogt said that is correct.

Mr. Jackson said the board should keep an open mind on that issue until the objector is heard.

Mr. Flannery said these are a specific type of multi-family dwellings called triplexes as it is three units. It is situated to the piece of property located on Locust Street. Concerning the side yard setback variance, typically 20 ft would make sense on either side for a bigger job but this is a small triplex which is very similar to a duplex which would have smaller side yard. They acknowledge they need a side yard setback variance as 12 ft is being requested whereas 20 ft is required. This is a 'C-2' variance where they need to show the benefits outweigh the detriments. With the development in the area, this would fit in well. Nobody driving down Locust Street is going to look at these units and say there should be 20 ft on the sides. This application provides adequate yards, light, air and open space. It is his testimony that this application is based on smart growth planning principals and is consistent with the smart growth plan. The variances can be granted without substantial detriment to the public good and is consistent with the zone plan and zoning ordinance. The property will have sufficient parking and buffering.

Mr. Herzl asked how many parking spaces are provided for each house.

Mr. Flannery said 4 spaces. They would agree to all the other items in the engineer's report including the issue with the turnaround area where they could back the units up or make them a little smaller so they can satisfy the board engineer.

Mr. Franklin said the parking is 1.5 ft off the property line so they can't get any planting along the sides.

Mr. Flannery confirmed, there is a setback between the buildings and the parking so they will have foundation plantings and plantings on the side. The relief requested is for the side setback for the house, nothing with respect to the parking.

Mr. Herzl asked if it is permitted to have parking so close to the property line.

Mr. Flannery said it is.

Mr. Follman said this is a horrible plan.

Ms. DiMaria asked how many bedrooms would be in each home.

Mr. Flannery said the normal 5 to 6 bedroom units.

Ms. DiMaria questioned the basement.

Mr. Flannery said the applicant is not proposing anything but they expect the basements to be utilized as other basements in Lakewood are. The Lakewood ordinance does allow rentable units in the basement.

Ms. Barbara Allen Woolley-Dillon, P.P. was sworn. She reviewed the zoning ordinance, current versions of the master plan, proposed future changes as well the MLUL and relevant case law. She believes this application is before the wrong board. Only the Planning Board can hear variances which do not require 'D' type variances. There are 7 of them specifically listed in the MLUL. The first one involves two parts, 'D-1A' and 'D-1B'. The 'D-1' variance is for a use or type of structure not permitted and then there are others that follow through down through density. She heard Mr. Flannery's reading of the ordinance but she thinks there are other parts to the definition to the multi-family he is missing which are referred to in other sections of the ordinance. The way the Lakewood ordinance looks at multi-family housing, there are specifically two sections referring to it being connected horizontally and vertically located on the same lot. This doesn't do that as they are located on 3 separate lots.

Mr. Jackson said in her view, in order to meet the definition of multi-family, the properties have to be vertically or horizontally connected and on one lot. So it would be a conventional condominium, apartment or townhome development.

Mr. Herzl asked where that is located in the ordinance.

Ms. Woolley-Dillon said there are two sections which specifically refer to this, section 18-902B.7 'multi-family - a building containing multiple dwelling units, other than a townhouse, that are attached both vertically and horizontally, with each unit having either a separate exterior entrance or access from a common hallway.' Section 18-911B 'The provisions of this Article are intended to serve as conditions required for approval of zero lot line residential dwelling, as they may be permitted within the R-10, R-7.5, R-M, B-1, and B-2 zoning districts. It is not intended that this Article apply to townhouse developments involving no side yard setbacks on either side, or condominium developments.' She believes it is clear that this is not multi-family, it is townhouse. A townhouse is neither permitted as a stated permitted use or as a conditionally permitted use.

Mr. Jackson asked if there is any other section in the ordinance which defines 'multi-family'.

Mr. Woolley-Dillon said other than the one Mr. Flannery has cited, no. She thinks this is a very specific reference.

Mr. Herzl asked if the definition for multi-family is the same in all zones.

Mr. Vogt said there is different conditions by zone. He doesn't know them all by memory but he can say this is consistent with what has been interpreted as multi-family residential in his nine years.

Mr. Jackson said this application is located in the B-5A zone. The definition read was from R-40. It also said something about affordable housing so it may have been specific to that.

Ms. Woolley-Dillon said it may be and the other issue she has is there is no specific definition for multi-family housing.

Mr. Jackson asked Mr. Flannery where he drew the definition of multi-family which fits this zone.

Mr. Flannery said the general definition section of the ordinance which he read. It clearly says two or more dwelling units located within a single building with a private entrance for each dwelling unit.

Mr. Jackson asked if there is anything in the B-5A which is specific to multi-family that would take it outside the general definition like apparently the R-40 does.

Mr. Flannery no, it references the B-2 zone and he read from the B-2 zone as well.

Ms. Woolley-Dillon does not agree. If there is something unclear then she would refer to another source.

Mr. Jackson understands but there is a section in their ordinance specifically defining multi-family.

Ms. Woolley-Dillon said she wanted to understand exactly what multi-family is so she went to an outside source as the Lakewood ordinance has two different things going on. To her, this is townhouse development which is not multi-family.

Mr. Vogt said there is another section which refers to a townhouse and it gives specifics as to a townhouse. This may or may not meet the strict definition of a townhouse, however, at the end of this definition it says 'any unit in excess of two units that does not meet the townhouse definition shall be considered a multi-family dwelling.' Therefore, his interpretation of the UDO, based on what he is reading, either it is a multi-family dwelling that is also a townhouse or if it does not meet the strict townhouse by default, it is a multi-family dwelling. The definition of a townhouse is as follows 'a dwelling which is designed for and occupied exclusively as, the residence of one housekeeping unit. That is attached by means of one or more common fire walls to two or more other townhouse dwellings in the same building and each townhouse is intended for occupancy by one housekeeping unit. Townhouse dwellings may not have any other dwellings above or below them within the same building. Townhouse buildings must exclusively consist of units that do not have any other dwellings above or below any of the individual units.' He assumes the applicant is not seeking the reliance of the Lakewood definition of a townhouse.

Mr. Flannery confirmed.

Mr. Vogt said based upon that, he again goes to the concluding statement in the UDO of a townhouse, 'Any unit in excess of two units that does not meet the townhouse definition shall be considered a multi-family dwelling.'

Mr. Jackson said if this is a townhouse then it is not permitted.

Mr. Vogt asked if the proposed dwelling meets the definition of a townhouse per Lakewood UDO.

Mr. Flannery wants to address John's question that if it is a townhouse then does that mean it is not multi-family and his answer would be no. A townhouse is a specific type of multi-family and the ordinance allows townhouses in some places where it doesn't allow multi-family. Multi-family can be up, multi-family can be a lot of things. There are zones which allow multi-family and townhouses and there are zones which allow just townhouses where they wouldn't want different types of multi-family. This clearly meets the definition of a multi-family.

Mr. Jackson asked if it is a straight up townhouse, would it be permitted in this zone.

Mr. Flannery said a townhouse is a multi-family so it would be permitted.

Ms. Zografos said going back to section 18-200, she thinks it said multi-family was to be on only one lot.

Mr. Vogt read 'two or more dwelling units located within a single building, with a private entrance to each dwelling unit.'

Ms. Woolley-Dillon said that is listed specifically under the R-40 zone.

Mr. Jackson is still confused, if a townhouse is recognized as a specific type of housing and it's permitted in certain zones but not all zones, it sounds to him like townhouses are not permitted in this zone.

r. Herzl said this is not a townhouse, it is multi-family.

Mr. Jackson said that is the next question.

Mr. Vogt said the UDO has a specific definition of what it considers a townhouse and either it meets it or it doesn't.

Mr. Flannery said if they want to take the advantages of the townhouse provisions, they need to meet the definition of a townhouse. If they do not want to take advantage of the townhouse provisions, they do a multi-family.

Mr. Jackson asked if there are zones where townhouses are prohibited.

Mr. Flannery said there are zones where townhouses are not listed as a permitted use.

Mr. Jackson said this zone is one of them.

Mr. Flannery said townhouses are not listed as a permitted use in this zone.

Mr. Jackson said then if this is in fact a townhouse then it is not permitted here.

Mr. Flannery said there is no reason to list townhouses as a permitted use if multi-family is permitted and this is the way this board has interpreted this in the past because if multi-family is permitted, it permits townhouses.

Mr. Jackson said just because they have done this in the past doesn't necessarily mean they can ignore someone bringing up a point they haven't looked at. He asked if there is a zone where townhouses are not included in the list of permitted uses, it sounds like this is one of them.

Mr. Flannery confirmed.

Mr. Jackson said then the question is this a townhouse, is there a specific type of housing that this falls squarely conforming this is a townhouse.

Mr. Flannery said a townhouse is a type of multi-family. They are asking for multi-family residential and this meets that definition.

Mr. Herzl asked what the difference would be between multi-family and a townhouse.

Mr. Flannery said a townhouse is a specific type of multi-family.

Mr. Herzl asked if this were a townhouse, would they get more or less density.

Mr. Flannery said in this particular zone it says multi-family at 17 units per acre. So you get 17 units per acre whether you have condos, duplexes, townhouses or any form of multi-family.

Mr. Herzl said his testimony is there is no difference between a townhouse and a multi-family in the B-5A zone.

Mr. Flannery confirmed.

Mr. Jackson is trying to understand why townhouses were not listed and if this is considered a townhouse. He thought from what Mr. Vogt said, the board is going to have decide if this is a townhouse or not.

Mr. Herzl said from what he has heard, this is not a townhouse, it is multi-family.

Mr. Vogt said there is a very specific definition in the UDO that either meets all these points or it doesn't. If it does not meet all the points, then his interpretation is this particular dwelling would default to the multi-family dwelling definition. Mr. Vogt read 'a dwelling which is designed for and occupied exclusively as, the residence of one housekeeping unit.'

Mr. Flancbaum asked if this application meets that definition.

Mr. Flannery said no because it can have a rentable basement.

Mr. Vogt said which is why it would not meet the townhouse definition and default to multi-family residential.

Mr. Jackson said if you put the rentable basement into the equation, since they are allowed everywhere, why have a townhouse designation. Other than that, he thinks this meets it.

Mr. Herzl said that is why he asked before if there is any difference between a townhouse and a multi-family house.

Mr. Vogt said a townhouse traditionally, you have units and fire walls which you do have here. The difference is the majority of the time not only do you have the primary occupancy, you have the secondary basement occupancy. That would be a deviation from this definition.

Mr. Herzl asked if basements are not allowed in townhouses.

Mr. Vogt said a regular townhouse in Lakewood, unless specifically restricted, in his experience most ultimately are occupied.

Mr. Herzl said technically townhouse and multi-family is the same thing.

Mr. Jackson said all townhouses are multi-family but not all multi-family are townhouses because there is a specific definition for what a townhouse is than what multi-family is. A narrower form of multi-family is townhouse just like he assumes a narrower form would be condominiums.

Mr. Flancbaum said if these units end up having rentable basements then they are no longer townhouses.

Mr. Vogt said if the board conditions the approval that there shall be no secondary household in the basement or elsewhere then it would probably meet the definition of a townhouse.

Mr. Flancbaum said it would not be allowed in this zone.

Mr. Jackson told the board not to forget the 'C' variance requested.

Mr. Flancbaum said they are really talking about 6 units, 3 fee simple units with the potential of a rentable basement.

Mr. Jackson asked the board if they believe this board has jurisdiction to move forward.

Ms. DiMaria said there was testimony from Mr. Flannery that the basements may be rented out in the future which makes this a townhouse and also the board engineer's review letter specifically refers to the structure as townhouses.

Mr. Vogt said it may have been an inaccurate reference in their review comments. If you go the heading of zoning, they refer to the multi-family residential definition.

Ms. DiMaria said it also appears in the project description.

Mr. Vogt said structurally if they are looking at this without checking every point of the UDO definition, these appear to be townhouses. The way the townhouse definition is written, if you don't meet every condition then it is not a townhouse and it defaults you to multi-family residential.

Mr. Flancbaum asked how many parking spaces would be required if this application were for 6 units.

Mr. Vogt said for each units, based upon the number of bedrooms, more often than not the 4 per unit holds if you develop the basements. That gets reviewed at plot plan based on the actual architectural drawings which are submitted at that time. If there is a difference in the number of bedrooms where it triggers a 5th space then that would have to be added. Based upon what they have, the 4 spaces are appropriate per UDO standards.

Mr. Pfeffer said the 4 includes the basement assuming it is going to be used as a unit.

Mr. Jackson asked what the point is of prohibiting townhouses when you can allow 6 multi-family. To him, there is no logic behind that.

Mr. Flancbaum agrees, if duplexes and multi-family are allowed then why aren't townhouses allowed.

Mr. Jackson thinks this is a difficult one. The objector raises an interesting argument which the board has to sort out. He also doesn't understand what the deal with townhomes is when you are allowed to have multi-family.

Mr. Franklin said with a townhouse, you cannot rent the basement.

Mr. Herzl thinks you can.

Mr. Vogt said with the townhouse, you can have the end units with exterior entrances then you could.

Mr. Flancbaum doesn't understand why townhouses are excluded.

Mr. Flannery said townhouses are not excluded. The ordinance does not say they are prohibited.

Mr. Jackson said it doesn't list them as permitted.

Mr. Flannery was just advised they have submitted to Ocean County.

Mr. Vogt said they are no longer seeking that relief.

Mr. Flannery confirmed.

Mr. Vogt said variances sought include minimum lot area, width and a possible issue with respect to the setbacks on the new lot at the corner of White Street and Olive Court. Testimony shall be provided as to whether or not the application is going to stay within maximum building coverage.

Mr. Flannery said the application is to create 3 lots consisting of 20,031 sf, 40,867 sf and 40,875 sf. Two exhibits were submitted, A-1 shows the subject property, A-2 is a tax map of the area and its location on the corner of Olive Court and White Street. The lots highlighted in blue are less than 40,000 sf. The Master Plan in 2014 recommended this area as an R-12 zone. The relief sought is lot area for one of the lots for 20,000 sf where 40,000 sf is required. There are other lots in the area which are less than 20,000 sf and he sees the future development in that area certainly being less than 20,000 sf lots. Minimum lot width variances of 130.47 ft, 118.41 ft and 109 ft are requested whereas 150 ft is required. The Master Plan in 2007 had indicated for the R-40 zone that the minimum lot width should be reduced to 100 ft. The Master Plan of 2014 and the new proposed Master Plan are certainly going to have something where these lots will no longer have a variance situation. A rear yard setback of 30 ft for the lot on the corner of White Street and it's just the nature of that lot line where it veers off at an angle. They would comply with building coverage as permitted by ordinance so no variance relief would be requested for that.

Mr. Vogt asked if the rear yard setback of 30 ft for the corner lot is still being sought.

Mr. Flannery confirmed, it is due to the triangular shape of the lot.

Mr. Herzl said they have the building envelope, they are much more than 30 ft away.

Mr. Flannery said on this particular lot, they have a front of 50 ft, the side and the third one is called the rear and the 30 ft rear yard setback is what they are requesting.

Mr. Herzl doesn't see why they need a variance.

Mr. Vogt said the comment is to seek clarification as to if they are seeking the variance.

Mr. Flannery said they are not going to request that variance.

Mr. Herzl said the variances requested then are lot area and width.

Mr. Vogt said they need testimony regarding maximum building coverage.

Mr. Flannery said they would comply with the maximum building coverage of 20%. The other comments in the report would be met. There was a question on improvements, there is a tennis court in the back which would be removed.

Mr. Herzl asked what is currently on the lot.

Mr. Flannery said a house which would remain with a tennis court but the tennis court straddles one of the lot lines so it has to be removed.

Mr. Herzl asked if curbs and sidewalks are being provided.

Mr. Flannery confirmed.

Mr. Follman asked why the 2007 Master Plan is being mentioned as it ruined this town. Also, the recommendation this board made that it should be an R-12 was only after all infrastructure was in place and nothing should be done before. The committee decided to approve before taking the board's full recommendation and then it was overturned.

Mr. Flannery said part of the testimony he has to give is with respect to compliance with the Master Plan when asking for a variance. He understands the Master Plans he has to testify to are tenuous because they have one from 2007 which was never implemented and one from 2014 which was never implemented and now they have one in 2017 undergoing a process that is contentious but as a planner presenting an application he has to talk about the Master Plan. Once the Master Plan is adopted and the roads are widened then it would be easier for everyone.

Mr. Grunberger asked what the structure is in front of the house.

Mr. Flannery said it is some type of landscape area.

Mr. Herzl opened to the public.

Mr. Menachem Lefkowitz, 23 Olive Court, was sworn. He is in favor of the application.

Mr. Thomas Riley, 662 Plymouth Drive, was sworn. He said before the town expands any further, they should re-examine safety, environmental issues.

A motion was and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Follman, Mr. Garfield

No: Ms. Zografos

4. SP 2242 Congregation Yeshiva Mkor Chaim
160 Locust Street Block 1081, Lot 9
Preliminary and Final Major Site Plan for a school

Review letters prepared by Remington, Vernick & Vena Engineers dated August 16, 2017 and October 11, 2017 were entered as exhibits.

Mr. Vogt said submission waivers are requested from providing a traffic study and an environmental impact statement. They can support waiving a traffic study since the project is on a County highway and will be subject to Ocean County requirements, the waiver for an environmental impact statement is also supported as the property is already developed.

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

Mr. Vogt said they have their typical review letter prepared August 16th as well as a supplemental letter dated October 11th as there was an alternate plat provided as an exhibit.

Mr. John Doyle, Esq. said this successful existing Yeshiva has grown since this board approved it 5 years ago and now wants a larger and much needed building and while they are surrounded by either approved or existing

duplexes, townhouses, synagogues, apartments they do have on one side a single family resident neighbor which is Mr. Liston's client. They expressed some concerns and through significant negotiation between the parties, the intervention of a third person, Mr. Liston and himself, they have a signed agreement that should be part of the record in this matter.

Mr. Ed Liston, Esq. said the agreement has been signed by the Rabbi and his clients. They have been working on this for about a month and he is proud to say that everybody is satisfied. They only ask that a copy of the agreement be attached to any resolution of approval so it is binding.

Mr. Doyle said there are variances sought but that is due to a very sensible choice made. In this zone, they could have gone up 5 stories and provided a similar amount of square footage, space for the studies and living area for the students. A height variance would be needed but they would have eliminated all of the other variances. The applicant thought it was better to be horizontal in this area rather than 5 story vertical.

Mr. Glenn Lines, P.E., P.P. was sworn. This application is for a two-story school with a finished basement. The largest floor area is 16,500 sf. It is an 'L' shaped building. This site is located at the end of Locust Street where the turnaround is.

Mr. Doyle said it is a very peculiar site with that turnaround.

Mr. Lines said they have access off of Route 70. The property to the west and rear used to be the driving range and is currently under development as duplexes. To the east are two residential houses, after that there are townhouse developments and across the street are apartments. The B5-A for the most part in this area starts at the Toms River border and proceeds easterly and is mostly now multi-family residential. There is an existing school on the property which would be removed. Originally they had the building centered on the lot but it was requested by the objector to move it 5 ft to the west so they would have a 20 ft side yard setback. The objector also requested a 5 ft high vinyl fence from the rear property line to the front of the parking spaces. There are also some extensive landscaping requirements and requests regarding maintaining the existing pine trees between the school and residential property line. There were also some buffer requirements for parking.

Mr. Herzl asked how many parking spaces are proposed.

Mr. Lines said 30 spaces where 27 are required.

Mr. Herzl asked if the basement would be rented out.

Mr. Lines said no, the basement would be used for the school. There are two recreation rooms, a cafeteria, a kitchen and some dormitories in the basement.

Mr. Herzl said it is strictly a school.

Mr. Doyle said the school would be secondary level as well as college level. There will be 105 to 135 students mostly living on campus, the balance being bused. It would be a number where a single bus would be sufficient.

Mr. Lines said that is correct, there will be 30 to 50 students bused which would be one school bus.

Mr. Herzl asked what the maximum amount of students would be.

Mr. Abe Auerbach was sworn. He has been involved in negotiations with the neighbor as well as this plan for about 5 months. The maximum capacity is around 180 students including the high school and post high school. Only one bus will be sufficient as everyone else will be living on site. Part of the agreement with the neighbor is that it would not be rented out to any outside venues and that would be part of the resolution.

Mr. Doyle said there were questions raised about the HVAC.

Mr. Auerbach said all HVAC will be on the roof.

Mr. Doyle asked about fire protection.

Mr. Auerbach said they would comply with all building codes.

Mr. Doyle asked about lighting.

Mr. Auerbach said they would conform to any recommendations by the board engineer during resolution compliance.

Mr. Doyle asked about traffic circulation.

Mr. Lines said they have two two-way driveways. A bus would enter on the westerly driveway and come out the easterly driveway and drop off in front of the school. As far as garbage trucks, they would do the opposite. They would enter on the easterly driveway so they could do a head in collection for the dumpster at the westerly side of the site.

Mr. Herzl asked if there is a pad for the dumpster.

Mr. Lines said the dumpster is right at the end of this driveway in front of the building against the westerly property line.

Mr. Herzl asked if they met with Public Works.

Mr. Lines said they have.

Mr. Franklin said entering head in is the easiest way.

Mr. Garfield asked if they plan on adding more parking as the school grows.

Mr. Auerbach said the parking proposed is for the maximum number of students and staff. The agreement with the neighbor conditions that they cannot go past that maximum number.

Mr. Herzl said if they do then they would have to come back before the board.

Mr. Grunberger questioned the large mechanical rooms in the basement.

Mr. Auerbach said typically in the basement they need large mechanical rooms to accommodate any future pumps or boiler equipment should they be needed. They are not adding any additional classrooms or dorm rooms.

Mr. Hibberson said they are putting in a substantial school in a very congested area which is about to be filled with new residences. The street congestion, apart from access to this building site, will be extremely hazardous. He understands the variances requested because they are putting in a large structure and a lot of students into a very small area. He is wondering if they are being overly enthusiastic when asking to put so many students in such a tiny area.

Mr. Auerbach said first of all they have to deal with the County concerning traffic but most of the students are going to be on-site sleeping there. There will not be a lot of vehicular traffic as they are not allowed to bring their own cars.

Mr. Hibberson said most of the traffic in that area exists already and it is very congested.

Mr. Auerbach said there is a functioning school there now. They are not going to be substantially increasing the traffic volume. There will only be one bus coming in and everyone else will be on-site. They could have gone four floor with no variances but they are here to work with the neighbors.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Ms. Zografos, Mr. Garfield

No: Mr. Hibberson

- 5. SD 2175 Yechezkel Piotrovski**
30 Gudz Road Block 11.30, Lot 13
Minor Subdivision to create four lots

This application was carried to the November 21, 2017 meeting. No further notice.

- 6. SD 2279 Mordechai Eichorn**
Sylvan Court Block 411, Lot 18.02
Preliminary and Final Major Subdivision to create four lots

This application was carried to the October 31, 2017 meeting. No further notice.

- 7. SP 2248 Aharon Mansour**
512 Chestnut Street Block 1087, Lot 20
Preliminary and Final Major Site Plan for a restaurant and office building

A review letter prepared by Remington, Vernick & Vena Engineers dated September 14, 2017 was entered as an exhibit.

Mr. Vogt said submission waivers are requested from providing a traffic study, proof of submission to the Ocean County Planning Board and an environmental impact statement. The applicant's engineer has indicated that the plan revisions have delayed the completion of the traffic study.

Mr. Flannery said he spoke to Scott Kennell concerning the traffic report. He didn't want to take traffic counts around the holidays. He would do a traffic report now that the holidays are over and they would have to submit a study to the County as well as the State.

Mr. Herzl said they are asking for waiver from providing one.

Mr. Vogt said they are asking for a waiver for hearing purposes only. They are ultimately going to give them a traffic study presumably during compliance, if approved.

Mr. Jackson asked what good a traffic study does after the case is heard.

Mr. Flannery said his opinion on this is the traffic study for this particular site really doesn't help the board anyway. If it was impacting a local road he would understand but this is on Route 70.

Mr. Follman said it opens up on Chestnut Street. He doesn't think this application should be heard until they have a traffic study.

Mr. Herzl asked when they will have one completed.

Mr. Flannery said the traffic counts are going to be done within the next couple of weeks and the study would be completed a few weeks after that. It enters on a County and State road and it is a permitted use.

Mr. Herzl said they need County approval also and they can't obtain that without a traffic study.

Mrs. Miriam Weinstein, Esq. said that is correct. They need County approval as Chestnut Street is a County road. They cannot get County approval without having a traffic study.

Mr. Jackson doesn't see what good submitting the traffic study later is in the hearing process. He asked if there are variances sought on this application.

Mr. Vogt said lot area, width, front yard setback, side yard setback, aggregate side yard setback and their interpretation is off-street parking.

Mr. Jackson said the traffic counts, circulation might be relevant to the board's consideration.

Mrs. Weinstein said the lot was created as a result of a previous subdivision so many of those variances are pre-existing.

Mr. Jackson said a restaurant and an office building are proposed which are pretty intense uses but ultimately it is up to the board.

The board unanimously agreed that the application is incomplete.

Mrs. Weinstein agreed to a time waiver.

A motion was made and seconded to carry the application to the November 21, 2017. No further notice.

- 8. SD 2282 Albert Street Holdings, LLC**
Towers Street & Pine Street Blocks 830.11, Lot 2
Amended Preliminary and Final Major Subdivision to create forty-two single family homes ("Somerset Run")

A review letter prepared by Remington, Vernick & Vena Engineers dated September 14, 2017 was entered as an exhibit.

Mr. Vogt said it appears no submission waivers are requested. Variances sought include minimum front yard, rear yard setback, it is unclear whether parking relief is required for the community building. Design waivers are required for proposed non-perpendicular lot lines as well as for two areas of perpendicular parking spaces near the community building.

Mrs. Miriam Weinstein, Esq. said this application should be an easy one for a change. What they have before them is an amended major subdivision approval. The board may recall this application which was approved for Somerset Development for a total of 70 homes. There was a mix of townhomes, single family homes and a shul/clubhouse. The project was sold and the new owner wants to change the project to a total of 42 single family homes. The new owner would like to see single family homes on this property. The variances requested here are the same exact variances already approved for the clubhouse in the last application. The only change is they are taking 70 homes, some of which are multi-family, and now they are all going to be single family. The only issue is that as a result of a legal challenge by a neighboring property owner, there was an order signed by a judge abandoning the road vacation of Charity Tull Avenue. Obviously, any approval granted by this board would have to be made subject to the vacation of that portion of Charity Tull Avenue affecting this project. The whole Charity Tull Avenue was vacated and a neighboring property owner challenged it and the judge signed an order abandoning the entire road vacation. They are going to request that only the portion affecting their project be vacated again.

Mr. Follman said the Township isn't vacating roads right now.

Mrs. Weinstein understands and applicant would accept the risk that the Township would grant this because they had already granted it once. The neighbor objecting to the vacation has no objection to the portion fronting their property.

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

Mr. Herzl said this approval would be subject to that vacation.

Mrs. Weinstein said that is correct.

Mr. Herzl said if the Township doesn't vacate that portion then the applicant would have to come back with a new plan.

Mrs. Weinstein confirmed but what they are requesting at this time is for the board to act favorably on the application. Obviously, it would have to be subject to the Township Committee agreeing to the vacation. If they don't, they would come back before this board.

Mr. Jackson asked if she has been in contact with the Committee.

Mrs. Weinstein said she has been in contact with Township Committee members and they seem inclined to do it.

Mr. Lines said Charity Tull Avenue basically runs down their easterly property line. The dark black line on the upper side of their development is the center line of existing Charity Tull Avenue which runs from Pine Street to Towers Street. To replace what was vacated as Charity Tull Avenue, their development takes the next street over to the west, Sims Avenue which is partially developed to the south of their site and extends it all the way out to Pine Street. This Sims Avenue lines up perfectly on the other side of Pine Street with a paper street, if the board remembers where they had an application for an office building and day care center, so the Sims Avenue shown on their plan several months ago is directly across the street in the Cedarbridge Development area. Right now, if the

Township doesn't vacate Charity Tull, they are going to have this slightly offset intersection of Charity Tull and Sims on the other side of the street so logically it makes sense to vacate it.

Mrs. Weinstein asked if Charity Tull is vacated, there is still a thoroughfare to get from Pine Street.

Mr. Lines said yes, basically what their plan does is takes what was a Township street and dedicates a new street to take its place which goes from Pine Street.

Mrs. Weinstein said they are going to create a new road to replace the one that's being vacated.

Mr. Follman said they are replacing Sims which is also a paper street.

Mrs. Weinstein said no, it is a new road the developer is giving on part of his property.

Mr. Follman said Sims is on a piece of property owned by the developer and he is giving that instead of a vacated road.

Mrs. Weinstein confirmed. She understands his concern but there will be a thoroughfare between Pine Street and Towers Street, the same way there would have been had Charity Tull existed. It is just a different street and per testimony, it lines up better.

Mr. Herzl asked why they can't call the new road Charity Tull as they are basically just shifting the road.

Mr. Lines said the street they line up with on their southern edge is existing already and is called Sims so they are just extending Sims out.

Mr. Grunberger asked if they can get to Oak Street.

Mr. Lines believes you can go all the way from Oak, through Sims to Pine. Sims used to go straight through all the way to Pine. The Township vacated all of Sims in their development area and part of Pine River Village. So they use Charity Tull as a paper street, Sims as a paper street up to Towers. It was vacated many years ago.

Mr. Follman said Sims was a street which was vacated years ago.

Mr. Lines said they are basically developing a new Sims Avenue.

Mrs. Weinstein said right now it is part of the developer's property because it was vacated.

Mr. Lines said their 25 ft of the vacation is going to stay in as a vegetative buffer (inaudible). As far as the variances requested, there was a front yard setback variance for lot 1 of block 830.10 which is not being requested. The house shows it has 15 ft off the right-of-way and it would be a conforming front setback. The second variance is for the last house on the street, lot 20 of block 830.10, where they are requesting 15 ft from the paper street of Towers Street where 10 ft was requested for the original application. So they are taking what was an approved 10 ft front yard setback for a single family house and are increasing to a 15 ft front yard setback so that would be the house needing a variance. The variances proposed for the community building are the exact same variances that were submitted and approved in the prior application. Based on where the community building is located, it is basically have a front setback of 5 ft and a rear yard setback of 24.81 ft. As far as off-street parking, they have the exact same parking layout where 10 spaces are proposed in the parking lot. There would be 7 head-in spaces on one side of the building and 9 head-in spaces on the other side for a total of 26 spaces.

Mr. Follman asked how big the community building is.

Mr. Vogt said the layout plan references 2,448 sf of main sanctuary area which is the basis of the parking requirement. They had interpreted 18 parking spaces necessary and had only identified 10. Testimony was given that there are head-in spaces on the property specifically designated for this building.

Mr. Lines said those are head-in spaces on the community building property intended to be used only for the community building.

Mr. Vogt said they are not required for the parking count outside of the community building.

Mr. Lines said no, all of the single family houses proposed have 4 parking spaces and there are additional on-street spaces.

Mr. Herzl asked what the total number of spaces is for the community center.

Mr. Lines said 26.

Mr. Vogt said including the head-in spaces. That is fine with the understanding that they have adequate parking for the rest of the units.

Mr. Follman asked if a Simcha hall is proposed.

Mrs. Weinstein said no. The community building is going to have two mikvahs in the basement.

Mr. Follman said they don't have adequate parking.

Mrs. Weinstein said one is a Friday night mikvah so it doesn't need parking. She was told it is the exact same synagogue as Somerset Walk with two mikvahs in the basement.

Mr. Follman said they don't have adequate parking either.

Mrs. Weinstein said there are fewer houses here.

Mr. Herzl asked if these are all public streets.

Mrs. Weinstein said yes, the Township picks up the cans rolled to the street.

Mr. Lines said Public Works has already approved curb side pickup. Sidewalks and curbs and proposed throughout the site.

Mr. Herzl asked how wide the roads will be.

Mr. Lines said 32 ft where 28 ft is required by RSIS.

Mr. Franklin said 36 ft is proposed on the main road.

Mr. Lines felt that was beneficial because it will be a thoroughfare.

Mr. Herzl said Pine and Sims would be full intersections.

Mr. Lines confirmed.

Mr. Herzl asked if they can agree with the rest of the comments in the engineer's report.

Mr. Lines said they didn't have any issues with the comments in the report. There were recommendations by the Shade Tree Commission including another buffer in addition to the 25 ft proposed but he does not see a need for that as it is single family to single family.

Mr. Herzl asked what the requirement would be.

Mr. Lines said there isn't one normally between residential properties.

Mrs. Weinstein thinks there was a buffer required because this was a townhouse zone which the last approval proposed.

Mr. Vogt said they are seeking relief from installing an evergreen buffer along the east side of the site.

Mr. Lines confirmed.

Mr. Vogt said they also proposed foundation landscape for each unit.

Mr. Lines said they can agree to that.

Mr. Vogt said the last recommendation is Willow Oak shall be planted in the spring only, unless in containers.

Mr. Lines agreed to that recommendation as well.

Mr. Vogt said then the only deviation from the Shade Tree Recommendations is the evergreen buffer on the easterly side of the site.

Mr. Lines confirmed, they are already providing a 25 ft buffer.

Mr. Herzl asked what the buffer will consist of.

Mr. Lines said the existing trees will remain.

Mr. Garfield questioned the size of the homes.

Mr. Lines said they would have to stay within the building envelopes.

Mr. Jackson said they are proposing larger setbacks and that is a condition of approval so the applicant couldn't sell off the lots.

Mr. Weinstein said they could. No variances are being requested and they would have to stick to the building envelopes. Architectural plans were submitted but there is the intention that potentially the developer could sell off individual lots.

Mr. Jackson said even if the developer were to sell off a lot, that lot would be bound by the envelope shown on the plan and that would be a condition of approval.

Mrs. Weinstein confirmed.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Ms. Zografos, Mr. Garfield

No: Mr. Grunberger

9. SP 2244 Khal Meor Chaim

270 Miller Road

Block 9, Lot 3.01 & 6

Amended Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated September 20, 2017 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for topography, contours and man-made features within 200 ft, an environmental impacts statement, and tree protection management plan. We can support granting a submission waiver from providing a Tree Protection Management Plan for completeness purposes only. A Tree Protection Management Plan will be required as a condition of any approval.

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

Mr. Vogt said variances sought include minimum front yard, rear yard setback, testimony regarding off-street parking spaces is required and perimeter buffer relief is also necessary.

Mr. Adam Pfeffer, Esq. said the board may be familiar with this site. There is an existing synagogue on the site and they have come before the board within the past year or two and received approval for an addition. Subsequently, the congregation was able to acquire an additional property and now they want to utilize the property better and are actually looking to demolish the existing synagogue and build a brand new building better suited for their needs.

Mr. Herzl said there was an issue with parking.

Mr. Follman said it was gravel.

Mr. Pfeffer said this application provides a better use of the property, it is on Miller Road which is a fairly traveled road and it pushes the synagogue back onto the property. There were some previous granted and they are asking for some of the same variances but this is overall a better application and better use of the property.

Mr. Herzl asked if they are asking for a parking variance.

Mr. Pfeffer said no. There is going to be a Simcha hall but it will be for Shabbos as it was before.

Mr. Brian Flannery, P.E., P.P. was sworn. Minimum front yard setback relief of 13.2 ft whereas 30 ft is required. As Adam indicated, the shul is being moved as far from Miller Road as possible. Exhibit A-1 shows the shul on Adams and Miller, A-2 is the plan submitted showing the proposed building. It is a 2,900 sf main sanctuary which requires

23 spaces and they are providing 26. The basement will have the same restrictions as the last time so it doesn't create a catering or parking demand. The other comments in the board engineer's report with respect to the condition of pavement on Adams Street, they would certainly defer to the Township engineer on the restoration. The trash will require DPW approval. This is an inherently beneficial use and it serves this community. The building as proposed will adequately house the congregation.

Mr. Herzl asked what is to the right of this property.

Mr. Flannery said single family homes.

Mr. Herzl asked if there is any buffer on that side.

Mr. Flannery said they are providing the side setback as required by ordinance. They would obviously provide a fence and any other buffering the board feels necessary.

Mr. Herzl said all of the AC units are on that side.

Mr. Flannery said the plans do show a fence buffering those AC units.

Mr. Flancbaum said a 6 ft high vinyl fence is shown.

Mr. Herzl said there is a propane tank shown, he asked if there is gas in the area or if it is being removed.

Mr. Pfeffer believes it is from the old house.

Mr. Flannery said they would clear that up as part of resolution compliance.

Mr. Herzl asked if the dumpster location works.

Mr. Franklin said it would.

Mr. Follman commented this plan is much better than the previous plan.

Mr. Herzl opened to the public, seeing no one he closed to the public.

A motion was made and seconded to approve the application including the same restrictions as approved for the previous site plan approval.

All were in favor.

- 10. SD 2277 SES Cross LLC**
688 & 672 Cross Street Block 524, Lots 2.01 & 2.02
Minor Subdivision and Amended Major Site Plans to adjust lot line

A review letter prepared by Remington, Vernick & Vena Engineers dated September 20, 2017 was entered as an exhibit.

Mr. Vogt said submission waivers include plat at a scale not smaller than one inch equals fifty feet, plans shall be prepared by a licensed land surveyor, topography on the site, contours, location of existing and proposed wells and septic systems. If approval is granted, a survey will be provided. The waiver would be for hearing purposes only. A

Mrs. Miriam Weinstein, Esq. said this application is for a change of use to convert an existing residence into a synagogue. It is located on Marc Drive at the corner of Pine Street and it will be a Sephardic shul. This neighborhood has been developing with more and more families of Sephardic ancestry in recent years and hence there is a need for a synagogue of this genre. The shul will hold all services on Shabbos and Jewish holidays and for the immediate future there are no plans to hold weekday services. There will not be a catering hall. There will be nothing more than a Kiddish on Shabbos but certainly there will be no catering which would bring vehicular traffic to this site. There are no variance associated with this application.

Mr. Herzl said the main sanctuary is 650 ft.

Mrs. Weinstein confirmed, it is really a temporary situation. They are renting the space but they would like a legal shul where they can pray.

Mr. Herzl asked about parking.

Mr. Glenn Lines, P.E., P.P. was sworn. There are 4 spaces in the existing driveway.

Mr. Herzl asked if there will be a handicapped space.

Mr. Lines said they could provide one but if there less than 10 spaces, it is not required.

Mr. Herzl asked if they agree to everything in the engineer's report.

Mrs. Weinstein confirmed.

Mr. Herzl opened to the public.

Mr. Yehuda Gutman, 508 Marc Drive, was sworn. He said there are already three Sephardic shuls in the area so he questioned why they are adding another one. This house has already been in use for this purpose. Originally it was sold and they were told an elderly woman would be living there and then it was rented off to the shul without letting the neighbors know. They were also told it would only be used on Shabbos and other holidays, however, it has been used during the week. He understands they have the right to do this but it has become impossible to drive down Pine Street or Marc Drive during the day. He personally has issues just getting out of his driveway. This group had the ability to purchase property across Pine Street in an area where it would not interfere but due to the fact the Rabbi lives on that block and they were not happy, they chose to rent on his block instead. He is concerned there are not enough parking spaces on-site so they will park in the streets and block their driveways, mailboxes and trash cans.

Mr. Herzl closed to the public. He asked for the maximum number of occupants.

Mr. Lines said it is based on the total square footage of the building. Based on this size building, 100 people could be in there.

Mr. Herzl said it is limited to 650 sf. If they want to change anything then they must come back to the board.

Mr. Follman thinks the Rabbi has to reach out to his congregants and make sure they don't block people's driveways. It is an ongoing problem they have and it is an absolute disgrace.

Mrs. Weinstein agrees.

Mr. Gilligan said they are increasing the square footage of the building.

Mr. Vogt said the waiver of the traffic study is up to the board. A waiver is also requested for design calculations showing proposed drainage.

Mr. Gilligan said they are actually decreasing the impervious coverage on-site. They have offered some drainage that mitigates some of the drainage going on to the adjacent property. That is the present condition and it can still go in that direction so they are trying to mitigate a little bit by putting an infiltration pipe on the applicant's property.

Mr. Vogt said if the board acts favorably, it would be worked out during resolution compliance to ensure that. They have no objections with the possible exception of the traffic report which they will defer to the board.

Mr. Jackson said they are only adding some square footage upstairs. It seems minor.

Mr. Adam Pfeffer, Esq. said they are adding square footage but they are improving the site.

Mr. Jackson said there will be additional office space upstairs.

Mr. Pfeffer confirmed.

The board granted the waiver from providing a traffic study.

Mr. Vogt said variances sought include minimum lot area, front yard, side yard and rear yard setbacks. There was discussion at the tech meeting as to whether there was the possibility of buying adjacent properties.

Mr. Jackson researched that and it is not necessarily on a commercial property, it is only for single family homes.

Mr. Vogt said the UDO requires 37 spaces where 15 are being provided. Again, this is a pre-existing use but testimony should be provided concerning parking.

Mr. Pfeffer said the applicant has owned the building since 1991 and serves a need for the downtown. Unfortunately, there was a fire recently and that is why they are before the board with this application. The application does include some variances including an existing condition for minimum lot area. The minimum front yard setback of 19.75 ft is proposed whereas 25 ft is required. The previous building was 22.38 ft approximately. A minimum side yard setback of 3.10 ft whereas 10 ft is required and the previous building was 15.1 ft. A minimum rear yard setback of 30 ft is required whereas 12.89 ft is proposed which is similar to the previous building. Historically, the customers are in the store for approximately 7 or 8 minutes where approximately 80% of his business is walk-in. The business next door to him which is a grocery store has no parking so what tends to happen is those customers use his parking lot so what they have done in this application is they have shifted the side of the building. Whereas it used to be the grocery store, parking and then the liquor store, they have now shifted and flipped it over so the liquor store is closer to the grocery store and people would now have to walk further. Parking has never been an issue on this site. There will be basically one person offices on the second floor, there will be no retail or meetings at the site. Some of the square footage added to the site is for storage so the main facility is only increasing a small percentage of the actually use space and the rest will be storage. One of the other things he wanted to point out was concerning deliveries. By moving the site from one side of the property to the other, they now have enough room for a K-turn movement for the trucks. Currently they come in and are either half on or half off Route 88 but with this they can now pull directly into the site.

Mr. Franklin questioned how they are going to make that turn.

Mr. Gilligan said the deliveries will happen prior to the store opening but there is room in the back.

Mr. Franklin said there are two employees already parking in the back. The parking lot should be 28 ft and 20 ft. They are short 3 ft in the turnaround and 1 ft in the parking area. It is going to be a tough parking lot for the customers to pull in and back out.

Mr. Gilligan believes 25 ft aisles are required, it was also suggested to reduce that 26 ft in the engineer's report.

Mr. Vogt said the 25 ft is a minimum for two-way. It would be 28 ft for residential but this is commercial.

Mr. Pfeffer said these will be smaller trucks coming in. There is an existing sign on the property which they are requesting a variance for.

Mr. Jackson asked how the offices will be set up.

Mr. Brian Berzinskis, R.A., was sworn. The second floor has 3 separate units, 1 towards the back and 2 towards the front with 2 separate staircases and they are sharing community bathrooms. Each unit is around 1,200 sf.

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

A motion was made and seconded to approve the application.

All were in favor.

13. SP 2253AA Pinchos Wolhendler

Sheraton Drive

Block 782.01, Lots 11.02 & 11.03

Change of Use/Site Plan Exemption to convert two existing basements into a shul

A review letter prepared by Remington, Vernick & Vena Engineers dated October 3, 2017 was entered as an exhibit.

Mr. Vogt said perimeter buffer relief is necessary and design waivers are required for on-site lighting and landscaping.

Mr. Brian Flannery, P.E., P.P. was sworn. A few years ago a duplex was approved on the corner of Sheraton and Oak. The Rabbi from the shul across the street would like a shul on their side of the street so the developer is taking away two basements from these units and there will be a shul in the basement. It is an 800 sf sanctuary so no parking is required but 4 spaces will be provided which accommodated for the parking of the units and the basement. The relief requested is for perimeter buffer for the side yards. There will be no other ancillary uses, it is a neighborhood shul and they are reducing density by eliminating those basement units. The shul will be ADA accessible.

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

A motion was made and seconded to approve the application.

All were in favor.

- 14. SP 2258AA Yeshiva Gedolah of Monmouth**
Frances Street Block 446, Lot 7
Change of Use/Site Plan Exemption to permit school trailers

A review letter prepared by Remington, Vernick & Vena Engineers dated October 11, 2017 was entered as an exhibit.

Mr. Vogt said the application requires perimeter buffer relief with regard to the side and rear yard property lines. Design waivers including but not limited to curbing and sidewalk along the property frontages, paved cartways, paved on-site parking spaces, shade tree and utility easements, shade trees, lighting and landscaping. This is somewhat of a unique situation as this property is off of the beaten path, west of Massachusetts Avenue. He believes it is between an existing water tower and solar field.

Mr. Brian Flannery, P.E., P.P. was sworn. This is a site plan exemption application and it's kind of a hard luck story where a school thought they were moving into one facility which got taken away from them. It is a post high school and they would have a maximum of 48 boys and 5 staff members which are not all there at the same time. This would accommodate them on a temporary basis. They are asking for a maximum of 24 months, the site as it is works now and they would address any comments the engineer has in his report.

Mr. Jackson said this site is kind of off on its own, it near a shooting range and surrounded by woods and there are no residences nearby so they wouldn't bother anyone.

Mr. Flannery said you really have to try hard to find it.

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

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

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Sarah L. Forsyth
Planning Board Recording Secretary