

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SD 2021** (No Variance Requested)
Applicant: Fourth Street Properties, LLC
Location: 500 Prospect Street
Block 445 Lot 17
Preliminary and Final Major Subdivision to create 12 fee simple duplex lots

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

2. **SD 2030** (No Variance Requested)
Applicant: Joseph Lipschitz
Location: Elm Street & Vine Avenue
Block 764 Lot 13.01
Minor Subdivision to create two lots

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

3. **SP 2103** (No Variance Requested)
Applicant: Cedarbridge Properties, LLC
Location: Cedarbridge Avenue
Block 1608 & 1609 Lot 2 & 28.01
Preliminary and Final Major Site Plan for two office buildings

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

- 4. **SD 2017** (No Variance Requested)
Applicant: David Kahan
Location: Cedar Street and West Spruce Street
Block 423.01 Lots 8 & 20
Minor Subdivision to create 3 lots

A motion was made by Mr. Franklin, seconded by Mr. Follman to approve.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Follman
Abstain: Mr. Rennert

- 5. **SD 2018** (Variance Requested)
Applicant: David Kahan
Location: White Road
Block 251 Lot 8.02
Minor Subdivision to create 2 lots

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

- 6. **SP 2104** (No Variance Requested)
Applicant: Kennedy County Line Realty, LLC
Location: Kennedy Boulevard and County Line Road
Block 141 Lots 3 & 12
Preliminary and Final Major Site Plan for an office building

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

5. PLAN REVIEW ITEMS

- 1. **SP 2108** (Variance Requested)
Applicant: Toras Imecha Inc
Location: East County Line Road
Block 208.01 Lot 18
Preliminary & Final Major Site Plan for a girls' school and Minor Subdivision to convey land to a neighboring parcel

Applicant has requested to carry this project to a later agenda. This application will not be heard until further notice.

6. PUBLIC HEARING

1. **SD 2014** (Variance Requested)
Applicant: Eliezer Kleinman
Location: Towers Street
Block 855.04 Lot 32
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 13, 2015 was entered as an exhibit.

Mr. Vogt stated that a variance is required for minimum lot width for two of the lots.

Mr. Charles Surmonte, P.E. was sworn in.

Mrs. Weinstein stated that this is a minor subdivision to create two identical new single family lots of 87.5 ft wide by 250 ft deep. The only variance is for minimum lot width where 87.5 ft is proposed and 100 ft is required.

Mr. Neiman said they have seen similar applications in the past and has no problem with it.

Mr. Neiman opened to the public

Ms. Susan Bosko, 400 Albert Avenue, was sworn in. She is right next to the proposed property. She requested that a 6 ft high privacy fence be provided along the property line. She is concerned about the quality and quantity of the well.

Mr. Surmonte said they would need approval from Ocean County Health.

Mr. Neiman would like to see that the fence be put up as requested by Ms. Bosko.

Mrs. Weinstein asked if it would only be required along the property line that they share with Ms. Bosko.

Mr. Neiman said yes.

Mr. Vogt said it would have to be less than 6 ft within the front yard setback.

Mr. Neiman said it would be built according to ordinance. It would be 4 ft within the front yard setback and 6 ft thereafter.

Ms. Bosco is still concerned about the well.

Mr. Vogt said that would be an outside agency approval. Ocean County Health department will review it and they would look at impacts including Ms. Bosko's house.

Mr. Neiman said if she does find a deficiency in the well in the future, she would contact the Ocean County Health department.

Mr. Neiman closed to the public.

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

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

- 2. SD 2028** (Variance Requested)
Applicant: Michael & Rivka Wenger
Location: Princeton Avenue & 14th Street
Block 147 Lot 1
Minor Subdivision to create two fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 13, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are required for minimum front yard and rear yard setback. Clarification is required concerning the maximum building coverage variance.

Mrs. Miriam Weinstein, Esq. stated that the lot is over 14,000 sf so they could build a duplex with no problem. The reason they are requesting variances is because the applicant built an in ground pool which they would like to remain. If they were to remove the pool, no variances would be required.

Mr. Glenn Lines, P.E., P.P. was sworn in. He said in order to meet code they had to push the units away from the pool which created a 25 ft front yard setback where 30 ft is required. Princeton Avenue has an 80 ft wide right-of-way with 40 ft of pavement so normally when you have 8 ft between the curb line and property line, on the Princeton side you have 20 ft. While the front setback would be at 25 ft, the view from the street would be more like 35 ft. There was an error on the plans and as such they are not requesting a maximum building coverage variance.

Mr. Neiman asked about the rear yard setback variance.

Mr. Lines said they are requesting a rear yard setback of 19 ft where 20 ft is required. That is toward the property to the east which is a parking lot for a synagogue.

The Board was confused as to the number of units being proposed.

Mr. Vogt stated that it is an "L" shaped duplex structure with two residential units comprising the duplex structure.

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

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

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

- 3. SP 2110** (No Variance Requested)
Applicant: Imrai Kohain Congregation Inc
Location: Miller Road
Block 12.02 Lots 17, 21.01, & 21.02
Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated April 22, 2015 was entered as an exhibit.

Mr. Vogt stated that partial relief will be required for the perimeter buffer.

Mr. Charles Surmonte, P.E. was sworn in.

Mr. Samuel Brown, Esq. stated that this is a straightforward application for a synagogue. It is proposed to be built in two phases which caused a little confusion with respect to parking and some of the other items associated with this plan. A total of 64 parking spaces are proposed where 25 spaces are required. The basement is a little over 2,000 sf.

Mr. Neiman asked if the basement will be used as a simcha hall.

Mr. Brown said it is not clear at this point and they do not want to limit it but they definitely have the capacity and parking. In the review letter, a recommendation was made to designate 6 spaces for employee use only. He said there will be no employees at this facility. It is a synagogue that will be open to the public and he asked that that requirement be eliminated.

Mr. Vogt has no issue with that. He believes that was based on an earlier version of the plans where they believed there would be a school here as well.

Mr. Brown said the property is over an acre and the building is set back all the way so that circulation within the parking lot is not only adequate but makes sense if a car is waiting.

Mr. Neiman said Miller Road is a busy road and there are no curbs. He expressed concern about cars making a left turn into this parking lot.

Mr. Brown said it is a full circular traffic pattern with one way in and one way out. Miller Road is a County road so it would be subject to their approval as well. There are sidewalks along the frontage.

Mr. Neiman said it is a beautiful plan and his only concern is cars making a left turn in and out on Miller Road. There is no room to go around a car that is making a left turn in.

Mr. Vogt said the County will look at this and they may suggest a center turning lane if there is room. He is sure it will be scrutinized.

Mr. Neiman asked about trash/recycling pick up.

Mr. Surmonte said rather than having dumpsters, they will have 6-8 rollout containers that would be brought out to the street.

Mr. Rennert asked if there is sufficient room for that many garbage cans.

Mr. Surmonte said there is room in a number of places along the frontage to stack the cans.

Mr. Rennert asked if the basement would be improved in Phase 1.

Mr. Brown said they are not anticipating improving the basement during phase 1 because they would not have the extra parking at that time. The applicant agrees not to improve the basement and use it as a facility until such time that all of the parking is installed.

Mr. Neiman opened to the public.

Ms. Noreen Gill, 192 Coventry Drive was sworn in. She is concerned about having a simcha hall without the parking being in place.

Mr. Neiman said the applicant agreed not to have a hall until all of the parking is completed.

Ms. Gill is also concerned about the ingress/egress on Miller Road.

Mr. Neiman closed to the public.

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

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

- 4. SP 2105** (Variance Requested)
Applicant: Andres Estronza
Location: Ocean Avenue
Block 536 Lot 154
Preliminary & Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated April 9, 2015 was entered as an exhibit.

Mr. Flancbaum stepped down.

Mr. Vogt stated that variances are required for minimum lot area, side yard setback and front yard setback. Relief is also required for the perimeter buffer.

Mr. Joseph Kociuba, P.E., P.P. was sworn in. He stated they are variances for lot area, front yard setback which are both existing conditions. There is an existing side yard setback of 6.1 ft which is getting extended. They are not encroaching any further than it already does. A portion of the back of the building could not be salvaged and was demolished.

Mr. Neiman asked what the current use is.

Mr. Kociuba said it is an auto care center which is a permitted use in this zone.

Mr. Neiman asked if additional parking is being provided.

Mr. Kociuba said yes. At the plan review meeting, there was concern about parking. There is now a total of 16 spaces proposed as well as 12 storage stalls at the rear.

Mr. Franklin asked what the second story would be used for.

Mr. Kociuba said there is a small office and restroom. The second floor is over each bay.

Mr. Vogt asked about site circulation and trash pickup.

Mr. Kociuba said the circulation will operate the way it did in the existing condition. This site has existed for some time and they are just extending the building further to the south. The intended trash area would be in the rear and would be private pick up. The site was in considerable disrepair and the parking previously was all gravel and eroding. The building was also in significant disrepair which they demolished a portion of. The intention is to clean up the site and provide a proper use.

Mr. Neiman asked about oil dumping.

Mr. Kociuba said all oil and other fluids would be treated in accordance with NJDEP requirements.

Mr. Franklin does not understand why each bay needs an office.

Mr. Andres Estronza was sworn in.

Mr. Neiman asked him to clarify what would be going in the second floor mezzanines.

Mr. Estronza said the front area is a waiting area on the first floor and two offices on the second floor. The proposed addition in the rear would have a bay door, with an entry door next to it. A small office would be above it on the second floor. These offices would be to service each bay door.

Mr. Franklin said more parking will be needed if there will be an office above each bay.

Mr. Vogt said the parking calculations do not appear to include office space.

Mr. Kociuba said that is correct. The calculations including the first floor requires a total of 8 spaces for the site where 16 are being proposed plus the storage area in the back. The office standard would be 1 stall per 300 sq ft. Each of these mezzanine areas appear to have approximately 200-250 sq ft of office. Much of it is hallway and a small bathroom. If you break that across the 10 bays, it would account for 8 parking spaces which would be compliant with the ordinance.

Mr. Rennert asked what the total number of bays will be.

Mr. Kociuba said 13. There are 3 existing and 10 proposed.

Mr. Rennert asked if that means there will be 13 employees with cars.

Mr. Estronza said that is not correct. He currently has 5 employees. The additional bays are really to hold the work and have the guys go back and forth. He is not a body shop so he is not holding the cars long.

Mr. Vogt said he counted 13 spaces, 1 of which is a handicap space, on the plans.

Mr. Kociuba said the most revised plans show 10 at the rear as opposed to the 8 originally proposed.

Mr. Rennert asked if it is possible to add additional parking in the back.

Mr. Kociuba said there is wetlands in the rear. They have had their environmental consultant review that and are in the process of going through the DEP. They have expanded as much as they can outside the limits of the wetlands buffer.

Mr. Herzl asked if he can add additional parking in the rear where the storage spots are shown.

Mr. Kocibua said it would not be proper parking because the wetlands come across.

Mr. Franklin said you can't have gravel parking on wetlands.

Mr. Vogt said the site has existing gravel and according to their plans, which is subject to the NJDEP, the applicant is indicating that the existing gravel area is not only outside the wetlands but outside of the wetlands buffer. That is assuming the DEP accepts both the wetlands and the buffer line that are shown on the plan.

Mr. Jackson said he thinks one of the problems the Board is having is that he is adding 10 bays without any additional employees.

Mr. Estronza said typically he holds cars for an hour to two hours. He does not store cars and is not a body shop. If he does hold a car overnight, it is stored inside. He would rather have more storage space inside in case he does need to hold a car.

Mr. Neiman asked if he would be willing to reduce the number of bays in order to add more parking.

Mr. Estornza said there is not much space and he is trying to utilize the best he can.

Mr. Neiman just wants to make sure it works. Parking is vital.

Mr. Kociuba said they also have the 12 storage gravel spaces in the back.

Mr. Franklin would like to see that paved.

Mr. Kociuba said they have no objections to paving the gravel area in the back.

Mr. Herzl asked how many parking spaces there are.

Mr. Kociuba said 12 stacked spaces.

Mr. Rennert asked about the entrance/exit to the site.

Mr. Kociuba said there is an existing entrance way on Ocean Avenue. There is a driveway that extends the entire length of the building. The 20 ft wide ingress/egress is functional for this use.

Mr. Rennert asked about the existing curb/sidewalks.

Mr. Kociuba said any damaged sidewalk would be replaced.

Mr. Neiman asked about the existing sign in the front.

Mr. Kociuba said there is a sign very close to the property line that is for the neighboring property. It will not affect their curb alignment.

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

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

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

5. **SP 2112** (Variance Requested)
Applicant: Monlu LLC – Stuart Lubowsky
Location: Princeton Avenue
Block 162 Lots 2 & 4

Preliminary and Final Major Site Plan for a building addition

Applicant has requested to carry this project to the May 12th, 2015, agenda. This application will not be heard tonight.

- 6. SP 2106** (Variance Requested)
Applicant: Mordechai Zafrani
Location: Monmouth Avenue
Block 127 Lot 7
Preliminary & Final Major Site Plan for a 5 story office building

A review letter prepared by Remington, Vernick & Vena Engineers dated April 23, 2015 was entered as an exhibit.

Mr. Vogt stated that a variance is requested for minimum side yard setback.

Mr. Brian Flannery, P.E., P.P. was sworn in. This application is in the B-2 zone which has no side setback requirement from business to business. This application was initially submitted as a five story office building and has since been scaled back to a two story shul utilizing the same foot print. The features of the building do not change and the use is lessened. There is no parking requirements for any use other than residential in the B-2 zone.

Mr. Jackson said the case law is very clear. You must tell the public what you are doing. Anyone who received a notice would think this is an application for a five story office building. What is now being proposed is a completely different use.

Mr. Flannery said he has been told that it was noticed for a two story shul.

Mr. Neiman asked if this shul is just for prayer services or will it be utilized all day.

Mr. Mordechai Zafrani was sworn in. He said it is a shabbot shul with services Friday night and Saturday. Every weekday morning they have a minyan.

Mr. Neiman asked what time the building would be not used. He is asking that because there was another office building that turned in to a shul on the corner of 4th and Madison and it messed up parking in that area.

Mr. Zafrani said that building has many floors. This is two floors with a shul. Kollels start at 7am and are done by 8:45am.

Mr. Neiman would like to restrict the building from 9am until the evening.

Mr. Jackson reviewed the notice and it does say the application is for a synagogue.

Mr. Neiman said downtown is a very busy area and it is not appropriate to construct a shul with a kollel which is where up to 50-60 students come throughout the whole day to study. The parking downtown is really meant for the merchants there. Testimony was provided that it would only be used in the early morning hours and on the weekend. He would like that in the resolution so if from a year from now, Mr. Zafrani decides he would like a kollel there all day he would have to come back before the Board.

Mr. Follman asked if there will be a simcha hall in the basement.

Mr. Zafrani said they did not decide yet.

Mr. Neiman said if they do decide they want one, they would have to come back before the Board. The building will be restricted between the hours of 9am to 6pm.

Mr. Flannery said the engineer's review letter states that a side yard setback is required. The ordinance requires 7 ft with an aggregate of 15 ft. A side yard setback is not required between two business uses. It is his testimony that the Township municipal parking lot is a business and clearly you do not need a setback to that. The other side is currently vacant and will be a business use in the future. The letter also mentions off-street parking. Again, it is next to a public parking lot, by the library and the B-2 zone does not require parking for non-residential uses. The trash will be picked up by the Township as with other shuls in the downtown area. They would comply with any other comments in the engineer's review letter.

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

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

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

- 7. SD 2005** (Variance Requested)
Applicant: River Avenue Holding LLC
Location: River Ave & Edgecomb Ave
Block 1020 Lot 1
Preliminary and Final Major Subdivision to create 20 fee-simple duplex lots

Applicant has requested to carry this project to a later agenda. This application will not be heard until further notice.

- 8. SD 2007** (Variance Requested)
Applicant: Times Square Holdings, LLC
Location: Basswood Drive
Block 431 Lots 13 & 14
Preliminary and Final Major Subdivision to create 26 fee-simple duplex lots

Applicant has requested to carry this project to a later agenda. This application will not be heard until further notice.

9. **SD 2026** (Variance Requested)
Applicant: ARM Land Group, LLC
Location: Clover Street and Ocean Avenue
Block 538 Lots 15-18
Preliminary & Final Major Subdivision to create twelve fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mrs. Morris stated that both SD 2026 and SD 2027 were heard together at the plan review meeting. It is at the Board's discretion as to whether they would like to hear both together tonight as well.

Mr. Jackson said the Board secretary received an email from Jan Kristbergs objecting to this application. The email was marked as an exhibit. He does not think the Board should read it or consider it as it is hearsay. He said he could not attend the meeting due to illness. He raises concerns about stormwater drainage. Mr. Jackson asked the Board engineer to be particularly vigilant with regards to that.

Mr. Neiman said Mr. Kristbergs attended the plan review meeting.

Mr. Jackson said yes and he gave testimony at that time as well.

Mr. Vogt said there are drainage comments in both review letters. If the Board decides to act favorably, they would be subject to giving them a lot more information.

Mr. Neiman believes there was a broken pipe.

Mr. Vogt said if he recalls correctly, there was a collapsed pipe within one of the nearby properties and that restricted the flow of water.

Mr. Franklin said that is correct.

Mr. Jackson read a portion of Mr. Krisberg's letter: *the drainage easement stems from stormwater flow originating at the curve of Dewey Avenue, diagonally through a recognized wetland, and is supposed to flow under Ocean Ave toward the South Branch of the Metedeconk.*

Mr. Vogt said they will require recharge systems on both of these projects.

Mr. Franklin said the lot, which contained a catch basin, was purchased and subsequently was filled in and then the NJDEP came in and stopped him. Public works tried to open it back up and clear the pipe. They got down about 300-400 ft and hit a turn and broke the pipe. There is no easement there so they could not access any of the yards to try and fix the pipe.

Mr. Vogt said that pipe is not on any of these properties, it is off-site.

Mr. Franklin said no. There is a plan which shows the pipe going through one of these properties.

Mrs. Miriam Weinstein, Esq. stated that she does not think they should hear both of these applications together because they are actually owned by two different entities. This property is in dire need of redevelopment. They are proposing 12 zero lot line lots upon which 6 duplexes will be constructed. The only variance sought is for combined side yard setback of 14.66 ft where 15 ft is required.

Mr. Glenn Lines, P.E., P.P. was sworn in. The combined side yard setback is for 3 duplexes. They have had this issue before where on a zero lot line lot you have 0 ft on side and 7 ft on the other which is consistent with the ordinance. They are short less than a foot so it is a very de minimis variance. There are no stairs in the side yards, they will be located in the front. The pipe mentioned is an existing pipe from Ocean Avenue and ends up right on the line between two proposed buildings. A 10 ft wide easement has been proposed for maintenance of that storm drainage.

Mr. Vogt asked if the pipe is functioning now.

Mr. Lines said yes. Ocean Avenue does not flood in front of this property where that pipe is.

Mr. Vogt said then this is not the collapsing pipe that they have heard testimony for.

Mr. Lines said no.

Mr. Franklin said it is part of it because this pipe goes under Ocean Avenue, goes through the back of the houses from that lot that drains off of Dewey Avenue and then makes a right turn. There is a not a manhole where that turn is.

Mr. Vogt said on this application, they have a restriction of an existing pipe that runs through the property and it is upstream.

Mr. Lines said that is correct. Downstream there is no problems with the pipe.

Mr. Vogt said if the restriction in question does not impact this application.

Mr. Lines said that is correct although the pipe is 93 years old and the building would have to address that at the time of construction.

Mr. Vogt said if this gets approved tonight, they are going to be looking at this very closely during compliance.

Mr. Lines said he understands.

Mr. Jackson said he anticipates the Board would like a condition in the resolution that the drainage and pipe will be repaired and/or replaced to the satisfaction of the Board engineer. Those designs would have to be part of the plans that will have to go through resolution compliance.

Mrs. Weinstein said that is acceptable.

Mr. Neiman is wondering if this would be subject to Township impact fees.

Mrs. Morris does not believe this is part of the transportation districts that were passed by the Township.

Mr. Lines said there was a question at the tech meeting concerning any existing shuls in the area. He has prepared a tax map showing existing schools and proposed shuls in the area. One of the shuls would be diagonally across the street and the other is near the corner of 5th and Holly Streets.

Mr. Neiman asked about a playground area.

Mr. Lines said if you go up Clover half a block, there is a County park which has basketball courts, a playground, etc. There is also an area behind lot 15.10 where they could have a recreational area.

Mr. Neiman would like to designate that as open area.

Mr. Vogt said it would need to be identified on the plans.

Mr. Aaron Mansour was sworn in. That lot is a little bigger than the rest of the lots and it is awkwardly shaped so there is an extra piece in the back where they could put a swing set to accommodate the neighbors.

Mrs. Weinstein does not think that would work because the owner of that lot would not be happy with the liability involved. They are trying to avoid forming a homeowner's association.

The Board agrees to leave it as is and the neighbors can utilize the public park on Clover Street.

Mr. Neiman said there is no parking on Ocean Avenue. He asked if there is a turnaround.

Mr. Lines said they have this designed as a connected driveway. So there will be a "U" shaped driveway to pull in and the driver would then be able to swing around and come out head first onto Ocean Avenue.

Mr. Vogt said it is basically a shared k-turn.

Mr. Neiman asked if an easement is required.

Mr. Lines said in the past they have included that as part of the zero lot line agreement as required by the Township. There will be 4 parking spaces for each unit. There are existing curbs and sidewalks but most of them will be replaced. The County will be requiring curbs and sidewalks along Clover Street as well.

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

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

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

- 10. SD 2027** (Variance Requested)
Applicant: ARM Land Group, LLC
Location: Ocean Avenue
Block 246 Lots 36, 37, 64
Preliminary & Final Major Subdivision to create eight fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Jackson said the drainage concern as previously discussed under application SD 2026 must be addressed on this application as well. He requested that Mr. Vogt pay close attention to the drainage.

Mr. Vogt said they would have to have testimony again as to how that pipe affects this property.

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

Mrs. Miriam Weinstein, Esq. stated this application is very similar to SD 2026 and is across the street. In this case, they are looking for 8 zero lot line lots with 4 duplexes. A variance is requested for minimum side yard setback of 5.25 ft where 7 ft is required and a minimum combined side yard setback of 10.5 ft where 15 ft is required.

Mr. Lines said the lot area is exceeded for these lots but because of the depth they ended up with very narrow lots so they are requesting side yard setback variances.

Mr. Neiman would rather not give the 5 ft side yard setback variance. He would like to see a narrower, longer townhouse.

Mr. Lines said the current footprint is 26 ft wide which is already very narrow. If they comply with the Board, they would end up with a 24.25 ft wide duplex.

Mr. Neiman said then they can leave off a duplex. They would have 3 nice duplexes as opposed to 4 ugly ones.

Mr. Aaron Mansour was sworn in. He is a builder and always makes sure to build quality homes for their customers. He knows 26 ft is a minimum width and in the past, the Planning Board has approved similar applications with 5 ft side yard setbacks. That is why they designed this with the staircase in the front as opposed to the side. Perhaps they could go down 1 ft to get 6.25 ft on either side which would bring them to 25 ft wide duplexes and/or they could stagger them a little because they have very deep lots.

Mr. Neiman said this is on a state highway. He thinks 3 duplexes would be beautiful.

Mr. Mansour asked if they could stagger the duplexes back so it doesn't give it such a concentrated look.

Mr. Lines said the pipe in question would be coming up either in front of these houses or maybe behind them. They will investigate it further and work with the Board engineer as well.

Mr. Vogt said the applicant would have to prove that what they are building will not exacerbate off-site conditions.

Mr. Lines and the applicant understand.

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

Mr. Rennert asked how the duplexes would be staggered.

Mr. Vogt said it is up to the Board.

Mr. Herzl said to stagger every other one.

Mr. Neiman said that is acceptable. Duplex number 2 and 4 would be shifted back 20 ft. There will be 6.25 ft between each duplex.

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

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

- 11. SD 2024** (Variance Requested)
Applicant: Prospect 54 LLC
Location: Prospect Street
Block 411 Lots 30, 35, 36, 40, & 43
Preliminary & Final Major Subdivision to create 78 lots (74 fee simple duplexes, 1 house of worship, 2 basin lots, and 1 remainder lot)

A review letter prepared by Remington, Vernick & Vena Engineers dated April 21, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt stated the applicant is requesting minimum lot area and lot width variances. The minimum front yard setback variance has been eliminated on the revised plans.

Mr. Brian Flannery, P.E., P.P. Was sworn in. He said this is an application for a development with 74 total units and a shul. The minimum lot area variance is for the tot lot and it should not pertain. The only variance they are

seeking is a lot width variance of 36.28 ft where 37.5 ft is required. He believes that is de minimis in nature and sees this as a virtually variance free application.

Mr. Vogt asked if the variance is for both lots 2 and 3.

Mr. Flannery said that is correct. The applicant will be providing a through road and is also providing considerable off-site improvements of Railroad Avenue so that it connects up to Prospect and James Street. The applicant had met with some of the neighbors and they had asked to make the proposed street a little wider so it would take some of the pressure off of Williams Street. They have agreed to make it 40 ft wide. The additional widening of that is 1,500 square yards and a cost exceeding \$50,000. The extending of Railroad Street is not needed for this development but it helps the regional area is over 1,000 linear feet and a cost of over \$2.5 million. The applicant would also have to get County approval and they would require a contribution towards a traffic signal and other off-site improvements. This applicant is providing roughly \$500,000 worth of off-tract improvements to improve the regional area.

Mr. Neiman said the Board should waive the impact fees after hearing this testimony. He would like to see a traffic signal on James and Williams Street.

Mr. Flannery said they are providing a traffic light on Williams and Prospect but there is only talk at this point concerning James and Williams. The County has traffic warrants they have to meet and they must satisfy the DOT. Ultimately, there will be one there.

Mr. Neiman asked if this road will eliminate some of the traffic on Williams and James.

Mr. Flannery said yes.

Mr. Neiman asked how far this road is from that intersection.

Mr. Flannery said it comes out where the railroad tracks are which would probably be 100-200 ft.

Mr. Neiman asked if it is far enough safety wise.

Mr. Flannery said yes but they would need approval from the County.

Mr. Penzer said this will tremendously take traffic off of Williams Street and that is the whole purpose of this. This will connect Prospect and James.

Mr. Flannery said additionally there is a right-of-way anomaly in this area. Knowing the area, Railroad Street is a road that is never going to be extended. The right-of-way width varies from 60 to 50 to 33 ft. They are proposing a consistent 50 ft wide right-of-way so they would be asking for a dedication along the eastern boundary and a road widening easement along the little piece adjacent to the one dwelling and where it widens back to 60 ft they are requesting a 10 ft right-of-way vacation from the Township Committee. There are some minor drainage

concerns which would be addressed to the satisfaction of the engineer. The shul is in the front of the site along Prospect Street and there is room for approximately 80 cars without any problem.

Mr. Penzer said there is a school near this application and they were concerned that the houses in that area may not like the fact that a school is right there. Lots 36.01 through 36.10 which borders the school, they will represent in their contracts that there is a school and a swimming pool in the vicinity. In addition, they would split the costs to put an 8 ft chain link fence between the properties.

Mrs. Miriam Weinstein, Esq. stated she is representing the school near this application. Currently it is only an elementary school but they do plan on building a high school. There is also an existing swimming pool. They did agree to disclose this to contract purchasers of the units that Mr. Penzer stated before. The fence to be put up between the properties will be an 8 ft chain link fence with the green slats for privacy. The school and applicant will split the costs. It is their understanding that the existing Pro Build property is not going to be developed for the next 10 years. If it does get developed in the future, there would not be more than 3 road openings into that area.

Mr. Neiman asked why Pro Build is effecting the school. The school is not even near there.

Mr. Flannery said it is a parking issue and the applicant has already agreed. If the shul does not have enough parking, they would park on Prospect Street. So as neighbors they don't want the parking there.

Mr. Neiman asked if there will be a simcha hall in the shul.

Mr. Penzer said they do not know at this point.

Mr. Neiman would like them to come back before the Board if they do decide they want one.

Mr. Flannery asked that they could utilize it on shabbat as that would not be an issue.

Mr. Neiman agreed.

Mr. Flannery said the owner of lot 51 has a concern that possibly there would be an impact if he goes for a septic system. The applicant has agreed that they would adjust the basin if there is any problem with that.

Mr. Neiman asked about trash pickup.

Mr. Flannery said the cans would be rolled to the street and Public Works would pick up.

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

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

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

- 12. SD 1895A** (Variance Requested)
Applicant: Ocean Avenue Property Holdings LLC
Location: Ocean Avenue
Block 536 Lots 1, 2, & 4
Amended Preliminary & Final Major Subdivision to create 20 fee-simple duplex lots, 1 remaining lot, and 1 open space lot

A review letter prepared by Remington, Vernick & Vena Engineers dated April 20, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, rear yard setback and maximum building coverage.

Mrs. Miriam Weinstein, Esq. stated that this application was already approved. At the plan review meeting they had given testimony that there had been a revised ordinance that had been passed which would have permitted them to get more units on the property. The Board members basically said they did not like that idea. They listened and are now back with revised plans showing just one duplex in place of the commercial piece that they had left open on Route 88.

Mr. Brian Flannery, P.E., P.P. was sworn in. Exhibit A-1 is the original plan that the Board did not like, exhibit A-2 is the application they are asking for this evening and exhibit A-3 is the application that was already approved. They have replaced the commercial lot on the corner that was too small to be workable and replaced it with a duplex.

Mr. Neiman asked where the community center is for this application.

Mr. Flannery said there is not one. The ordinance does not require a shul or community center. It requires a provision of leaving open space. They do have a future lot in the back where when they come in to develop the final area he would anticipate they would have a shul and open space. The original application was approved under the same context. They are only here this evening because the corner lot does not work for a commercial lot. There is an existing home on one of the lots where the board engineer review letter indicates a parking variance is required. He has been to the site and it is his testimony that the parking is sufficient.

Mrs. Weinstein said there is a synagogue across the street.

Mr. Rennert asked if the area in the back would be given to a homeowner's association.

Mr. Flannery said the area in the back is being held for future development. They have to work out details with the NJDEP as far as how much of it and to what extent it can be used. That is an area that is already developed so clearly the DEP would let them redevelop for some purpose but it is not something that is going to happen quickly.

Mr. Rennert asked what happens when that area does get developed under a different ownership and many houses go up over there.

Mr. Flannery said if they put any houses there then it would add to this application even if it is a different ownership. He will not come to the Board and say that the back portion is not part of this application. It clearly was part of an application that was subdivided off.

Mr. Rennert would like some sort of deed restriction.

Mr. Flannery said they would add a note on the filed map. It can also be a condition of the resolution.

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

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

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

- 13. SD 2025** (Variance Requested)
Applicant: 319 Cedarbridge, LLC
Location: Cedarbridge Avenue
Block 548 Lot 170.47
Preliminary & Final Major Subdivision to create 8 fee simple duplex lots, 2 open space lots, and 1 commercial lot

This application was carried to the May 12, 2015 meeting. No further notices.

- 14. SD 2033** (Variance Requested)
Applicant: 319 Cedarbridge LLC
Location: Boulevard of the Americas
Block 548 Lot 170.49 & 170.32
Preliminary & Final Major Subdivision to create 8 lots

This application was carried to the May 12, 2015 meeting. No further notices.

- 15. SD 2029** (Variance Requested)
Applicant: Somerset Development
Location: Towers Street & Pine Street
Blocks 824; 824.01; 825; 828; 829; 830; 853
Lots 1; 1; 1; 1; 1, 3, & 5; 1.05; 1
Preliminary & Final Major Subdivision to create 21 residential lots, 48 townhouses, and a community building (74 lots)

A review letter prepared by Remington, Vernick & Vena Engineers dated April 23, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum front yard, rear yard setbacks and a maximum density variance.

Mr. Michael Bruno, Esq. stated this is a mixed use development consisting of single family and townhomes. There was some concern about the access road at the tech meeting which has since been resolved with an amended plan.

Mr. Ralph Zucker was sworn in.

Mr. Mike Dipple, P.E. was sworn in. The revised plan proposes 22 single family homes along the east side of the site fronting on Sims Avenue which is currently a paper street. Originally they had Sims Avenue coming into Pine Street along the western boundary of the property. They have slid that further to the east where it touches Pine Street and now that puts them between Eagle Lane and Albert Avenue. To the west are 28 townhouses with a private road and alleys. A community building is located to the extreme east of the site and there is an area to the south west which will be used for a future school. They have added a formal cul-de-sac which meets RSIS standards as well as a one way egress only out to South Lafayette Avenue which is to be developed under another application. Exhibit A-1 is a colored version of the overall site plan. Exhibit A-2 is a compilation of tax maps showing the proposed development.

Mrs. Morris believes that one way out would connect to the approved Yesodei Hatorah development.

Mr. Dipple said that is correct. The Yesodei Hatorah development is just to the southwest of this development which does improve a portion of South Lafayette Avenue. There is an egress point which lines up with Read Place that is also to be developed.

Mr. Neiman asked if Sims Avenue or a portion thereof was ever vacated.

Mr. Dipple said not to his knowledge. Portions of Towers and charity Tull were vacated.

Mrs. Morris presented a more current tax map showing the vacation of Charity Tull. Sims Avenue does still exist as do other roads that would eventually go all the way down to Oak Street as planned by the Township Planner.

Mr. Neiman said technically there would be a way to get to Oak from Sims, Lafayette and Charity Tull.

Mr. Dipple said yes.

Mr. Rennert asked if there is school.

Mr. Dipple said there are 3 acres reserved for a future application for the school. The school is contemplated in the traffic report but not designed in terms of drainage, circulation and parking. That would be part of an amended site plan. A front yard setback of 10 ft where 30 ft is required is being proposed for the single family lots. That appears in the general Oak Street development ordinance.

Mr. Bruno said that is a planning type variance. They do have the room to eliminate the variance but this is a better planning alternative.

Mr. Dipple said that is correct. The product that Somerset builds is a quality product. Up along the right-of-way it gives the street scape a very nice appearance. Bringing the house forward gives them a better backyard and the driveways are located along the side. The other two variances deal with the community building lot. They have done the same thing with Somerset Walk where they have the community center right along the street which is more inviting. They have also aligned the front of that with the private road coming up the middle to give it a destination point at the end.

Mr. Neiman asked about parking.

Mr. Dipple said they have 26 spaces for the community building. There are other common areas in the area to park as well.

Mr. Neiman asked about the tot lot.

Mr. Dipple said there is a tot lot proposed at the end of the townhouse buildings as well as the end of Private Road "A" and Sims Avenue.

Mr. Bruno asked about the maximum density variance.

Mr. Dipple said under the Oak Street Neighborhood Overlay Zone, the density is calculated by subtracting the 3 acres for the school and public right-of-ways. When you do that you end up with about 14.16 acres so when you take the 70 units and divide that by the 14.16 you get about 5 units per acre so they are one full unit less than the allowable density.

Mr. Neiman asked how they are screening this application from Somerset Walk.

Mr. Dipple said they have added two rows of pine and arborvitae which would provide buffer from Somerset Walk. There is an agreement along the backside which provides a 50 ft buffer, 25 ft of which needs to be usable in that there is a dense landscape buffer after that.

Mr. Neiman said the curve in the road should not be an issue.

Mr. Dipple said that is correct and the road is wider than most streets. It is 34 ft curb to curb with a 54 ft right-of-way with no parking on either side. Not only do you have a travel way but you have an adjacent bike way as well.

Mr. Rennert asked if they would be willing to put a traffic light at the intersection of Sims and Pine. There is going to be a lot of traffic through here especially when the school gets built.

Mr. Bruno said the study did not warrant a traffic signal. The traffic engineer could attest to that.

Mr. Douglas Polyniak P.E., traffic expert, was sworn in. He said there are a set of warrants established in the manual for uniform traffic control devices as to whether a traffic signal is warranted for certain locations and

intersections. The ones that would apply to this are peak hour volume, four hour and eight hour volume warrants. None of those would likely be met based on the development as proposed.

Mr. Rennert said you also have to factor in the future school and all the people coming in from Oak Street.

Mr. Polyniak said if they were sustaining volumes that would trigger the need to meet those warrants then yes they would look into a traffic signal at that location. But as it is designed now, it does not even come close to those warrants so if the roadway were to connect through at some point he thinks it could potentially need to be revisited.

Mr. Vogt said that is accurate. You cannot arbitrarily put up a traffic light. You have to meet one of the DOT's criteria to even be authorized to put a signal in. The testimony is that they don't meet that now and they may not in the near future.

Mr. Rennert said even though this is shown as a collector road in the master plan.

Mr. Vogt said not without the volumes that triggers that warrant.

Mr. Neiman said there is talk of impact fees that the Township committee has not yet passed. They do not know an amount yet but he wants to make sure that when the Township does pass it, this application would be included.

Mr. Neiman opened to the public.

Mr. Yehuda Nakdimen, 1464 Towers Street, was sworn in. A lot of time has been spent on this project and Mr. Zucker has been very accommodating and has met almost all of their concerns. Their main concern was that they are not opening up traffic directly into his neighborhood.

Mr. Yisroel Treff, 131 Yesodei Court, was sworn in. He said the plans he saw in the Planning Board office only showed an emergency exit only to Towers Street. He did not receive a notice with this new plan nor does he know that the Board received it in time prior to this meeting. The main issue he has is that the back exit is going into South Lafayette Avenue snaking through Read Place into South Bell and then into Bellinger out to Albert. That is going through five residential streets to go out the collector road of Albert Avenue. It is going through their development and all the public streets and right-of-ways were designed for the development and it was not designed to carry another 500 cars to come through and snake through the whole development. There are straighter and more direct routes he could take.

Mr. Neiman suggested to open up the cul-de-sac and go through Sims Avenue onto South Lafayette and then onto charity Tull.

Mr. Treff said they could also take Sims out to Oak Street or he could make a left out to Albert Avenue or if the Albert neighborhood is opposed to that they could make it a no left turn and they would have to make a right turn and take Bellinger out to Funston and then to Oak Street.

Mr. Nakdimen said also by taking South Lafayette you would have access to Oak Street. As opposed going to Bellinger which puts all of the traffic onto Albert, a 24 ft wide road with no sidewalks, a lot of the traffic would go straight onto Oak Street.

Mr. Binyomin Meisels, 295 Albert Avenue, was sworn in. He wants to limit the traffic onto Albert Avenue. He would like the traffic to go through South Lafayette to Oak Street.

Mr. Zucker said this has been designed to line up with Sims Avenue.

Mr. Tzvi Keller, 107 Yesodei court, was sworn in. He works at the Yeshiva in the Yesodei Hatorah development. The residents are concerned about the safety of their children with the addition of this traffic. He commended Mr. Zucker for working with the neighbors. He asked that the road not continue into Yesodei court.

Mr. Moishe Perlstein, 1305 Forest Avenue, was sworn in. He has a school at the corner of Albert Avenue and Pine Street. Mr. Zucker worked with them greatly and because of this development, they will be gaining additional parking. He thanked Mr. Zucker.

Mr. Bzael Cohn, 301 Albert Avenue, was sworn in. He feels strongly that putting traffic onto Albert will affect his neighborhood. He would like the traffic to go out Oak Street.

Mr. Yehuda Alter, 20 Eagle Lane, was sworn in. He lives in Somerset Walk and he helped negotiate as far as moving the road and bushes.

Mr. Neiman said after hearing the public speak, they must look for another means of egress for this application. It is a good application but he thinks the Board would like to see that cul-de-sac be opened up. They would entertain using Yesodei court for 3 years. By that time, they hope the road from the end of the cul-de-sac to Oak Street through South Lafayette onto Charity Tull would be developed. If not, the road must be developed all the way to Oak Street and the Yesodei Court entrance would have to be closed.

Mr. Zucker said he cannot agree to that. He said that every developer should be treated equally. He has a conforming use and it is not fair to impose on them construction of a major roadway. They have already made the roadway twice as wide as it needs to be for their development. They have also provided parking spaces and turnarounds for every single family house so nobody backs out onto the street as it could be a collector road in the future. They have also added a second means of egress. He believes that within 5 years, Sims will be connected to Bellinger by other developers. If not, he would be willing to open Sims to Bellinger.

Mr. Neiman said there is money going into impact fees. They could use that money to improve it.

Mr. Zucker said if there are impact fees and they could use up to that amount then that is fine. The access is not needed but they added it anyway at the request of this Board onto a public street which they have every right to access.

Mr. Neiman understands his concern as it is a large amount of money. With 74 units there are going to be impact fees asked of this application. He would like to put that money towards a fund to construct the extension of Sims Avenue.

Mr. Rennert asked if the traffic study was just based on these proposed units.

Mr. Polyniak said yes.

Mr. Rennert asked how the Board is supposed to deal with everything else that is being developed around it.

Mr. Franklin said you can't. This project conforms and there is not much they can do if it is offsite and they do not want to do it.

Mrs. Morris said there are provisions in the Master Plan which includes the Smart Growth Plan and specifically looks at this road and how it's supposed to function within the Township.

Mr. Flancbaum said it would not be fair to impose everything onto Somerset Development but if they do something up to the amount of the impact fees which are going to be collected anyway and contribute that towards an overall improvement of that area so that Somerset is not going to be expending more than they would anyway.

Mr. Bruno said Somerset would pay its fair share.

Mrs. Morris was not implying that Somerset should be doing offsite improvements. She meant with respect to the traffic study that Mr. Rennert had questioned.

Mr. Neiman asked if they would be willing to improve Sims to Bellinger instead of posting impact fees.

Mr. Zucker is going to leave it up to the Board. They do not need either one of these access roads. He believes there will be a lot more development in the area but they would be willing to close Read Street and open up Sims to Bellinger, if not already done so, in 5 years.

Mr. Neiman wants that cul-de-sac opened up.

Mr. Zucker said it has to be there temporarily because cars, garbage trucks, emergency vehicles need to be able to turn around.

Mrs. Morris does not see how they can enforce this without a bond.

Mr. Zucker said they could give a corporate guarantee.

Mr. Rennert commended Mr. Zucker for working with the neighbors.

Mr. Neiman closed to the public.

Mr. Neiman asked how many single family houses there are

Mr. Bruno said 22.

Mr. Neiman thought there were only 21.

Mr. Bruno said they were able to add an additional house after shifting the road.

Mrs. Morris said they have not yet seen these plans and the engineer's review letter is based on the old plans.

Mr. Neiman said perhaps they should carry this.

Mr. Zucker said they have a school in trailers that has been waiting years to move in. He is willing to remove that additional single family lot.

Mr. Neiman would like to see a roadway opened from here to Bellinger and then hopefully to Oak Street within 5 years.

Mr. Bruno said his applicant agrees to that.

Mr. Neiman said it must be bonded.

Mr. Zucker said he would submit a corporate guarantee.

Mr. Jackson is not familiar with any provision in the MLUL that allows for anything other than bonding.

Mr. Flancbaum said they do not know what is going to happen down the road and they should not just limit it to Bellinger.

Mrs. Morris said they have no way to bring the applicant back to this Board.

Mr. Neiman would really like to see Sims open to Bellinger now to accommodate this application.

Mr. Zucker was trying to satisfy the neighbors but if the Board wants him to open up Sims to Bellinger he is willing to do that.

Mr. Neiman said right now the applicant is willing to open up through Yesodei court. After 5 years they would close that out and continue Sims Street to Bellinger at the very least. That would be bonded separately.

Mr. Bruno said the Board cannot ask them to contribute to future offsite improvements.

Mr. Rennert asked if they could disclose to the homeowners that this will become a collector road.

Mr. Bruno said they could agree to a disclosure in the contract.

Mr. Jackson is uncomfortable with putting offsite improvements on the developer. The applicant is entitled to a decision and this is a materially by right application.

A motion was made by Mr. Franklin, seconded by Mr. Flancbaum to approve. The approval is for 70 units only and does not include any offsite improvements.

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

Abstain: Mr. Rennert

7. CORRESPONDENCE

- **SD 1428** – removal of deed restriction from original approval

Mr. Flannery said this is a minor subdivision that was approved on the corner of Gudz and Lakewood New Egypt. Back in 2004, they had a condition to put in well and septic but the applicant has to agree to put up a bond and have a deed restriction to connect to public sewer and water if they become available. The applicant would like to build a home without having to post a bond. There is no water and sewer at any feasible location in the area.

The Board is fine with that.

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

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

- **SP 1856** – removal of curbing, sidewalk, and landscaping from the original approval

Rabbi Simcha Lichtenstein was sworn in. Currently they have \$70,000 being held in bond for sidewalk for over eight years which is not being used. The school would like to use it for other services including a playground.

Mr. Neiman asked where the sidewalk is.

Mr. Flannery said it is on Ridgeway Place near his house. The sidewalk there would be a waste because they do not know what is going to happen with Drake Road and they may need to rip it out. The sidewalk in question is also located in the back of the school. The front of the school is on James Street which does have sidewalk.

Mr. Herzl said he visited the property and it is heavily wooded over there.

Mr. Neiman asked if the \$70,000 is being held just for the sidewalks.

Mrs. Morris said it is also for the landscaping, curbs, etc.

Mr. Vogt said the issue is the landscaping and sidewalk are the only outstanding items on the bond.

Mrs. Morris said that is correct.

Mr. Vogt said then the Board needs to release those parts of the original approval. If that happens, then they fulfill the rest of the bonded improvements.

Mr. Lichtenstein said the landscaping has been completed on the James Street side. The other side is wooded and landscaping is really not needed.

Mrs. Morris said it looks like the sidewalk is about 200 linear feet of 4 ft wide sidewalk.

Mr. Flancbaum would like to know the cost of the sidewalk. He does not believe it is fair to hold the whole bond just for that.

Mr. Vogt said per the land use law you can only reduce a bond down to 30%.

Mr. Flancbaum said they should release the whole bond and then have the applicant post another bond only for the sidewalk and hold it for 12 months. If the sidewalk is not needed at that time they would release the bond.

Mrs. Morris said it may be sidewalk and curb as well as landscaping except on James Street. The Board can not make an action to release the performance bond. Only the Township committee can do that. The Board would amend the prior approval to remove the requirement for the landscaping, sidewalk and curb. The Board could also put in a condition that the Township hold another bond for the sidewalk for whatever length of time the Board prefers.

Mr. Neiman said then the Board could amend the initial approval to eliminate the landscaping and sidewalk. They would ask that monies be held separately for those improvements for one year.

Mr. Jackson said you could also amend to hold the whole bond for one year and then release it.

Mr. Neiman said the school is in need of the money now.

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

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

8. PUBLIC PORTION

Mr. Viny Arie said he has been waiting to hear the cedarbridge application. He is not able to make the May 12th meeting and asked that it be carried to a different date. His property is right behind this project.

Mr. Neiman said the announcement was already made for the May 12th meeting. If the Board decides to carry it again but they must do it at that meeting.

9. APPROVAL OF MINUTES

10. APPROVAL OF BILLS

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary