

I. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt 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. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: *The Asbury Park Press*, and *The Tri-Town News* at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Committeeman Ackerman, Mr. Follman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PLAN REVIEW ITEMS

1. **SP 1927A** (Variance Requested)
Applicant: Four Corners Partners, LLC
Location: Squankum Road & Park Place, South of E. County Line Road
Block 169 Lots 33 & 34
Preliminary & Final Site Plan for proposed catering kitchen and office

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval in order to construct a proposed two-story commercial building with basement. The first floor is proposed to be a catering kitchen. The second floor proposed office space with mostly storage use for the kitchen. The basement is proposed to be storage use for the kitchen. The proposed building is 48' X 60' for a building area of 2,880 square feet. The proposed total floor area is 8,640 square feet since all floors are the same. The proposed two-story, 8,640 square foot building with parking area is on a one hundred foot (100') wide by one hundred fifty foot (150') long property with double frontage on Squankum Road and Park Place. The tract is situated south of the Four Corners Deli property along East County Line Road. The site presently contains two (2) dwellings and a detached garage. The applicant has proposed a total of twenty-four (24) parking spaces for the proposed use. The tract is located in the northern portion of the Township on the east side of Squankum Road, a County Road, and

the west side of Park Place, in between East County Line Road and Thirteenth Street. Multi-family dwellings border the site to the south. A commercial deli building borders the property to the north. Dwellings are on the west side of Squankum Road opposite the site and dwellings are on the east side of Park Place across from the property. The subject site is located within a developed area with residential and commercial uses. There is existing curbing along the property frontages. Sidewalk exists along the Squankum Road frontage, but no sidewalk exists or is proposed along the Park Place frontage. Per communications with the applicant's professionals, a right-of-way easement will be given to the County along the Squankum Road frontage. An existing County Road Widening Easement is shown for Lot 33, but not Lot 34. The curbing is in place, is within the property boundaries, and aligns with the adjoining properties. Park Place, a municipal road, has a forty foot (40') right-of-way. The existing curbing is located approximately fifteen feet (15') from the centerline. Virtually all of the existing improvements will be removed from the site. Access is proposed from both Squankum Road and Park Place. The parcel is located in the B-1 Neighborhood Business Zone District. It would seem catering facilities are permitted in the B-1 Zone since offices, restaurants, and similar services are listed under Section 18-903A.1.c. (11), of the UDO. I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. C14 - Submission of a Tree Protection Management Plan. The applicant shall provide supporting testimony on the requested waivers as required. Sufficient existing data is provided to review the application. Therefore, we support the waiver requests. However, the submission of a Tree Protection Management Plan will be required as a condition of approval. Our site investigation on 10/14/11 revealed only a couple of large trees of consequence on the property. II. Zoning 1. The site is situated within the B-1, Neighborhood Business Zone. According to Section 18-903A.1.c (11), of the UDO it would seem catering facilities are permitted in the B-1 Zone since offices, restaurants, and similar services are listed. 2. Per review of the Site Plan and the zone requirements, the following variances are required for the proposed project: • Minimum Front Yard Setback – An eight foot (8') setback from Park Place to the overhang of the building is proposed, a setback of fifteen feet (15') is required. It should be noted that this projection is at second floor level. 3. Per review of the Site Plan and the zone requirements, the following waivers are required for the proposed project: • As currently depicted, a waiver would be required from providing sidewalk along the Park Place frontage. However, per communications with the applicant's professionals, said sidewalk will be provided. • A waiver is requested from providing shade trees, and shade tree and utility easements along the property frontages. • The location of a trash enclosure within a front yard setback (Section 18-809, dumpsters). 4. No buffer has been provided between the proposed commercial use and the existing residential use on the adjoining property to the south. An existing stockade fence in disrepair is located along the property line. 5. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. Site Plan/Circulation/Parking 1. The General Notes indicate the boundary and topographic information was taken from a Boundary and Topographic Survey dated 8/16/11. A copy of the survey should be provided. 2. The Deed Description listed on the Existing Conditions Plan should be for Lots

33 and 34. 3. The fourth course of the Legal Description on the Existing Conditions Plan should be corrected to "the division line between Lots 34 and 35". 4. Existing sidewalk along Park Place terminating at the south property line of the project should be added to the Existing Conditions Plan. 5. Soil boring locations should be shown on the plans. 6. The proposed front yard setbacks shall be corrected in the Schedule of Bulk Requirements. The proposed front yard setbacks should be to the overhangs at the building access points. Also, the proposed side yard setback on the south side of the building should be forty-eight feet (48') because of the overhang. 7. The Parking Requirements shall be corrected to indicate a total of twenty-four (24) off-street parking spaces being proposed. 8. As indicated on the site plans, access is proposed from both Squankum Road and Park Place by a twenty-eight foot (28') wide through access driveway. Fifteen (15), 9' X 18' off-street parking spaces are proposed on the south side of this aisle. 9. An additional proposed parking area connects to the north side of the through access driveway and is located in front of the main access to the building. This proposed parking area has an aisle width of twenty-four feet (24'), with eight (8), 9' X 18' off-street parking spaces, and one (1) van accessible handicapped parking space. 10. The proposed wall for the steps leading down to the basement must be added to the site plan. Accordingly, the nine foot (9') dimension from Park Place shall be corrected to eight feet (8') with the addition of the wall. Also, a dimension from the side property line to the trash enclosure should be added. 11. An 8' X 10' enclosed dumpster area is proposed behind the facility on the Park Place frontage. The plans indicate trash disposal will be the responsibility of the owner. The construction details provided for the trash enclosure must be corrected. 12. Testimony is required to address proposed loading and delivery operations for the facility. 13. The plans do not properly address the impact of the proposed project on existing facilities of adjoining Lot 35. The end of the proposed parking area in front of the building encroaches onto neighboring Lot 35. The proposed building is being constructed along the property line (0' setback) of Lots 34 and 35. The proposed building has an access point along the north side, yet an existing fence is shown on Lot 35 just north of the property line. 14. A proposed access point is missing on the south side of the building. 15. Existing fencing is shown around the property on the Existing Conditions Plan. The limits of fence removal are not clear. 16. Per review of site conditions and communications with the applicant's professionals, all deteriorated curb and sidewalk along Squankum Road and Park Place will be replaced as part of this application. Confirming testimony should be provided. 17. Proposed building overhangs shown on the architectural plans must be added to the site plans. 18. Testimony on sight triangles should be provided. 19. The proposed handicapped ramp in front of the building shall be relocated to be centered in the handicapped aisle. This will increase the landing size in front of the proposed main building access. B. Architectural 1. Conceptual architectural plans were submitted for review. 2. The plans indicate a proposed average height of 26'-10". This complies with the allowable height of thirty-five feet (35'). 3. Information should be provided for utility connections. It is doubtful any existing residential utility connections could be used as stated in the Site Plan General Notes. Roof mounted HVAC equipment is proposed and will be adequately screened. 4. The architect should provide testimony regarding the proposed building, façade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing. 5. The proposed building access point on the south side of the building is not on the site plan. This affects the proposed grading. C. Grading 1. A detailed grading plan is provided on

Sheet 4. 2. The proposed basement floor is not two feet (2') above seasonal high water table. Accordingly, the applicant has requested relief from this matter. The plans state that the basement walls and flooring are to be waterproofed. The plans also state that the basement will be equipped with a sump pump which shall discharge to the storm sewer and shall have a backflow prevention valve. Any overflow from the recharge system being overtaxed will enter the County's storm sewer system on Squankum Road. Therefore, we defer to the County on the design relief requested. 3. Proposed spot elevations must be added at the building access points. 4. The proposed contour lines are incomplete; it is not clear how the proposed site elevations meet the surrounding existing grades. D. Storm Water Management 1. An underground recharge piping system consisting of perforated fifteen inch high density polyethylene (15" HDPE) and twenty-four inch high density polyethylene (24" HDPE) pipe has been proposed to address stormwater management. Drainage structures and roof leaders have also been proposed to convey runoff to the infiltration system. 2. The proposed storm water management design for the site is feasible. We recommend the applicant's engineer meet with our office to review the proposed design. Per communications with the applicant's engineer, the design will be redesigned for our review prior to the public hearing. 3. Proposed details and inverts must be provided for cleanouts of the roof drain connections into the proposed recharge system. E. Landscaping 1. The applicant has provided a landscape plan as part of this submission. The landscaping proposed consists of six (6) Blue Rug Junipers, twenty-eight (28) Dense Spreading Yews, and three (3) Smaragd Arborvitae. 2. The overall landscape design is subject to review and approval by the Board. 3. Existing trees on the south side of adjoining Lot 35 will be impacted by the proposed construction since the building is being constructed on the property line. E. Lighting 1. Site lighting is being provided by three (3), one hundred fifty watt (150W), sixteen foot (16') high, proposed pole mounted fixtures. 2. The proposed pole mounted fixture on the north side of the project is located off-site. Per communication with the applicant's engineer, this pole will be relocated. 3. The proposed pole mounted fixtures on the south side of the parking area will be equipped with proper shielding for the adjoining residential property to the south. G. Utilities 1. Public water and sewer services will be provided by New Jersey American Water Company. The plans state the existing connections will be utilized. This is unlikely considering the commercial nature of the facility. 2. All proposed utilities must be installed in accordance with Township requirements. 3. An Ocean County Utility Authority Easement is shown in the northwest corner of the site. OCUA must review and approve the site plan. H. Signage 1. The architectural plans show a proposed signage area on the front elevation. Otherwise, no signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the site contains two (2) residential dwellings and a detached garage. 2. Environmental Impact Statement No Environmental Impact Statement (EIS) was submitted for the project, or required due to the size. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial

photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. 3. Tree Management Plan A waiver was requested from submission of a Tree Management Plan. Our site investigation and the Existing Conditions Plan only notes a few trees as significant. The applicant must comply with the requirements for tree protection and removal as applicable on the site. J. Construction Details 1. Construction details are provided on Sheet 6 of the plans. 2. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. A detailed review of construction details will occur during compliance review; if/when this application is approved. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developer's Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. Ocean County Utilities Authority; f. Fire Code Review; and g. All other required outside agency approvals. Water and sewer utilities will be constructed by New Jersey American Water.

Mr. Vogt stated they had no problems with the requested waivers.

Motion was made and seconded to grant waivers.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Follman, Mr. Schmuckler
Abstained: Committeeman Ackerman

Mr. Vogt stated there is a variance requested for minimum front yard setback. It is for an overhang of almost 30 ft in the air but it would project within 8 ft horizontally in the setbacks and the UDO requirement is 15 ft.

Mr. Abraham Penzer, Esq on behalf of the applicant. This overhang is 25 ft in the air, it is not in the bottom. I was surprised that it was still part of the ordinance but that is what was advised. There are several objectors, we tried to meet the demands. There may be a change in case we do work it out. Mr. Penzer said he had no problems with Terry's letter.

Mr. Brian Flannery, P.E. stated the application was for a catering kitchen. The applicant currently operates out of the Four Corners site adjacent to it. This would be a supplement to his business. One of the comments is we show a door along the common property line. As long as he is still leasing on that property the door makes the business easier. The food is stored and prepared there but there is no retail or sales going on the property.

Mr. Neiman asked if there are going to be any parties in the building.

Mr. Penzer stated there are not. We have no problem, if part of the approval, that if we decide to have catering and/or retail we will go back to this Board. One change that we would make is that we would make the entrance closer to County Line Road but the reason we didn't do that is because Brian Flannery believes the County won't allow it. If the County doesn't allow it then we would have to come back to the Board but we are trying to accommodate the neighbors. The second thing was in regard to the garbage. We can put it anywhere they want. The other two issues were in regard to the retail and catering and I told them that I would not go for a deed restriction but I would go back to the Board if we do.

Mr. Schmuckler asked what the parking on the newer part of the building was for.

Mr. Penzer stated it was for retail.

Motion moved and seconded to advance this application to the December 13, 2011 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Follman, Mr. Schmuckler
Abstained: Committeeman Ackerman

Mr. Jackson stated the application will be advanced to the December 13, 2011 meeting. No further notices are required.

2. **SD 1603A** (Variance Requested)
Applicant: Joseph Rosenbaum
Location: West side of River Avenue, between James Street &
Edgewood Court
Block 415 Lots 10, 11 & 12
Amended Preliminary & Final Major Subdivision to create 14 zero lot line lots.
Prior application received resolution compliance from T&M Associates. This approval for creation of lot lines only. No design change

Project Description

The applicant seeks an amended preliminary and final major subdivision approval for Zero Lot lines in accordance with Section 18-911 of the UDO. An existing rectangular 3.20 acre property known as Lots 10 – 12 in Block 415, is to be subdivided into fourteen (14) new residential lots, designated as Lots 10.01 through 10.14 on the subdivision plan. The site is proposed to be developed with seven (7) two-story duplex buildings. The overall design is similar to the previously approved subdivision of seven (7) lots with duplex units. The site is situated in the central part of the Township on previously-developed residential land within a mixed use area. The property has frontage along the west side of Route 9, between Edgewood Court and James Street. Presently, there are two (2) single-family dwellings on the subject property with two (2) associated garages. A proposed cul-de-sac from Route 9 will provide access to the dwelling units. The proposed road will have a fifty foot (50') wide right-of-way, a thirty-two foot (32') wide pavement width, curbing, and sidewalk as per the subdivision plan. The cul-de-sac bulb will have a turnaround with a sixty foot (60') right-of-way radius and a fifty-five foot (55') pavement radius. Curbing and sidewalk also exist

along the Route 9 frontage of the project. We have the following comments and recommendations per our review of the application in accordance with the Township's Zero Lot Line Residential Development Ordinance (Section 18-911):

I. Zoning/Applicability

1. The property is located in the HD-6 Highway Development Zone District and R-10 Single-Family Residential Zone District. Duplexes are permitted as a conditional use in the HD-6 zoning district. Zero lot line residential dwellings are permitted in the R-10 zoning district.
2. In accordance with Section 18-911-C of the Ordinance, newly constructed or proposed duplexes (or conversion of an existing dwelling to a zero lot line dwelling) are allowed activities in the R-10 Zone provided that the duplex is constructed to applicable Township standards, and the duplex is intended to be divided into two (2) separately owned structures and lots. Therefore, the proposed creation of a zero lot line subdivision is an allowed activity.
3. Minimum Lot Width variances are required for the proposed Lots 10.05 – 10.10 on the west side of the cul-de-sac bulb. The required lot width is fifty percent (50%) of the requirements of the zone, which is seventy-five feet (75') for the R-10 Zone. Therefore, the required lot widths for the zero lot line properties are 37.5 feet. Although proposed Lots 10.05 – 10.10 require lot width variances, all of the lots are at least thirty-five feet (35') wide.
4. Minimum Front Yard Setback variances are required for proposed Lots 10.03, 10.04, 10.11, and 10.12. The proposed front yard setbacks are 25.4 feet, 16.8 feet, 16.8 feet, and 25.4 feet respectively, whereas thirty feet (30') is required.
5. Minimum Rear Yard Setback variances are required for the decks on proposed Lots 10.01 – 10.04 and 10.11 – 10.14. The proposed rear yard setbacks for the decks are ten feet (10'), whereas twenty feet (20') is required.
6. Maximum Building Coverage variances are required for the combination of proposed Lots 10.03 and 10.04, and the combination of proposed Lots 10.11 and 10.12. The proposed building coverage for the combination of lots is 25.5%, whereas twenty-five percent (25%) is allowed.
7. New relief for a design waiver is sought per the applicant's request from providing a fifteen foot (15') wide dense landscape buffer. A five foot (5') high privacy fence is proposed along the northern and southern property boundaries.
8. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.

II. Review Comments

A. General

1. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required.
2. Corrections are necessary to the Schedule of Bulk Requirements.
3. Existing on-site structures and materials to be removed must be disposed in accordance with applicable local and state standards. A note should be added to the plan.

B. Architectural

1. Architectural plans have been provided for "wide" units and "narrow" units. An additional "narrow" unit architectural plan is required for proposed Lots 10.07 and 10.08 which show a shorter "narrow" unit.
2. The architectural plan for the "narrow" units show proposed basement access from the rear of the units while the development plan indicates basement access from the side of the units.

C. Final Plat

1. The proposed rear lot line dimension of Lot 10.07 should be corrected.
2. Compliance with the Map Filing Law, as applicable.

III. Regulatory Agency Approvals

The following required outside agency approvals previously obtained should still be valid:

- a. Ocean County Planning Board;
- b. Ocean County Soil Conservation District;
- c. New Jersey Department of Environmental Protection (LOI);
- d. New Jersey Department of Transportation. New Jersey

American Water Company will be responsible for constructing sanitary sewer and potable water.

Mr. Abraham Penzer, Esq on behalf of the applicant. Basically what this application is that the Board approved this but the law changed since the approval. We are looking to create zero lot line lots. We have no issues with Terry's letter.

Mr. Flannery stated it is the same amount of duplexes and layout. The cult-de-sac we made larger than RSIS so the school bus could turn around. That larger cult-de-sac created some front setback variances. The variances that we are requesting are similar to the ones granted initially.

Mr. Vogt asked that there are no physical design changes verses what the Board previously approved.

Mr. Flannery affirmed.

Mr. Franklin asked if the street is going to be private because you have the yard drainage coming out to the drainage system.

Mr. Flannery stated that was approved previously and it will stay the same.

Mr. Schmuckler asked about the yard drains.

Mr. Flannery said they will take a look at it and also meet with Public Works and Terry before the next meeting.

Seeing no questions from the Board members a motion was made and seconded to advance this application to the December 13, 2011 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Committeeman Ackerman, Mr. Follman, Mr. Schmuckler

Abstained: Mr. Herzl

Mr. Jackson stated the application will be advanced to the December 13, 2011 meeting. No further notices are required.

- 3. SP 1970** (No Variance Requested)
Applicant: Abraham Newman
Location: Coleman Avenue
Block 104 Lot 24
Change of Use Site Plan from existing single family house to a dormitory

Project Description

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of an existing single-family home to a 6-bedroom dormitory per Section 18-906.B of the UDO. Per note #4 on the Change of Use Site Plan, 17 students would be housed by the converted facility. Additionally, per note as indicated in the application and on the Change of Use Site Plan, the interior of the existing one-story dwelling will be renovated as per the Proposed Floor Plan. As currently proposed, there are no site improvements associated with the use conversion. However, per Note #15 on the change of use plan, the proposed dormitory “(will) be serviced by new water and sewer laterals from Milton Street crossing Lot 23.01. Existing well and septic to be abandoned”. The site is located in the northern portion of the Township, on the east side of Coleman Avenue, approximately 200 feet north of its intersection with Milton Drive. The tract is rectangular in shape, and is 15,000 sf in area. Residential development surrounds the property. The school to be served by this dormitory is located on adjacent Lot 23.01 per our interpretation of the application documents. I. Zoning 1. The property is located in the R-12 Residential District. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. We recognize that the dorm in question will serve as an accessory building/use in support of the school, and dorms have been approved as parts of site plan projects for schools on prior Board applications. 2. Confirming testimony should be provided by the applicant and/or professionals regarding the requested dorm conversion and its relationship to the existing (adjacent) school use on Lot 23.01 as referenced in the application documents. For the Board to consider the dorm as an accessory use to the existing school, it may be warranted to consolidate these two properties (irrespective of the site plan waiver request). 3. Per review of the Site Plan and the zone requirements, the existing and proposed layout complies with the Bulk requirements of the R-12 zone. 4. No bulk variances appear necessary for the change of use request. II. Review Comments 1. Testimony should be provided by the applicant for the Board to determine the adequacy of existing site improvements to support the proposed change in use, including but not limited to the following issues: a. How many students (maximum) are proposed in the dorm (the plan references 17 students). b. Will any adults be housed in the dorm? If not, how will the students be supervised? c. Are buses proposed (above those, if any, serving the existing school use). d. How students will be dropped off and picked up (by car)? As noted, two (2) off-street parking spaces exist on-site for the existing dwelling. e. Are kitchen or dining facilities proposed (or necessary) for the school use? Based on the above referenced testimony and other information requested, the Board will need to determine if existing parking and vehicular access are suitable for the requested change of use, or whether additional parking and access improvements are necessary. 2. We recommend that the local Fire Code official review the proposed dormitory to confirm that it is accessible for fire-fighting purposes, or whether additional access to this building would be necessary. 3. A 10-foot wide landscape buffer line is depicted along the southerly property line. Per Section 18-906A(2) of the UDO, a 20-foot buffer is required, for schools, from residential uses. Based on the existing adjacent (residential) use, a 20-foot wide buffer is necessary (unless waived by the Board). 4. Per Section 18-906A(3) of the UDO, the required buffer (for schools) shall be landscaped with trees, shrubs and other suitable plantings for screening, providing and adequate screening of at least six(6) feet in height where existing vegetation is inadequate. Landscaping shall be provided to the satisfaction of the Board. 5. Per Note #9, solid waste and recycling will be provided by an existing dumpster on the adjacent

school property. 6. Testimony should be provided regarding proposed lighting. Lighting shall be provided to the satisfaction of the Board. 7. Construction details for all proposed site improvements in accordance with Township standards. At a minimum, information is necessary for the proposed utility connections across Lot 23.01, and the abandonment of the existing well and septic systems as proposed (and any resultant site or paving restoration). Said information could be provided during compliance review of the requested site plan exemption and conversion (if granted). 8. Information and/or testimony that existing utilities serving the building are adequate for the proposed school use. 9. Any information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO. Depending upon the Board's consideration of the above referenced information and testimony, additional site plan improvements may be necessary. The request for Site Plan exemption should be considered based on additional improvements (if any) deemed necessary to support the requested change in use.

Mr. Vogt stated there are no variances in term of bulk variances. The application is for an existing house to a dorm. Typically when the Board has done this in the past, it has been part of a school application. My understanding is that this will service the school but the school is not part of this request.

Mr. Abraham Penzer, Esq. on behalf of the applicant. For mortgage purposes we have to keep things separate even though it is immediately next door. We have done in the past as an accessory use but it is a different name.

Mr. Glenn Lines, P.E, P.P. was sworn in. The floor plans we submitted to the Board have a maximum of 17 beds in that building.

Mr. Penzer stated the students will be living in the dormitories. They will not be driving or dropped off. They will be dining next door.

Mr. Lines stated there is no parking required. We are going to leave the existing driveways. There will be no cars as the students are from out of state.

Mr. Penzer stated they will comply with all requirements for fire and health codes.

Mr. Franklin asked how old the students are and if they have cars.

Mr. Penzer stated they will be 17-19 years old. They discourage the students to have cars.

Mr. Lines stated you would need permission from the Rabbi to have cars and has not given permission to any students.

Mr. Schmuckler asked about garbage pick up.

Mr. Lines stated there will be very little garbage produced by the dormitory. There is a dumpster and recycling on the site next door.

Mr. Neiman asked if any one from the public wished to be heard.

Mr. Bill Hobday, 30 Schoolhouse Lane was sworn in. Mr. Hobday asked about supervision in the dormitory.

Mr. Penzer stated there is a dorm councilor.

Ms. Noreen Gill, 192 Coventry Drive was sworn in. She asked how many students would be in the dorm and asked if there will be an addition in the future.

As stated before, there are 17 students in the dorm. Mr. Penzer stated they are not seeking an addition at this time.

Seeing no further questions from the public, this part of the meeting was closed.

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Committeeman Ackerman, Mr. Follman, Mr. Schmuckler

5. CORRESPONDENCE

6. PUBLIC PORTION

Mr. Edward Liston, Esq. stated he represents a group of homeowners who are objectors to the Four Corners application. A couple of the jurisdictional issues the Board should be aware of are whether the use here is a permitted use and whether we are before the right Board. Your engineer wrote a letter in which he said he assumes it is a use. I have taken a look at the zoning ordinance and I most respectfully disagree. I think it is not a permitted use in this zone. In addition, I find the notice is deficient because your engineer calls out a front yard setback variance 8 ft provided 15 ft required. The notice said 13 ft provided 15 ft required. That is a big different and I think it is a difference which again could raise a jurisdictional issue and I would like the record to be clear that we object the notice and that it should be re-noticed in accordance with the engineer's letter as to that setback issue. Beyond that, I will put a letter out by the end of the week so that everybody, including Mr. Penzer, knows what our position is.

Mr. Neiman asked if we could work out the issue with the zoning and if it is a permitted use.

Mr. Jackson stated that could be a jurisdictional question that the Board has to answer.

7. APPROVAL OF MINUTES

A motion was made and seconded to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Committeeman Ackerman, Mr. Follman,
Mr. Schmuckler

Abstained: Committeeman Ackerman,

8. APPROVAL OF BILLS

A motion was made and seconded to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Committeeman Ackerman, Mr. Follman,
Mr. Schmuckler

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary