

1. 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. Herzl, Mr. Franklin, Mr. Neiman, Mr. Flancbaum

3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt, P.E., P.P. was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD 2049 Paramount Developers

Ridge Avenue Block 223, Lots 89 & 90
Preliminary & Final Major Subdivision to create 6 lots

A motion was made by Mr. Flancbaum, seconded by Mr. Franklin to approve the resolution.

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

Abstain: Mr. Herzl, Mr. Lankry

2. SD 2055 32 Cross, LLC

Cross Street Block 533, Lot 11
Preliminary & Final Major Subdivision to create 27 lots

Mr. Brian Flannery, P.E., P.P. was sworn in. He was approached by members of the adult community in the area who wanted to have some comments before this was memorialized.

Mr. Neiman said he remembers they were proposing all the cars of this development to go through the development on Route 9.

Mr. Flannery said that was their opinion. There was a paper street that this was tying into so there was some back and forth with that other developer and the Board approved it subject to some changes. This resolution documents those changes. The relief that was requested was not substantially different, it was actually less. The number of units was the same, the size of the property was the same. He can show the before and after plans and talk about the changes but if they are going to have the public give their comment then it would probably make sense then he can summarize that as well.

Mr. Jackson noted there are a lot of people in attendance for this application.

Mr. Flannery said that Mr. Hobday assured him that there were only 3 to 5 people that would only take a few minutes each to speak.

Mr. Gatti is concerned about the impact of block 533, lot 11 and block 533 lot 3 and 10 will have on traffic on the intersection of Cross Street and River Road.

Mr. Jackson said he believes there was a concern on whether or not there was a traffic study.

Mr. Gatti said one of the concerns they have is that the traffic study prepared by Dean and Dolan is incomplete and flawed. He is here to share what he believes the actual traffic will be based on the model they did and adding to it block 533 lots 3 and 10 to the assessment that was done for lot 11.

Mrs. Morris said lots 3 and 10, which are not on the resolution tonight, are actually a separate project, is already partially under construction and did receive approval from the Planning Board recently to add two additional lots.

Mr. Jackson said that tonight they are here on the context of adopting a resolution. The Board has conducted a hearing and the case is closed and it is just a matter of whether the resolution adequately and accurately reflects what the Board's decision was. He asked if they have any concerns with the resolution itself as opposed to the substance of the application.

Mr. Gatti said he has not seen the resolution.

Mrs. Morris said typically the public does not see resolutions until the Board adopts it.

Mr. Hobday said they are concerned because those that live within the southwest sector of Lakewood might have difficulty navigating that area anyway. Any additional heavy traffic is just going to make it worse. They know they cannot drive Route 9 anymore and now they will not be able to get on Cross Street. They do not have any options except to go west and all the way around. What this is basically doing is blocking emergency vehicles, police, fire, EMS from getting out. He believes they are putting their lives in jeopardy.

Mr. Jackson asked if these issues were raised at the hearing.

Mr. Hobday said they did not get notice of the hearing. He said the Enclave Clubhouse was not noticed.

Mr. Flannery said the property is more than 200 ft because lots 3 and 10 are not part of the application. Lot 11 is more than 200 ft from the Enclave, therefore there would be no requirement for a notice.

Mr. Jackson said the Board had determined that adequate notice had been given.

Mr. Gatti said you can judge how important this is by the amount of people that are in the audience.

Mr. Jackson said that it is highly unusual to address a resolution in this manner. It is prepared to embrace the reasoning and decision of the Board and the process tonight is for the Board members to look at it to make certain that it adequately represents what they found and what they decided. It is not an issue where the case is reopened or reheard. It is only in deference to the large number of people that are here that they are doing this very unusual inquiry.

Mr. Gatti said the 72 and 24 homes have been built between the Enclave's back entrance and Route 9. At this point, when they leave the back entrance to make a legal right hand turn to get to Route 9 there are usually 5 or 6 cars that are there and they patiently wait to either go straight across Route 9 or make a left or a right. If in fact there is going to be potentially 100 homes with a potential of 200 families that are going to be exiting and entering somewhere across Cross Street between their back entrance and Route 9. Their biggest concern is whether or not emergency vehicles will have adequate access to not only the people in the Enclave and the Fairways but also the families that are going to be living within these two developments. They have already spoken to a committeeman and people over at Kimball Hospital that avoid this area and it's only going to get worse. Something will happen and response times will take longer. He would like to let everyone aware of the fact that this is their fear and there will be lawsuits.

Mr. Jackson said the case has already been heard by the Board and tonight is just an administrative action of determining whether to adopt the resolution. The application has still not been made before the County. County Planning Board approval is required for this as Cross Street is a County road. He suggested that this issue be brought up with the County as well. They do have an option to file an appeal and an appeal must be filed with the Superior Court within 45 days of the date of publication.

Mr. Gatti/McCrossan said they will be soliciting to the Asbury Park Press to try and make the public more aware of their concerns and maybe create a public outcry.

Mr. Gatti/McCrossan asked who commissioned the Dean and Dolan traffic analysis impact study.

Mr. Vogt said the traffic report was commissioned by the applicant as part of the application. The report for an application like this is traditionally reviewed by Ocean County. The reason is because of their jurisdiction over Cross Street. They want to see for themselves what the traffic impacts are if they have to make improvements to the highway itself and to see where the access points are and to make sure they are going to be appropriate and to make an assessment if they have any plans for the area where they need money they will look for a prorated contribution. The issue is they are not here to argue about the adequacy of a traffic study. Unfortunately, they do not have the application or study here. Most importantly, they do not have the consultant who prepared the study present. Typically, the consultant is present at the meetings and the Board would weight testimony from the applicant's professionals, the public and from the public's professionals if they have any.

Mr. Gatti said Ms. Dolan appeared before the Board and was sworn. Under questioning she indicated that she did not know of the adjacent site development on lots 3 and 10 and she did not know of the impact of the site on Walnut and therefore did not include them in her study. Therefore, her study is well understated in terms of what the actual traffic impact will be once lots 3, 10 and 11 are developed.

Mr. Vogt said if that is the case, what does that do to their findings. He does suspect that the County will require that because they typically look at these projects that effect their roads much more in depth then the Planning Board would.

Mr. McCrossan asked if there is a procedure that he needs to follow so that they can prepare an appeal.

Mr. Jackson recommended to contact an attorney to help with that because it is inappropriate to advise members of the public how to file an appeal. He is the Board's attorney. The process involves filing a complaint in Superior Court and it has to be done within a certain time period and there are things that have to be alleged in the complaint. It is generally called an action In Lieu Of Prerogative Writs which is usually handled by an assignment judge in Ocean County. He suggested to go to the County first because they are probably the better

organization to deal with this issue because it is a County road. The Planning Board can't impose offsite improvements. If Cross Street needs a light or widening, this Board cannot do that.

Mr. Hobday asked if the resolution gets adopted then this application would be moved to the Ocean County Planning Board.

Mr. Jackson said one of the conditions of approval is that the applicant must obtain Ocean County Planning Board approval. It is a standard condition. Sometimes it is done before and sometimes it is done after and sometimes the applicant must come back before this Board because the County wants to make changes.

Mr. Hobday asked if they have Ocean County approval.

Mr. Flannery said it does not as far as he knows.

Mrs. Morris said the date the resolution is published in the paper will start the 45 day clock.

Mr. Franklin said the resolution states that the application shall obtain all approvals required by federal, state, county or municipal agencies having regulatory jurisdiction over this development. Upon receipt of such approvals, the applicant shall supply a copy of the permit to the Board. In the event that any other agency requires a change in the plans approved by this Board the applicant must reapply to the Planning Board.

Mr. Flannery said this is a by right application. The 74 townhouses next to it has nothing to do with this application. The traffic issue was brought up but it is a County road. The Board really does not have jurisdiction. The County engineer is aware of the other developments in the area and they are requiring traffic improvements so that these 24 duplexes that conform with the zoning will have safe traffic. He understands the residents' concerns as he drives the road also. In Lakewood, the roads have heavy traffic and the County engineer is well aware of that. He had a meeting with all the consultants last month and laid down the rules as far as traffic studies. There will be a different traffic study prepared as opposed to the one that was presented at this Board who has traffic engineers to review it and make sure everything is proper. The resolution that is here documents what has been approved at the meeting. There were originally 27 lots and now there are 25. They eliminated some of the lots because of the creation of the cul-de-sac. It is the same number of dwelling units and the same size commercial building.

A motion was made by Mr. Flancbaum, seconded by Mr. Franklin to approve the resolution.

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

Abstain: Mr. Neiman, Mr. Lankry

5. PLAN REVIEW ITEMS

1. SD 2083 Benjamin Weber

Ridge Avenue Block 189.03, Lot 171.01

Minor Subdivision to create two lots

Applicant is requesting a combined plan review and public hearing this date

A review letter prepared by Remington, Vernick & Vena Engineers dated September 30, 2015 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said although they are asking for 12,000 sf lots in the R-20 zone, when you look at the other development in that R-20, it is not unusual and it makes sense. This should be a simple application. A copy of a tax map showing surrounding lots in the area was presented to the Board.

Mr. Jackson pointed out that there are objectors for this application.

Mr. Yossi Katz was sworn in. He said there are many neighbors opposed to this application and presented a petition to the Board.

Mr. Jackson said it would be filed with the Planning Board office.

Mr. Neiman said they will not hear this as one meeting tonight.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to advance this application to the November 24, 2015 meeting.

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

- 2. SD 2086 One Olive Court, LLC**
Olive Court Block 251 Lot 1.11
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated September 24, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, width, front yard setback, rear yard setback, side yard setback and combined yard setback. A design waiver is required for a proposed lot line that would not be perpendicular to Olive Court.

Mr. Neiman said they can consider giving variances for lot area and lot width but the Board will not grant setback variances.

Mr. Adam Pfeffer, Esq. said the variances will be addressed at the public hearing. They have reviewed the board engineer's review letter and have no objections.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to advance the application to the November 24, 2015 meeting.

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

- 3. SD 2087 George Topas**
Central Avenue Block 85 Lot 5
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated September 28, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, lot width, side yard setback and aggregate side yard setback.

Mr. Ruel Topas said they have reviewed the board engineer's review letter and have no objections.

Mr. Neiman asked that he bring a map showing any other lots in the area that are under 12,000 sf. This Board does not generally grant lot size variances for 12,000 sf lots. There are times when the Board might grant it where it is an R-12 zone but there are a lot of other lots in the area that are under 12,000 sf. The Board does not usually grant side yard setbacks as they are in place to protect the neighbors. He asked that compelling testimony be made at the public hearing.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to advance the application to the November 24, 2015 meeting.

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

4. SD 2090 Rela Alstadter Trust

Brook Road & Ridge Avenue Block 190.04, Lots 8, 10, 35, & 44
Minor Subdivision to create four lots

A review letter prepared by Remington, Vernick & Vena Engineers dated September 24, 2015 was entered as an exhibit.

Mr. Joe Kociuba, P.E. was sworn in.

Mr. Abe Penzer, Esq. said this is a very simple application. All they want to do at this time is split the lot down the middle. They would come back before the Board when the applicant is ready.

Mr. Vogt said if the Board approves this, there has to be a way to regulate the improvements if the property owners came in individually for plot plan.

Mr. Neiman said they are not approving any building envelopes now. They are only subdividing the lot.

Mr. Penzer said that is correct.

Mr. Neiman said this application can be heard in full tonight.

Mr. Vogt asked if the applicant would be ok with adding a condition in the resolution that whatever improvements are required would be done at time of plot plan review. That way they can file the map right away.

Mr. Penzer said they are fine with that. They just want to subdivide the lot for the time being.

Mr. Kociuba said the lots proposed are very large in size and it would be safe to say that any lots being developed would be coming before this Board or the Zoning Board.

Mr. Neiman said they would require sidewalks at the time of plot plan.

Mr. Penzer said they agree to everything in the letter but would ask that relief be granted to not install curb, sidewalks, street trees and vacation until the applicant is ready to develop the lots.

Mr. Franklin said there is a lot of pedestrian traffic in this area.

Mr. Kociuba said there is curb and sidewalk along the Ridge Avenue frontage. It's the Brook Road frontage that is of concern. There is less pedestrian traffic along that frontage.

Mr. Neiman opened to the public.

Mr. Daniel Snyder, 8 Gefen Drive, was sworn in. He lives nearby and he said he does walk along Brook Road frequently. It is a dangerous road without a shoulder. He want to be certain that curbs and sidewalks will be installed.

Mr. Neiman said curb and sidewalks will be required when the property is developed.

Mr. Avrohom Schubert, 18 Gefen Drive, was sworn in. He said Brook Road is very busy and he would like to ensure sidewalks are installed. The applicant is trying to get an easement for a few feet but it is a very dangerous intersection at Brook Road and Ridge Avenue.

Mr. Penzer said he agrees but the County is requiring an 8.5 ft easement to widen the road in the future.

Mr. Vogt said the site distance would be reassessed at time of plot plan review.

Mr. Neiman closed to the public.

A motion was made by Mr. Herzl, seconded by Mr. Franklin to approve the application. Sidewalks will be installed at time of plot plan review.

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

5. SP 2113A Yeshiva Shaar Hatalmud

Edgecomb Avenue Blocks 1009; 1019; 1022; 1023, Lots 1.04 & 1.06; 2.01; 3; 1
Amended Preliminary & Final Major Site Plan for a school with duplexes

A review letter prepared by Remington, Vernick & Vena Engineers dated September 28, 2015 was entered as an exhibit.

Applicant is requesting a combined plan review and public hearing this date.

Mr. Vogt stated that submission waivers are requested for topography, contours within 200 ft and an environmental impact statement. The waivers are supported.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

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

Mr. Neiman remembers from the original application that the main concern of the Board was access to these duplexes as there are a bunch of paper streets in the area.

Mrs. Miriam Weinstein, Esq. stated the applicant was before the Board a few months ago for a subdivision upon which a Yeshiva and several duplexes would be constructed. At the time, the Board did not want the duplexes to

be built because the Board had concerns about the infrastructure not being put in. Since that time, another developer has received approval so the Board should have assurance that the roads will be put in.

Mr. Glenn Lines, P.E., P.P. was sworn in. He said originally they showed access coming out of the westerly side of the property where the duplexes are proposed. There was a note on the plans that Edgecomb Avenue would be improved by others. Since then, a developer has received approval for duplexes on block 1020. As part of that plan, they are bringing water and sewer up Edgecomb Avenue to the intersection. They would connect out through the stub of Edgecomb Avenue which touches this property.

Mr. Vogt asked if they are relying on any future improvements to either Wadsworth Avenue or Pinehurst Avenue which are currently paper streets.

Mr. Lines said no. They are not improving Wadsworth, Parkway and Pinehurst as no units will be fronting those streets. Their original project had them coming in through Wadsworth to Argyle to Edgecomb at the front of the property where the school access would be. They do have two duplexes on Argyle facing east.

Mr. Vogt said if they are improving Argyle, then they are coming in off of the Edgecomb Avenue right-of-way.

Mr. Lines said that is correct. One variance is being requested for minimum side yard setback. This was based on the campus zone standards which has an 8 ft side yard setback.

Mr. Neiman asked how they are getting into Argyle to the back duplexes.

Mr. Lines said they are coming in from Vine Avenue.

Mr. Neiman asked if 32 ft wide roads are being proposed.

Mr. Lines said yes. That was all approved with the original school project.

Mr. Franklin asked how they would access Edgecomb Avenue off of Park View Avenue.

Mr. Lines said there is a subdivision on River Avenue and they are improving Edgecomb Avenue.

Mr. Neiman said he does not want to mess out the current layout of the paper streets by putting in cul-de-sacs in the middle. He wants it to remain when this whole area is developed.

Mr. Lines said they have not changed the grid pattern of the paper streets at all.

Mr. Neiman said there is a cul-de-sac that is fronting the first duplexes.

Mr. Lines said that is on their property.

Mr. Neiman asked why there is a cul-de-sac in the middle of the grid. He asked if a street was vacated.

Mr. Lines said when all of these lots were set up for the school zone back in 2005 the Township Committee vacated all the streets they felt they didn't need to make larger parcels.

Mr. Lankry asked if the housing will be tax free.

Mr. Lines said yes, this is faculty housing for the school.

Mr. Lankry asked what the benefit of this would be to the Township.

Mrs. Weinstein said they will remove the side yard setback which would make this application fully compliant.

Mr. Flancbaum asked if basement apartments are permitted in the campus zone.

Mr. Lines said yes.

Mr. Flancbaum asked if any parking variances are being requested.

Mr. Lines said no. There would be four parking spaces per duplex unit.

Mr. Neiman asked what type of Yeshiva this is as it requires 38 faculty members.

Mr. Lines said it is for any faculty and staff.

Mrs. Weinstein said it is a post high school and the married students could potentially own them as well.

Mr. Lines asked why they are approving this as faculty housing. This is regular housing.

Mrs. Weinstein said it is regular housing. They are just not subdividing the lots. The units cannot be sold. They can only be used as rentals as is.

Mr. Lankry said they are still not giving anything back to the town.

Mr. Neiman said these duplexes should really be on their own lots. Then they would pay taxes.

Mrs. Weinstein said any site or development may contain more than one use as long as the uses are permitted in the zoning district in which it is located. These units would be owned by the Yeshiva who is tax exempt. They cannot sell the duplexes unless they were subdivided.

Mr. Neiman would like to advance this application to a public meeting as opposed to hearing this in one meeting.

Mrs. Weinstein said there is an issue as this was a township property which was sold for school purposes only and it is deed restricted.

Mr. Jackson said the Board is questioning why this institution needs this type and number of housing.

Mr. Lines asked why they should approve 14 units when maybe they could bring the tax liability down for others and now it is going to continue going up because now they have to support these units.

Mr. Flancbaum would like them to come back with supporting documentation as to the need of so many duplex units.

Mr. Lines said most Yeshivas have 3 or 4 staff members, not 38. The town divided these properties for school zones and they did it for a reason, for schools.

Mr. Vogt said he would like to clearly see what is approved and what is being proposed on the revised plans which a rider that explains this.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to advance this application to the November 24, 2015 meeting.

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

No: Mr. Lankry 8:19

6. 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 (previously 25 residential units on 27 lots)

Applicant is requesting a combined plan review and public hearing this date

A review letter prepared by Remington, Vernick & Vena Engineers dated September 30, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated this was originally approved under SD 1728 MAZ Properties, LLC. That applicant received approval to construct 25 single family homes on lots that were between 3,337 and 6,511 sf in size along with a tot and open space lot. That application was amended in March 2015 into fee simple duplexes and three single family homes totaling the same number of units. The reason this was done was to create more space between the units and make them more desirable to end users as end users today typically prefer a duplex with more land than a single family home on a smaller lot. The amendment was done via correspondence and the Board did not feel comfortable at that time adding an additionally structure. They are back before the Board to request one additional duplex.

Mr. Neiman asked if this was noticed.

Mrs. Weinstein said yes. It contains all of the information she just recited. It also made it clear that no new variances are being requested other than with respect to the new duplex lot on proposed lots 140.25 and 140.29.

Mr. Michael Dipple, P.E., P.P. was sworn in. The variances are for minimum lot area, lot width, front yard setback and maximum building coverage. Said variances are consistent with variances previously granted for other new lots within the project.

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. Lankry

7. SD 2088 Moshe Shvarzblat

Gudz Road Block 11.04, Lots 10, 11, 12, & 23
Preliminary and Final Major Subdivision to create seven lots

A review letter prepared by Remington, Vernick & Vena Engineers dated October 1, 2015 was entered as an exhibit.

Mr. Vogt stated that waivers are requested for topography, contours and man-made features within 200 ft as well as locations of existing and proposed wells/septic systems, environmental impact statement and tree protection management plan. The waivers are approved for public hearing purposes as they have enough information in terms of topography and man-made features. Wells and septic must be shown on the final plans, however, they are the jurisdiction of the Ocean County Health Department. If the Board were to approve the application, the applicant would have to document compliance with tree protection. A wetlands LOI has been submitted which is sufficient for this application.

Mr. Neiman asked if there will be well and septic for this application.

Mr. Shvarzblat said no. They are tying into the public water and sewer system.

Mr. Vogt said there is an existing well and septic that must be dealt with.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

Mr. Neiman asked what happens to the existing well and septic on the property.

Mr. Vogt said there are state regulations which are enforced by the Ocean County Health Department. Wells must be abandoned, most likely via sealant. Septic systems can be decommissioned in accordance with regulations as well.

Mr. Vogt stated that variances are requested for minimum lot width and aggregate side yard setback. A design waiver is required from providing non-radial side lines for the project.

Mr. Adam Pfeffer, Esq. said they are taking four undersized lots and creating five conforming lots with a few minor variances. Overall, they are improving the site greatly.

Mr. Neiman said this is almost a new block so setbacks are a little easier here to grant.

Mr. Pfeffer said they have reviewed the board engineer's review letter and any comments would be addressed at the public hearing. No objections are being made to the letter.

Mr. Neiman asked if garbage disposal is being addressed on the plan.

Mr. Pfeffer said it is a public street so Public Works would provide trash pick up.

Mr. Neiman would like to make sure there is adequate space for the trucks to turn.

Mr. Shvarzblat confirmed there is ample room.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance the application to the November 24, 2015 meeting.

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

8. SP 2146 Yeshiva Mekor Hatorah

Towers Street Block 830.11, Lot 1
Preliminary and Final Major Site Plan for a school

Applicant is requesting a combined plan review and public hearing this date

A review letter prepared by Remington, Vernick & Vena Engineers dated October 5, 2015 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. stated that the Township will be picking up the trash and recycling. An access point will be added somewhere between the main Yeshiva building and the gymnasium in order for garbage trucks to get in.

Mr. Michael Dipple, P.E., P.P. was sworn in. A front yard setback variance of 11.40 whereas 30 ft is required is being requested from the new roadway that was created under the Somerset Run development. That project will be coming back before this Board with some tweaks. If approved, this would be subject to full approval of that plan and subdivision. The variance is requested because the applicant wants to keep the lawn area in the back open for activity. Almost any way you configure this with the amenity of the pool and the gymnasium you are going to violate a setback. They decided that the least intrusive variance would be interior to the project and up against the newly created road.

Mr. Vogt said there is a one way drive proposed near the proposed basketball court. He asked if it would be a private driveway.

Mr. Dipple said yes. That was part of Somerset Run. There was a lot of discussion and they ended up with a driveway out to Lafayette which was created and paved under the Yesodei development. The minimum lot area is 3 acres and they have 3.01 so they are not going to create it as a public right-of-way.

Mr. Vogt said a design waiver for landscaping in the buffer being provided to the zone boundary is required, however, a 6 ft high chain link fence with privacy slats is proposed along the boundary lines.

Mr. Dipple said that is correct. It is not landscaped too heavily but there is a fence around the pool and property.

Mr. Vogt said the proposed plan will require the vacation of portions of two streets, Read Place and Scott Avenue. Township concurrence of the vacations and submission of vacation documents should be included as a condition of any approvals.

Mr. Dipple said that is correct. That would be part of the original subdivision plat which will be resubmitted.

Mr. Neiman asked if the access onto South Lafayette Avenue would remain. He is in favor of leaving it there as people would have to go through the whole development to get to the school.

Mrs. Morris said they do not know that could be resolved during this application.

Mr. Neiman said he likes it there and if they are afraid that people will cut through South Lafayette and go through there, they could close it up at the other end so they would have two separate entrances.

Mrs. Morris said the applicant hasn't even submitted for resolution compliance for the overall tract.

Mr. Neiman would like to see that access point remain if possible.

Mr. Franklin asked about the proposed road.

Mr. Dipple said it is a wider road than normal. It is greater than 32 ft.

Mr. Franklin asked who is responsible for the on-site drainage.

Mr. Dipple said the applicant.

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

A motion was made by Mr. Flancbaum, seconded by Mr. Lankry to approve the application.

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

9. SP 2145 & SD 2089 Somerset New Hampshire, LLC

Route 70 & New Hampshire Avenue Block 1248, Lot 2

Preliminary and Final Major Site Plan and Major Subdivision for a mixed use site (74 townhouses, 2 retail buildings, and a community building)

A review letter prepared by Remington, Vernick & Vena Engineers dated October 8, 2015 was entered as an exhibit.

Mr. Vogt said this application will be heard under the Mixed Use Overlay and the applicant must give testimony at the public hearing relative to complying with the overlay requirements. Variances are requested for minimum side yard setback. Waivers are required from providing curb and sidewalk along Route 70. Partial landscape relief is necessary as a minimum 25 ft landscape buffer must be provided adjacent to any non-residential development.

Mr. Flannery said this property came before this Board years ago. There is a current approval on this property for 144 multi family dwelling units in 4 story buildings. This is a scaled back application which is reducing the intensity of the development. It is virtually a by right application. The relief that is requested for this is de minimis in nature. This is in a mixed use zone and they meet all of the conditions. There is a kind of glitch in the ordinance with respect to how big a side setback and a separation between buildings. The side yard setback that is listed, in his opinion is not needed but they are asking for it to be conservative. It is for the fee simple lot lines. It has nothing to do with the exterior tract or neighbors. There are four parking spaces per unit. In addition, there is a site plan application for the commercial building up front. The ordinance requires at least 15% non-residential and this project provides 23%.

Mr. Neiman asked about parking for the commercial building.

Mr. Flannery said there are 149 parking spaces which complies with the ordinance. A waiver is being requested from providing curb and sidewalk along Route 70. No other properties have sidewalk along their frontages. It

would not be safe for people walking there. A partial buffer relief is requested and it's a buffer for commercial to commercial. He believes it is a misinterpretation of the ordinance. It is the lot line along Route 70 to their commercial neighbor to the east. They have 15 ft planted there and they do not have a 25 ft buffer to them. The rest of the comments in the board engineer's review letter are minor in nature and will be addressed at the public hearing.

Mr. Franklin asked who would maintain the on-site drainage.

Mr. Flannery said the homeowner's association would maintain any drainage that is not in the road. They would meet with Public Works to discuss anything within the roadway.

Mr. Neiman asked if they would be able to get garbage trucks in that street.

Mr. Franklin said the roads are 32 ft which is good.

Mr. Bruno said there are a number of people here from the Leisure Village Homeowner's Association. He has spoken with their attorney and they are going to set up a meeting and try to address some of their concerns before the public hearing.

Mr. Sean Gertner, Esq. on behalf of the Leisure Village HOA. He spoke with a principal and attorney from Somerset Development. They have given their word that they will make themselves available between now and the public hearing to discuss various issues raised by his clients.

Mr. Neiman asked that they try and work things out before the public hearing.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance the application to the November 24, 2015 meeting.

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

10. SD 2082 MCAAA Inc

East County Line Road Blocks 194-198, Lots 1 & 4; 1-3; 1-5; 2-8; 10
Preliminary and Final Major Subdivision to create twenty lots

A review letter prepared by Remington, Vernick & Vena Engineers dated October 8, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are required for minimum lot area, lot width and front yard setback. A design waiver is also required from the improvement for portions of paper streets Stillwell Avenue, Holland Street and Paulding Street which would have proposed lot frontages.

Mr. Adam Pfeffer, Esq. stated there is a comment in the review letter where a portion of Briggs Avenue will be vacated. They do have an application pending before the Township Committee but they are not actually vacating the paper street. They are just shifting it over in order to cross between East County Line Road and Stillwell Avenue.

Mr. Flannery, P.E., P.P. said technically it is a vacation but it's also a relocation. The relief requested for this application is minimal. At the public hearing they will be provide testimony in support of those variances.

Mr. Pfeffer said they have reviewed the board engineer's review letter and have no objections.

Mr. Franklin said he would like to see 32 ft roads for this project.

Mr. Flannery said they will revise the plans to show 32 ft wide roads.

Mr. Neiman asked if there are sidewalks along all the interior roads.

Mr. Flannery said yes.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance the application to the November 24, 2015 meeting.

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

11. SP 2143 Avraham Grubner

East County Line Road Block 174.04, Lot 57.02
Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated October 8, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft as well as an environmental impact statement. The waivers are supported for completeness purposes only. An updated survey must be provided with the revised plans prior to the public hearing as well as showing conditions that have changed from work identified on two adjacent projects.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

Mr. Joe Kociuba said an updated survey was prepared, however, an old survey was submitted. The survey was done in May prior to the trailer removal. It will be further discussed with the board engineer.

Mr. Neiman asked if the zone was changed in this area to allow these types of applications.

Mrs. Morris said the zone was not changed. New conditions were added that if the applicant meets specific qualifications regarding location and size, the property can have conditional uses including office.

Mr. Neiman asked then why are side and rear yard setbacks being requested.

Mrs. Miriam Weinstein, Esq. said the reason the applicant is asking for those variances is because the applicant actually owns the property that is adjacent to this. The side yard setback is a side yard to the Yeshiva building. The applicant is the owner of both the Yeshiva and this property and he does not plan on selling the office building.

Mr. Neiman asked about parking.

Mrs. Weinstein said there are 38 parking spaces which meets the requirements.

Mr. Neiman asked if the Yeshiva is going to use those spaces as well.

Mrs. Weinstein said no. The Yeshiva has its own parking.

Mr. Kociuba said this property was subject to a subdivision and received approval to create this separate lot.

Mr. Neiman said he is not happy with the side and rear yard setback variances. They are there for a reason.

Mrs. Weinstein said she agrees but the reason they are requesting the variances for this application is because the applicant is the same owner on both properties.

Mr. Flancbaum said besides the variances that are being requested, the applicant meets the conditional uses of the zone.

Mr. Kociuba said that is correct.

Mr. Neiman asked if they are providing a trash enclosure.

Mr. Kociuba said yes but they did not provide a detail of the specific enclosure.

Mr. Neiman said they want to provide a 20 ft wide access driveway as opposed to 24 ft.

Mr. Kociuba said the application is subject to County approval so they are discussing with them. If the County finds the 24 ft access driveway acceptable, they have no issues providing that.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance the application to the November 24, 2015 meeting.

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

12. SP 2141 118-120 Clifton Ave, LLC
Clifton Avenue Block 90, Lot 7
Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated October 8, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography of the site, topography within 200 ft thereof, contours on the site to determine natural drainage of the land, contours of the area within 200 ft of the site boundaries, locations, names and widths of all existing and proposed streets on the property within 200 ft of tract, landscaping plan, soil erosion and sediment control plan and design calculations showing proposed drainage facilities. The waivers are supported for completeness purposes. If the Board grants approval, the final design would be reviewed during resolution compliance and may require parts of these waivers.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

Mr. Vogt stated a rear yard setback is requested which is somewhat common place in this zone.

Mr. Neiman asked if there is a driveway that uses this setback now.

Mr. Sean Gertner said he had spoken to the Township Committee liaison regarding that. There actually exists a 10 ft wide easement before the parking lot. That easement benefits his client's property

Mr. Vogt said access from the existing parking lot which is adjacent to the rear of the site is used both for people coming in the rear entrance as well as private access to a trash dumpster. The Township has no problem with this project. The concept based on the current use of the parking lot, their recommendation will be that a condition be placed in the approval that should something change in the future with regard to the Township's use of that adjacent lot they may have to come back before the Board.

Mr. Neiman asked if there are trucks that use that driveway.

Mr. Gertner said it is only 10 ft.

Mrs. Morris recalls that a neighbor came in to look at the plans who also makes use of that driveway and wanted to confirm that access was not being blocked off.

Mr. Herzl asked what the current use is.

Mr. Gertner said it is a restaurant and a grocery store.

Mr. Lines said if you are looking from Clifton Avenue, there is an access way to the rear just to the left of this property.

Mr. Gertner said the easement provides a buffer to meet with those requirements. The goal of the applicant is to make it look like it almost has two fronts so use of the parking lot is enhanced as well.

Mr. Flancbaum suggested submitting some sort of aerial map to give the Board a better understanding.

Mr. Gertner said that is part of the recommendation. It will be provided.

Mr. Lankry would caution about having two tenants on one floor.

Mrs. Morris said there has been some discussion about possibly expediting this and not revising the plans in between.

Mr. Neiman said he is fine with that but he would like additional maps be provided including aerial maps and photographs.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance the application to the November 10, 2015 meeting.

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

6. PUBLIC HEARING ITEMS

1. SD 2069 Sam Rabinowitz

Locust Street Block 1081, Lot 4
Preliminary and Final Major Subdivision to create fifty-seven lots

The applicant requested that this project be carried to the November 10, 2015 meeting.

2. SP 2134 3G Corporation

East County Line Road Block 172.01, Lot 1
Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated October 12, 2015 was entered as an exhibit.

Mr. John Doyle, Esq. stated this is an addition to an existing retail strip mall with associated parking. Storage areas will be provided for the several stores. An addition will be added to the hat store and one new store will be added. Sufficient parking will be provided. There will be an access on Squankum Road that will be enter only.

Mr. Brian Flannery, P.E., P.P. was sworn in. The entrance is an existing entrance that trucks already come in and drive over the curbs and need to be fixed. There are a few parking spaces which will be impacted by that. They have showed exactly the number of parking spaces required by the ordinance. The review letter pointed out 4-6 spaces that would need to be removed so technically they would need a variance for up to 6 spaces.

Mr. Neiman asked if they are adding parking in the back.

Mr. Flannery said yes and it more than compensates for what they are adding. This is a site that is existing and has different uses.

Mr. Lankry asked why they did not keep the access on Squankum Road two way.

Mr. Flannery said there was a vacation of the right-of-way and they did not get all of the property.

Mr. Franklin is worried about people cutting through this parking lot.

Mr. Flannery said currently they do that but this reduces the width of the entrance and in turn reduce the problem. The parking in there would slow it down.

Mr. Franklin would like this further discussed with the Board Engineer as he can see a real problem here.

Mr. Doyle said the road that would be a cut through is presently two-way so they would alleviate the problem. These are two County roads and they have already received some preliminary comments from the County. Their right-of-way was never deeded to them so that would be resolved and at the same time legitimize the sign and other things. Between meeting with the County and working with the board engineer, they would make that site better.

Mr. Flannery said the review letter indicates they need a variance for the sign. It is his testimony that they do not need the variance because it is existing but they would be asking for that variance if needed. Some of the problem that is being created is that it's in the right-of-way because they are giving property to the County.

Mr. Vogt said it is an existing sign but a new variance condition as a result of the dedication.

Mr. Flannery said that is correct.

Mr. Lankry asked if it would make more sense for the access point on Squankum Road to be one way out only.

Mr. Flannery said they could discuss that with the Board Engineer if the Board acts favorably.

Mr. Neiman said it is tough now coming out onto East County Line Road even with the Squankum exit. Now they will be removing that exit and it will be worse.

Mr. Doyle said the County has told them that the westerly driveway will be a right in and right out only.

Mr. Herzl asked why the Squankum access point will only be one way in.

Mr. Flannery said they do not have enough property so the width is reduced.

Mr. Lankry said they gained more land.

Mr. Flannery said yes but there is a County improvement there. That entrance was County property in a County right-of-way. The County vacated that right-of-way and when that happens, half goes to them and half goes to the neighbor.

Mr. Flancbaum said their concern will be that all traffic will be going left onto East County Line Road. It will be the only way to exit now. It is a tough turn.

Mr. Flannery said it is a tough turn but it is a tough situation being created by the County vacating the right-of-way and being on two County roads.

Mr. Flancbaum said this is currently an unsafe situation.

Mr. Flannery said the amount of traffic going down there now is going to be reduced due to the reduction and the entrance of that point. Right now there is cut through traffic as anybody coming East on Kennedy can come through. People coming on Squankum Road from Howell Township can make a left turn in there. It is an existing condition and their hands are tied.

Mr. Vogt said they can discuss interior circulation but what the County does on their roadways is ultimately their purview.

Mr. Flannery said there is a traffic light at the northerly location of their property. The County does not want any entrances because that mixes the traffic.

Mr. Neiman said the issue really is the left turn out onto East County Line Road.

Mr. Herzl said Squankum will be better but County Line will be a lot worse as a result.

Mr. Flannery said they could approach the County for a right out only on Squankum Road although he does not believe it will make the situation better.

Mr. Vogt said even if this project doesn't get approved, the Squankum Road entrance would still need to be modified because of the vacation. What would change is there would be more people because of the addition.

Mr. Neiman asked why the County would do this in the first place.

Mrs. Morris said it was vacated to the Township and then the Township is going to or has vacated to the adjacent property owner.

Mr. Neiman asked why that is.

Mr. Flannery said it wasn't a County road.

Mr. Neiman doesn't understand why they are creating a dangerous situation here. It works now.

Mrs. Morris said the County vacated it because there is a basin there. The Township vacated it as a right-of-way to the neighboring property owners with the condition that the access to that basin would be maintained. She does not know if the Township's vacation indicated anything about the traffic light or access to those neighboring properties.

Mr. Flannery said the question shouldn't be why is it being taken away, the question should be why was it put there in the first place. It was put there in the first place because the County wanted to improve that intersection so when they did that they had a right-of-way. After they built it, they had regrets that they have a paved area that only serves the Wawa that they have to maintain so the County vacated it to the Township and then the Township vacated it to the neighbor. It is not wide enough for both, but they can change it to exit only. If the Board wants that, everyone would have to come in from County Line Road and go out on County Line. If the concern is people cutting through, they would make it an exit only.

Mr. Vogt said he likes the right out only personally but he hears that because of the signal, there would be some gaps in the traffic. He recommended that they get favorable input from the County before they submit for resolution compliance.

Mr. Herzl said Squankum Road will be exit only and the westerly entrance will be right in and right out only. Circulation will be resolved to the satisfaction of the Board Engineer.

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

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

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

No: Mr. Franklin

- 3. SP 2112 Monlu LLC – Stuart Lubowsky**
Princeton Avenue Block 162, Lots 2 & 4
Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated September 3, 2015 was entered as an exhibit.

A motion was made and seconded to advance the application to the November 10, 2015 meeting.

- 4. SD 2063 Eli Schwab**
Joe Parker Road Block 189.16, Lot 157
Minor Subdivision to create three lots

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

A motion was made and seconded to advance the application to the November 10, 2015 meeting.

- 5. SD 2067 Mark Moskovitz**
Central Avenue & Bradshaw Road Block 83, Lot 7
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated August 31, 2015 was entered as an exhibit.

A motion was made and seconded to advance the application to the November 10, 2015 meeting.

7. CORRESPONDENCE

- SP 1922 – Block 430, Lot 9.01, River Ave – expansion of gravel parking area

The applicant's attorney asked that this item be tabled until further notice.

- SP 1794 – Block 524, Lot 3.02, Marion Werbler – removal of trash enclosure from approved Site Plan

Mr. Flancabaum stepped down.

Mr. Adam Pfeffer, Esq. stated that they are requesting the removal of the trash enclosure that was required as shown on the plans. As part of the lease, each individual tenant will keep their garbage within their unit and would take it out themselves. It is something that has been working for 7 years. They are also asking that the requirement for a sprinkler system be removed for the detention basin.

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

- SD 1640 – Block 88, Lots 8.01 & 18.01, 16 South Clifton, LLC – adjustment of approved subdivision line

Mr. Surmonte said originally when they made a lot line for the staircase, it was going to be a wider, shorter staircase. When the building was built they had to make a long, narrow staircase. They are just adjusting the lot line to accommodate that staircase.

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

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

- SP 2062 – Block 189.03, Lot 35, Yeshiva Ruach Hatorah – request for temporary school trailers until resolution compliance and site construction commences

Mr. Abe Auerbach said typically the school is built before trailers are put on the site but the bank has requested that the applicant construct all of the apartments for the students and then they would construct the school.

Mr. Neiman said he would give a two year approval.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the temporary trailers for a maximum of two years.

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

- 8. PUBLIC PORTION**
- 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