

## 1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Michael 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. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Flancbaum, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

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

## 4. MEMORIALIZATION OF RESOLUTIONS

### 1. SP 2189 Sephardic Bet Yaakov Inc

Prospect Street Block 411, Lots 26 & 27  
Preliminary and Final Major Site Plan for an addition to an existing school

A motion was made and seconded to approve the resolution.

All members present for the public hearing were in favor, with Mr. Rennert abstaining.

### 2. SP 2185AA Shabsi Brody

30 Gudz Road Block 11.30, Lot 13  
Denial of a Change of Use/Site Plan Exemption to convert an existing house to a school and dormitory

A motion was made and seconded to approve the resolution.

All members present for the public hearing were in favor, with Mr. Rennert abstaining.

### 3. SD 2138 10 James Street Associates, LLC

James Street Block 416, Lots 5-7  
Minor Subdivision to create 4 lots

A motion was made and seconded to approve the resolution.

All members present for the public hearing were in favor, with Mr. Rennert abstaining.

### 4. SD 1810A Jonathan Rubin

Ocean Avenue Block 244, Lots 11-15  
Amended Preliminary and Final Major Subdivision to create ten lots

A motion was made and seconded to approve the resolution.

All members present for the public hearing were in favor, with Mr. Rennert abstaining.

5. **SD 2070A Adil Homes, LLC**  
East County Line Road Block 190, Lots 72, 73, & 81  
Amended Preliminary and Final Major Subdivision to create thirty-eight lots

A motion was made and seconded to approve the resolution.  
All members present for the public hearing were in favor, with Mr. Rennert abstaining.

6. **SD 2134 Linda Wajsborn**  
Hudson Street Block 108, Lots 3 & 15  
Denial of a Minor Subdivision to create 3 lots

A motion was made and seconded to approve the resolution.  
All members present for the public hearing were in favor, with Mr. Rennert abstaining.

7. **SD 2117 Yechezkel Pam**  
New Central Avenue Block 11.02, Lots 9, 10, & 27  
Preliminary and Final Major Subdivision to create 5 lots

A motion was made and seconded to approve the resolution.  
All members present for the public hearing were in favor, with Mr. Rennert abstaining.

8. **SD 1728A 126 Forest Developers, LLC**  
Ocean Avenue & Bergen Avenue Block 189.05, Lots 138-142 & 144-146  
Amended Preliminary & Final Major Subdivision to create 26 residential units on 29 lots

A motion was made and seconded to approve the resolution.  
All members present for the public hearing were in favor, with Mr. Rennert abstaining.

9. **SD 1644 Hope Hill Estates**  
Ocean Avenue & Bergen Avenue Block 11, Lot 87.04

A motion was made and seconded to approve the resolution.  
All members present for the public hearing were in favor, with Mr. Rennert abstaining.

## 5. PUBLIC HEARING

1. **SD 2119 1495 East Spruce, LLC**  
East Spruce Street Block 855.01, Lots 26 & 29  
Preliminary and Final Major Subdivision to create five lots

Mrs. Morris introduced the application and explained that this project had a public hearing at the last meeting, however afterwards it was discovered that no public notice had been provided. As such, the applicant has noticed for tonight as a public hearing and will be re-presenting all of their testimony for consideration by the Board.

Mr. Adam Pfeffer appeared as attorney for the applicant. He explained the history of the project and the plan revisions over time, from seven lots down to the five fully-conforming lots and RSIS compliant road being presented tonight. The Board was very happy with these revisions at the last hearing and had acted favorably on the application. The lots are all 15,000 square foot lots. There was just an

oversight and they had forgotten to notice. Ms. Morris clarified that it had a hearing on July 19<sup>th</sup> which was not noticed for.

Mr. Pfeffer presented the testimony of Mr. Glenn Lines, who was sworn. Mr. Lines stated that they are proposing 5 residential lots fronting on a new cul-de-sac off East Spruce Street. The only way to develop the long narrow property is with a new cul-de-sac. Each home will have its own septic system, public water is in the street about 20' to the east. On the right on the tax map is an existing school that has been constructed and is occupied. When they were approved by the Zoning Board they received approval for a row of 6 townhouses in the back of the school for faculty housing or whatever. Their driveway is along the property line adjacent to this property, about 3' off the property line. Since the last meeting with this Board, the Zoning Board has approved a new cul-de-sac on this block.

Mr. Rennert asked how large the lots are that were approved. Mr. Lines stated they are duplexes on 10,000 square foot lots. Mr. Flancbaum asked where that is. Mr. Lines stated basically 100 feet east of Albert Avenue they subdivided an R-20 lot off on East Spruce Street, but the rest of it is basically R-7.5 zoning. The Zoning Board allowed them to go down to R-7.5 for townhouses. This site is 270 feet away.

Mr. Lines continued and went through Terry's letter. He stated that the UDO has no density requirements so they do not need a density variance. With regards to RSIS compliance, the roadway design is fully RSIS compliant with the section of rural lanes with a 40' wide right-of-way and a 32' road as the township requires. RSIS doesn't require sidewalks on anything this small but as the Township likes them they are proposed on the west side of the cul-de-sac and around the bulb. They are requesting a waiver for sidewalks along the side near the school. The school wasn't required to install them and placing sidewalks there would encourage the students to come over to the residential properties. Mr. Rennert questioned the lack of proposed sidewalks on that side.

Mr. Jackson interjected with discussion about how lot area requirements can be extrapolated into density requirements and that the Ordinance doesn't have to specifically lay out density requirements. Density is a D variance, so many lots per acre, and you can do the math from the size of the lots. It wouldn't apply to a minor subdivision, but when you make five lots to have to determine what the zone supports by extrapolation. Mr. Rennert stated he felt there have been times where the Board has granted variances such as this, but Mr. Jackson stated not usually for a larger five lot subdivision like this. Mr. Jackson stated he just wanted to alert the Board to this matter rather than sit silent.

Mr. Pfeffer countered for the record that the UDO does not provide for density and they have presented the testimony of a professional that it does not apply. Mr. Jackson asked how these size lots relate to the area. Mr. Lines stated there is a school next door that doesn't comply. The lots are 15,000 square feet on average. Mr. Jackson asked how many 15,000 square foot lots there are in the area. Mr. Lines stated on their block alone there are probably twelve that are more than 20,000 and sixteen that are less than 20,000. Mr. Flancbaum asked if that includes the newly approved Zoning Board units and Mr. Lines said yes but he only counted each duplex once.

Mr. Pfeffer reiterated that the Board was very happy with this application a month ago, they are only here again due to an oversight.

Mr. Rennert asked how many homes will front East Spruce. Mr. Pfeffer said all new lots will front the new cul-de-sac. There is a corner unit that will have a side fronting East Spruce. Mr. Lines said there are twenty lots along East Spruce where you would see the front of the house. Mr. Rennert asked how many houses that front on East Spruce have 15,000 square feet or less. Mr. Lines said there are none. From the street view of the cul-de-sac you are going to see one house on a lot, it will look the same as the others but wider. On this side of the street they are all 90' wide and on the other side they are 70' wide whereas this one will be 130' or 140' wide lot next to a 40' wide right-of-way.

Mrs. Morris asked how many of the lots on East Spruce could be developed in this way, with a little five lot cul-de-sac coming off of East Spruce. Mr. Lines said there is the potential for two others. There is that potential.

Mr. Rennert said yes the lots won't be facing East Spruce but the character of this street is 20,000 square foot lots. Mr. Lines said from the street you won't know if it is a 15,000 square foot lot or a 20,000 square foot lot. Mr. Rennert said I get it, you're looking from the street, but there is development behind those properties too.

Mr. Franklin asked how the applicant would maintain and care for the 3' strip of grass between the new curb and the neighboring school. Mr. Lines stated there is storm drainage that has to be maintained so they will have a homeowners association.

Mr. Rennert asked Mr. Vogt if he was comfortable moving this application forward given the waivers listed in his letter. Mrs. Morris said there were design waivers that needed to be discussed as well. Mr. Vogt stated that if the Board acted favorably obviously they would need a full storm water design during compliance. If public works agreed to maintain, there would be a one-time maintenance fee per Ordinance requirements. If not, it would be a homeowners association. He asked if the applicant had received public works input yet. Mr. Lines stated all they had so far was that they were fine with garbage. Mr. Franklin said they are going to have a problem with snow plowing because there is no where to put it but at the end of the driveways. Mr. Lines said that happens at his house.

Mr. Pfeffer said if the lots were 20,000 square feet they would be here with four lots. This is only one more. The difference is not significant and it makes sense in this area based upon they are next to a school and there are duplexes approved down the street. Mr. Rennert said not on this street. Mr. Lines said in this block but not on East Spruce Street. Mr. Rennert said so you can still call East Spruce its own character. Mr. Pfeffer said again, the part that fronts on East Spruce is still going to look like the rest of the street.

Mr. Rennert asked again if the street is RSIS compliant, Mr. Lines said yes they are above and beyond because they are providing sidewalks and 32' wide of paving which isn't required. Only a 21' wide road with no parking is required. And a full diameter cul-de-sac is provided so public works should not have any problem with garbage pick-up. The cans will not be pulled out to East Spruce.

Mr. Flancbaum said if this is approved there should be curb and sidewalk on both sides of the street for safety purposes. People don't walk on one side of the road, they walk on both. Mr. Lines said if the

Board denies the waiver then they will provide sidewalk on both sides. To get sidewalk on the east side they will shift the whole road a foot and a half or so. As to who would take care of the grass strip along the side they would put the sidewalk along the curb so no one would have to mow 3 feet of grass.

Mr. Rennert asked where the school is located, Mr. Lines demonstrated on the map and stated there are wetlands in the back and approved townhouses that haven't been built yet. Access to those will be from East Spruce.

Mr. Rennert questioned the location of the school driveway in relation to the new road being proposed here. He asked if there was a problem with the proximity. Mr. Lines said it will be very low traffic impact on East Spruce as it is only 5 houses. The school's access is a private driveway not a street or dedicated roadway.

Mr. Lines continued with the variances. Two lot width variances are required for Lots 25.04 and 25.06 in the back of the cul-de-sac, but they can build nice houses without requesting side setback variances. They are not requesting a front setback variance on Lot 26.01. Lot width required is 100' and they have two very narrow but deep lots.

Mr. Rennert asked if anywhere in the lot they would have 100'. Usually at the end of a cul-de-sac you have a narrower front and wider in the rear. Mr. Lines said in the rear you have about 84' and 74' wide. Mr. Rennert said so it is being caused by the lot, not by the cul-de-sac orientation. Mr. Lines said no not in the usual way.

Mr. Vogt asked if they are shifting the road to the east to accommodate sidewalk will they need a right-of-way easement or dedication and will that affect the lot sizes. Mr. Lines said no, they have enough right-of-way to accommodate the sidewalks. The lot areas will not change.

Mr. Pfeffer offered they could provide fencing and landscaping instead of sidewalks along the east side to prevent a buffer to the school. Mr. Flancbaum said no, his comment wasn't about what is next door but is about providing a safe walkway for the families. Mr. Herzl said they need the sidewalk and the fence so there is some separation from the school. Mrs. Morris stated it looks like the school uses that area for parallel parking. Mr. Lines said it isn't wide enough for that there, and the site plan didn't show that for the school.

Mr. Lines said the rest of Terry's letter had technical comments that they have no trouble complying with.

Mr. Rennert stated that the reason the townhouses are out of the character of the neighborhood because they were proposed for the school for faculty housing. Mrs. Morris asked if the applicant knew the name of the school and asked about how they had bonded, whether it was two phases for the school and the townhouses.

Mr. Herzl asked about the septic systems as noted in review comment number 1. Mr. Lines stated that the state has a 10' setback requirement for septic systems and they will meet that. Someone asked if

they could tie into the pumping station, Mr. Flancbaum said no. There will be public sewer in this area in not too long.

Mr. Rennert opened to the public. Chaim Mayerfeld of 1450 East Spruce Street, directly across from the subject property, appeared and was sworn. He posed questions for the planner, including RSIS compliance and sidewalk provisions. Mr. Lines reiterated previous testimony regarding the same. Mr. Pfeffer interjected that these questions had already be answered in detail. He asked if the sidewalks would make the lots smaller and if they would be on private property or the public right-of-way, Mr. Lines reiterated previous testimony. Mr. Mayerfeld stated that there are only 4 townhouses approved behind the school, not 6, and they were approved on the basis that the school is a beneficial use for the neighborhood and they won't affect the character of the neighborhood. Second, the applicant testified there were duplexes approved but the neighborhood worked with the developer who withdrew that application for duplexes and in fact only single lot houses were approved. Mr. Rennert asked how large the single-family lots approved were. Mr. Mayerfeld said the one on Spruce was kept specifically at 20,000 square feet to stay with the character of the neighborhood. The others, with no access to Spruce Street, only from Pine Street, and those lots are 15,000 square feet minimum. This developer worked with the neighborhood and it was very much appreciated.

Mr. Flancbaum stated that is very different testimony than what they previously heard, duplexes vs. single-family. Mr. Lines stated he requested a copy of the approved plan from the Zoning Board and that's what he was provided. He agrees now that he was incorrect but not through his own fault.

Mr. Jackson asked the objector what his problem was with this application. Mr. Mayerfeld said in this area there are no duplexes, most do not have basements, it is a unique neighborhood with 20,000 square foot lots. The applicant knew this when they bought the property. He doesn't have an objection to 15,000 square feet per se, but the 60' frontage doesn't appear anywhere else here. He is opposed to that. And all the variances together gives something that does not fit within the character of the neighborhood. This is much more dense. The smaller square footage and smaller frontage does not fit in and will have a major change on the neighborhood itself.

Mr. Jackson asked how this will affect him. Mr. Mayerfeld said this is much more dense. The driveway next door is only 5' away. Two intersections this close is not a safe situation and it is directly across the street from his house. The intersection is the exit for all of the buses and school traffic. He is asking that these variances not be granted.

Mr. Jackson said he thinks the Board understands his point. Mr. Mayerfeld said one more point is that his neighborhood has a history of opposing applications they don't like and people are scheduled to come at 7:30 because this application was listed later on the agenda.

Mr. Joshua Schmuckler appeared and was sworn. He testified as to the number of flag lots along Albert Avenue as well as the approved undersized lots along there. The applicant has very deep large lots and a cul-de-sac makes sense. He inquired about the nature of the school next door and the number of schools operating on the property. His preference for the shared property line along the school driveway is to not sidewalk it and to densely landscape instead. The Board commented that a

fence would be desirable as well. With regards to density, going down one zone, in his experience, has always has jurisdiction before the Planning Board.

Rachmiel Ungarischer of 1441 Oakwood Avenue appeared and was sworn. He testified that he bought the lot for the yeshiva with great care for the particular nature of the school. He spent a fortune of money and brought in a water line to be secluded and not have a development near him. The nature of this development will hurt his school and will change the neighborhood. It's a whole different style. He figured whomever would buy the property next door would want to be near the school. He believes the people on this block want to live a certain way and he asks the Board not to approve it. Mr. Herzl asked what Mr. Ungarischer would want next door. He said there will be kids running, girls jumping rope, and he doesn't want the five lots next door. Mr. Rennert asked if he would be ok with four units. Mr. Ungarischer said he wants whatever is permitted. He isn't a developer looking to make money. Mr. Rennert asked how many schools are on the property. Mr. Ungarischer said it is all really one school. They discussed the number of buses servicing the school as well. Mr. Rennert asked how 5 over 4 will change the nature, Mr. Ungarischer said it will. Five is a crowd. Mr. Flancbaum stated it is interesting hearing the school is objecting to the neighbors because usually it is the other way around, neighbors objecting to a school.

Mrs. Morris stated that per previous questions, yes this application had been listed later on the agenda however as the draft agenda was revised it was moved to the top. The updated agenda was posted to the website as it was changed. Mr. Jackson stated that it was noticed appropriately for 6pm and it was fine to be heard now.

Shlomo Goldwasser of 1446 East Spruce appeared and was sworn. He was in support of the application. He stated he has been at his house for a few years and is looking forward to neighbors moving in. He said there are other neighbors that are pro for this application. He questioned about the school dormitory on the second floor overlooking this neighborhood. He is happy with the 15,000 square foot lots and his only request is for a speed bump at the end of the cul-de-sac.

Eliyahu Finkel of 1442 East Spruce Street appeared and was sworn. He stated that on Albert there may be lots that are less than 15,000 square feet but those cul-de-sacs don't look anything like this. He is fine with those. This is a long cul-de-sac. Mrs. Morris interrupted that those on Albert are flag lot approvals that have a shared access drive. They only have 4 houses on each cul-de-sac. Mr. Finkel said yes that is fine. This is a peaceful street without sidewalks and adding the traffic for this cul-de-sac will change the neighborhood.

Eliezer Kleinman of 1464 East Spruce Street appeared and was sworn. He testified that he purchased in this area with the understanding that it is a quiet peaceful area. Variances being requested that will change that are not what the neighbors envisioned for this area. Not overcrowding is important to him. Mrs. Morris asked if Mr. Kleinman had a subdivision approval in the area. He stated yes, but it was for one lot and is not on this street.

Mordechai Teichman (?) of 18 Aspen Court appeared and was sworn. He stated he grew up on Cabinfield Circle with houses everywhere. Spruce is not like that; it is beautiful, quiet, and peaceful. Whatever we can do to keep it like that is beneficial to the neighbors.

Mr. Rennert closed it to the public. Mr. Herzl asked Mr. Lines what would happen if they flipped the cul-de-sac to the other side. The school would be in the back of the new lots. Mr. Lines said they thought having the road on the school side would be better, but there is no reason they can't flip it if the Board so desired. The new roadway would be further from the driveway then. Mr. Rennert asked if the driveway was a roadway would that separation then comply with the UDO. Mr. Lines stated he didn't know off-hand. Mr. Vogt stated he didn't know either but he could look it up.

Mr. Lines said flipping the cul-de-sac would also solve the problem of the children playing in the street near the school and they could fence off the rear yards along the school lot. Mr. Rennert said that doesn't solve the problem with the school because then the kids will just be overlooking the backyards. Mr. Pfeffer stated that this original application came in with seven units and after hearing comments from the Board they went back and met with the neighbors and came together with what they thought was a good application for 5 lots. The cul-de-sac is fully conforming to RSIS and they have 15,000 square foot lots. There is not a huge difference between four houses and five. The applicant is amenable to fencing, shrubbery, etc, and they are trying to work with the neighbors.

Mr. Lines spoke about the shared driveway cul-de-sac on Albert and stated that really it is just a very wide driveway. There are no sidewalks, no curbs, and it is not a public street. Mr. Rennert countered that means there really are no cul-de-sacs in the area to compare this to and this would be the first.

Mr. Flancabaum asked if the applicant could build this cul-de-sac with four lots with no variances, and Mr. Lines said yes they would be very close. The Board debated which side the cul-de-sac should be on, closer or further from the school.

Rabbi Ungarischer spoke again against the five houses and the number of families and traffic that would bring. Mr. Rennert asked him which side he would prefer to have the cul-de-sac on. Mr. Ungarischer's response was unclear.

Mr. Rennert said he wants to see something that conforms with the neighborhood more and that imposes less. His biggest issue is the two streets/driveways coming out onto Spruce so close together. Mr. Pfeffer said they can flip the layout to remedy that issue. He said they could also make the front lot larger, about 20,000 square feet, and the rear lots smaller so from the street it would look conforming. Mr. Rennert said the character of the neighborhood is not just what is seen from the street it is what is beyond as well.

Mr. Flancabaum stated he wants to see the cul-de-sac flipped before he approves it. Mr. Pfeffer stated it will be the same plan. Mr. Rennert asked what is on the other neighboring lot that will be along the roadway now. Mr. Lines said it is single-family houses. Mr. Herzl said the question is still should it be four or five houses. Mr. Pfeffer suggested going back and talking to the neighbors and coming with revised plans for a new public hearing.

A motion was made and seconded to carry this application to the September 20, 2016, meeting. All were in favor.



- 2. SD 2143 Kikar Shabbos LLC**  
Monmouth Ave & Fourth Street      Block 160, Lot 1.01  
Minor Subdivision to create two lots

Mr. Pfeffer testified that the applicant has previously received two approvals on this property. Phase I is a building that has been constructed, phase II is a second building that is under construction. This application is just to separate the properties for financial and mortgage reasons. Variances are being created, but nothing is changing from the previous approvals. Mr. Rennert asked if there are any issues with parking relative to the new lot line. Mr. Lines appeared and was sworn. He stated that as part of the original approvals the applicant was required to pave and stripe a lot on Township property, which has been completed. The original approval relied on 148 spaces total. It's 74 parking spaces per building, and the Township lot is an additional 13 spaces. Mr. Flancbaum stated he recalls going through all of this last year when it was approved. Mr. Pfeffer said the only new variance is due to the new lot line, the rest in the review letter are existing variances that were previously approved.

A motion was made by Mr. Herzl and seconded by Mr. Flancbaum to approve the application. All were in favor.

- 3. SD 2145 ARM Realty & Construction**  
Netherwood Drive      Blocks 433, 434, 435, & 436  
Preliminary and Final Major Subdivision to create 21 lots

A motion was made and seconded to carry this application to the September 6, 2016, meeting. All were in favor, with Mr. Rennert abstaining.

- 4. SD 2001 Joseph & Renee Klein**  
East 8<sup>th</sup> Street      Block 166, Lot 2.44  
Minor Subdivision to create two lots

Mr. Pfeffer testified that this application was before the Board some time ago and is ready now for a public hearing. Mr. Brian Flannery appeared and was sworn. He stated the application is for a minor subdivision for a duplex in the RM zone on a 13,000 square foot lot. It is a very unusual lot on the end of East Eighth Street. Certainly the Master Plan highlights a housing shortage and that we should encourage development and redevelopment, and the variances required can be granted without any detriment to the public good or zone plan. They will address all of the comments in Terry's letter to his satisfaction. The ordinance requires a minimum lot width of 60 feet where we have about 33 feet which is 17.3 feet per lot. It is due to the odd shape of the lot. Certainly in the back there is plenty of useable area of the lot at 13,000 square feet where 10,000 square feet is required. Some applicants might have come in with a triplex which is permitted but they are only proposing a duplex.

Mr. Rennert asked if there is a width variance at the wider part of the lot. Mr. Flannery said the back of the lots complies. Mrs. Morris asked how the lot is used now, it looks like the neighboring unit's deck is on the property.

Mr. Vogt said the driveway appears very narrow. Mr. Flannery stated it is a little over 16 feet and there will be cross-access easements for that. Once they get 30 feet into the property they each have enough width and their own parking. Mr. Jackson asked whether this fronts on an improved public

street. Mr. Flannery stated yes, it can't be improved any further because that is the railroad right-of-way. He said they agree to obtaining DPW approval for trash pick-up. Mr. Rennert stated he doesn't understand why the road can't be improved further. Mr. Flannery said it's because that is the railroad property, they can only go up to it. Mr. Rennert asked how many square feet are required for a single-family lot in this zone. Mr. Flannery said 7,500. Mr. Franklin said there is nowhere for public works to turn around. Mr. Flannery said they aren't changing the end of East Eighth Street, that is an existing condition. There will be paved access onto the property and they could put an easement to the Township that would legally allow them to turn around on this private property as they have been doing illegally for years. As a condition of the approval they will demonstrate to Terry that there is sufficient width to get into the driveway. Mr. Rennert asked what buses do when they come down this road. Mr. Flannery said the buses don't come down, the kids have to walk to the corner.

Mr. Vogt asked who owns the adjacent lot and whether it would be possible to get an easement on that lot if necessary for access. Mr. Flannery said it is possible but he feels they could demonstrate that it isn't needed. Mr. Vogt said assuming the Board acts favorably and upon further review it is determined this doesn't work, it would be good to have an option to get an easement on Lot 2.43 to put in a wider drive. Mr. Pfeffer said they had no objection to that.

Mr. Rennert opened to the public. None came forward and it was closed to the public.

A motion was made by Mr. Herzl and seconded by Mr. Hibberson to approve the application.

Affirmative: Mr. Hibberson, Mr. Herzl, Mr. Flancbaum, Mr. Rennert

Negative: Mr. Franklin

**5. SP 2194AA Jacob Steinberg**

Buckwald Court

Block 27, Lot 1.09

Change of Use/Site Plan Exemption to convert an existing home into a synagogue

Mr. Flannery appeared and was sworn. He testified that this is an existing house on Buckwald Court, two houses from Moshe Neiman. There is an about 745 square feet for a sanctuary area which is exempt from parking requirements as a neighborhood school. There are existing variances that were granted when the house was built including lot width and side setbacks. Everything is existing. They are asking for approval for a shul and a mikvah for approximately 30 congregants. Mr. Rennert asked if they are putting on an addition. Mr. Flannery said no. Mr. Rennert asked if there is a hall downstairs. Mr. Flannery said no.

Mr. Rennert opened to the public. None came forward and it was closed to the public.

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

All were in favor.

**6. SP 2195AA Gershon Eichorn**

West Cross Street

Block 508, Lot 2

Change of Use/Site Plan Exemption to convert an existing home into a school

Mr. Rennert asked if the Board always gives a site plan exemption. Mrs. Morris stated that typically the change of use is approved by the Zoning Officer. However, given that schools are a sensitive issue

in a residential neighborhood the Town requires that they appear before the Planning Board for a public hearing. Often there are minimal site improvements so an exemption is warranted. Mr. Rennert stated he is comfortable with doing a site plan exemption for a shul but for a school it might not be appropriate.

Mr. Flannery appeared and was sworn. He confirmed Mrs. Morris explanation and said that back in the day Fran would approve the change of use but people abused the system so now they have to come before the Planning Board. They have submitted architectural plans to show the inside of the house. This is a small start up school, a couple of vans will drop the boys off on-site. The intent is not for the school to stay here but to find somewhere else to build. As you can see there are only two classrooms so in two years the applicant will have to move the school.

Mr. Rennert asked what is on the property now. Mr. Flannery said it is a vacant dwelling with a barn in the back. There is also a small school building that, about 15 years ago, was intended to be preserved and fixed up to a museum but it has sat there ever since. There is an area for the two staff members to park, and there is a spot where the vans can drop the boys off. The site is deplorable and the applicant will clean it up. Mr. Herzl asked why they don't build the new school here, and Mr. Flannery said they don't own the property they are renting it from the property owner.

Mr. Flancbaum said this is a good area for the school as long as the students understand it is a residential area and they should stay on their own property rather than wander through the woods.

Mr. Hibberson asked how many students there will be. Mr. Flannery said 12 this year and if all goes as planned a total of 24 next year. Two vans will drop the kids off, which will pull in off Cross Street. There is plenty of room for them to turn around on the site. The property is better served as this use than a rental house because it will be cleaned up and well cared for. Mr. Herzl asked if this is a temporary change of use. The Board debated the ability to grant temporary approval and the logistics of enforcing that. Mr. Flannery said if it is only approved for these two classrooms it's going to be limited in its use anyway. The house can only accommodate so many people. The applicant would be fine with a condition that says they will not exercise the right to further site plan exemptions on this site for additions less than 1,500 square feet.

Mr. Rennert asked if it would be rented out for parties. Mr. Flannery said no. Mr. Herzl said there is no dormitory. Mr. Flannery said correct. Mr. Rennert confirmed no one will be sleeping on the premises, and Mr. Flannery said correct.

A motion was made by Mr. Herzl and seconded by Mr. Hibberson to approve the application. All were in favor.

**7. SD 2142 Congregation Kol Aryeh**  
Hope Chapel Road                      Block 24.04, Lot 5  
Minor subdivision to create two lots

A motion was made and seconded to carry this application to the September 20, 2016, meeting. All were in favor.

- 8. SD 2144 Chaim Abadi**  
Shady Lane Drive Block 12.01, Lots 7 & 11  
Minor Subdivision to create three lots

A motion was made and seconded to carry this application to the September 20, 2016, meeting.  
All were in favor.

- 9. SP 2181 River 1161, LLC**  
River Avenue Block 1064, Lot 4  
Preliminary and Final Major Site Plan for an addition to an existing grocery store

A motion was made and seconded to carry this application to the September 20, 2016, meeting.  
All were in favor.

- 10. SP 2187 KG Investments**  
Chestnut and River Avenue Block 1070, Lots 1 & 3  
Preliminary and Final Major Site Plan for a combined retail and office building, existing  
gas pumps to remain

A motion was made and seconded to carry this application to the September 6, 2016, meeting.  
All were in favor.

- 11. SP 2196AA Simon Schreiber**  
Tuxedo Terrace Block 25.07, Lot 53  
Change of Use/Site Plan Exemption to convert an existing home into a school

A motion was made and seconded to carry this application to the September 6, 2016, meeting.  
All were in favor.

- 12. SD 2147 DYA Investment & Development Group, LLC**  
Miller Road Block 11.03, Lots 2 & 90.03  
Preliminary and Final Major Subdivision to create 7 lots

A motion was made and seconded to carry this application to the September 6, 2016, meeting.  
All were in favor.

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth, Planning Board Recording Secretary