

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. Neiman, Mr. Cautillo

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 2161 TJ Realty Enterprise, LLC**
River Avenue Block 430, Lot 10
Preliminary and Final Major Site Plan for a building addition

Mrs. Morris said a marked up resolution from the attorney has been provided to the board. Mrs. Weinstein is here to answer any questions concerning those changes.

Mrs. Miriam Weinstein, Esq. said there were concerns that there was not ample parking and it was agreed that this was going to be resolved during resolution compliance. However, in order to avoid any ambiguity it made sense to revise the resolution and to submit plans to the board proposing a reduction in building size to 10,200 sf. There was a discussion as to whether the common elements should be included in that number. They have since included those elements. This reduction in building size would equate to a parking requirement of 34 parking spaces. The parking requirement would be 1 space per 300 sq ft with no medical use permitted. The revised plans also show 6 additional spaces at the rear of the building and 4 additional spaces along the Route 9 side. There are 9 existing spaces along that side but in the event that Route 9 is ever widened, they would lose those spaces. They would utilize those 9 parking spaces for as long as they can and in the event Route 9 is widened, they would add those 4 spaces. The changes made to the resolution specifically address working with the board engineer's office to shrink the building and/or add additional parking spaces to ensure they have enough parking to meet the requirements of the UDO.

Mrs. Morris said revised plans were submitted to the board engineer's office but there were some concerns as to whether or not the building was supposed to be reduced in size or if just the parking was to be corrected. The board engineer wanted to ensure that what they are currently proposing fits with what is explained in the resolution.

Mrs. Weinstein said the building was reduced. It wasn't reduced as much as the board engineer's office was contemplating but the building was reduced. They have also found ways to add parking.

Mr. Vogt asked if a parking variance is still required once these proposed changes are made.

Mrs. Weinstein said the parking variance will be eliminated.

Mr. Jackson asked why this revised plan is not being heard at a proper meeting with notice.

Mr. Franklin agrees.

Mr. Neiman agrees as well. The plan the board approved is not this resolution. The applicant should come back with a revised plan for the board to review and approve.

Mr. Vogt suggested this be heard as a correspondence item.

Mr. Neiman doesn't have an issue with that.

Mrs. Morris said a resolution has not yet been approved. She asked if the applicant would have to re-notice.

Mr. Jackson said it depends on whether or not it is a material change.

Mr. Franklin said it sounds like a major change.

Mrs. Weinstein asked if the board saw the revised plans.

Mrs. Morris said no. Only two sets of plans were submitted to her office, one of which went to the board engineer for review.

Mr. Jackson said this is really not an emergency. It is not a big deal for the applicant to re-notice.

Mrs. Morris asked if the board is required to adopt the resolution within a certain time frame as this was set for approval at the last meeting.

Mr. Jackson said yes and no. The applicant is the one asking for the change. He asked if there are any objections if they hold it.

Mrs. Weinstein said no, they would waive any time requirements.

Mrs. Morris assumes the board engineer will need time to review the revised plans.

Mr. Vogt said he doesn't want this to be a full blown amendment. He could issue a letter that addresses parking and note the changes per what the board heard.

Mrs. Weinstein said the size of the building should also be addressed.

Mr. Joe Kociuba, P.E., P.P. said the footprint in the building didn't change, it was just a change in the third floor.

Mrs. Morris said if the applicant is not comfortable being heard at the next meeting, which is very full already, she would schedule this for the June 14th meeting.

Mrs. Weinstein asked that this be added to the May 17th meeting and they will re-notice for same.

- 2. SD 2103 Naftuli Falk**
Albert Avenue Block 1159, Lots 58 & 59
Preliminary and Final Major Subdivision to create four lots

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

5. PLAN REVIEW ITEMS

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

A review letter prepared by Remington, Vernick & Vena Engineers dated April 20, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers being requested include plans and profiles of proposed utility layouts, an environmental impact statement and design calculations for drainage facilities. The waivers are supported provided the designs are submitted in time for review prior to the public hearing. As for stormwater calculations, there was discussion at the last meeting as to whether or not the board wanted to move such applications along.

Mr. Joe Kociuba, P.E., P.P. has no objection to providing stormwater calculations in time for the public hearing. He asked if a waiver can be granted from providing the environmental impact statement.

Mr. Neiman asked if there are any environmental constraints on the property.

Mr. Kociuba is not aware of any.

Mr. Vogt said he is okay with granting a waiver from providing the EIS with the understanding, that if approved, the applicant would comply with the tree protection ordinance. No information was provided as far as environmental issues.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Neiman sees that a private road is proposed. He asked if that road is included in the square footage of the lots.

Mr. Kociuba said yes, there is an easement across the frontage of the properties to create the private road.

Mr. Neiman said then there is too much proposed here. The applicant is asking for a large amount of variances in the R-12 zone. He suggested that he sit down with his client and perhaps go down to 4 units as opposed to 5.

Mr. Kociuba said he will discuss with his client.

Mr. Herzl asked what the lot size would be if the private road was not included.

4. SD 2133 David Birnbaum

Ocean Avenue

Block 249, Lots 10 & 11

Minor Subdivision to create 4 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 26, 2016 was entered as an exhibit.

Mr. Vogt said variances include minimum lot area, side yard setback and aggregate side yard setback.

Mr. Neiman was under the impression that if a variance is being requested for the duplex, it must go to the Zoning Board.

Mrs. Morris said duplexes are permitted in the zone provided they have the minimum lot area requirement.

Mr. Neiman said these lots do not meet that requirement.

Mrs. Morris does not know how this has been handled in the past, in terms of board jurisdiction, but she understands where his question is coming from.

Mr. Jackson asked if it is a conditional use criteria.

Mrs. Morris said it is not specifically a conditional use. It is listed as a permitted use and then it has a lot area requirement.

Mr. Joe Kociuba, P.E., P.P. said that is correct. It has a minimum requirement just as a single family dwelling would.

Mr. Jackson said the board doesn't have to grant the variance.

Mr. Neiman was always under the impression that the Planning Board could not grant an area variance for a duplex.

Mrs. Morris said it depends how it is worded in the ordinance. It could be argued either way.

Mr. Vogt has seen these types of applications at the Zoning Board. It is listed under the R-7.5 requirements as a permitted use with conditions. Duplexes are permitted, provided that existing lots have a minimum lot size of 10,000 sf and newly created lots have a lot size of 10,000 sf and a minimum lot width of 60 ft. It is listed as a permitted use in the UDO, as opposed to a conditionally permitted use which you can find elsewhere in the UDO.

Mr. Jackson would like the Zoning Board attorney's input.

Mr. Neiman agrees. He was recently told by the Zoning Board that these types of applications have to be heard by them.

Mr. Kociuba asked if this can be scheduled for a public hearing and in the meantime he will seek clarification from the Zoning Board attorney.

Mr. Neiman said yes, but if there is no clarification, it is not being heard.

A motion was made and seconded to conditionally advance this application to the June 21, 2016 meeting. All were in favor.

- 5. SP 2178 Cheder Masores Hatorah**
Bellinger Street Block 804, Lot 2
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington, Vernick & Vena Engineers dated April 26, 2016 was entered as an exhibit.

Mr. Grunberger arrived at the meeting.

Mr. Vogt said no bulk variances are required, however, a parking variance may be necessary.

Mr. Adam Pfeffer, Esq. said they are seeking to be heard as a public hearing item and have noticed for such.

Mr. Neiman said this is a large application and he does not feel comfortable hearing this tonight. He has no problem advancing this to the next available meeting.

Mr. Pfeffer said with regard to the parking variance, on the proposed plans there were a lot of tutor rooms that were described. They will be shifting around and shrinking some of those rooms to make sure there is no question that they would need a variance. The tutor rooms are not for additional classes, they are really to tutor one or two students at a time.

Mr. Neiman asked how many parking spaces are being proposed.

Mr. Graham MacFarlane, P.E., P.P. said 48.

Mr. Vogt thinks the UDO specifically lists for tutor rooms.

Mr. MacFarlane said it does, they will be reducing the number of tutor rooms.

Mr. Neiman asked if there is a wedding hall associated with this application as 48 spots would not be sufficient.

Mr. MacFarlane said no. This is just a boy's elementary school.

Mrs. Morris said the board should be aware that anything in the engineer's review letter will not be able to be addressed in time for the next meeting.

Mr. Pfeffer said there weren't major changes in the review letter.

Mr. Vogt said the current design is good but they want to make sure they don't get caught in the same circumstance as they were with a previous application. A revised architectural schematic should be provided to the board at the meeting.

Mr. MacFarlane said he would bring an exhibit to the meeting.

A motion was made and seconded to advance this application to the May 17, 2016 meeting. All were in favor.

6. SD 2134 Linda Wajsborn

Hudson Street

Block 108, Lots 3 & 15

Minor Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 25, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, aggregate side yard setback and building coverage.

Mrs. Miriam Weinstein, Esq. said the duplex lot is 12,000 sf and is fully conforming. This applicant initially filed with the zoning for single family homes on undersized lots. The application decided to go to the Planning Board as there were objectors. This application is to create 3 lots upon which a duplex and single family home will be built. The single family home lot size will be 9,337 sf where 10,000 sf is required. A tax map displaying similarly sized lots in the area will be presented at the public hearing. Many of the lots in the area are undersized.

Mr. Edward Liston, Esq., representing objectors Avrom and July Rothenberg, who live at 1500 Lexington Avenue. Their position is that this is an upscale neighborhood and they do not want to see it overdeveloped as many other neighborhoods in Lakewood have already been. His client will have no objection as long as the applicant develops with no variances or waivers.

A motion was made and seconded to advance this application to the June 21, 2016 meeting. All were in favor.

7. SD 2135 Congregation Kol Aryeh of Lakewood, Inc.

Hope Chapel Road

Block 26, Lots 8 & 8.01

Preliminary and Final Major Subdivision to create 3 lots and a cul-de-sac

A review letter prepared by Remington, Vernick & Vena Engineers dated April 28, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers being requested include plans and profiles of utility layouts, an environmental impact statement and design calculations showing proposed drainage facilities. He believes the EIS can be waived but they would like to see the profiles and stormwater calculations prior to the public hearing.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Schmuckler said they were waiting on the County as to how they would like them to tie into their drainage. It will be provided before the public hearing. They will work with the board engineer in order to make the cul-de-sac RSIS compliant.

Mr. Neiman wants to ensure that sufficient buffering is provided in the back.

A motion was made and seconded to advance this application to the June 21, 2016 meeting. All were in favor.

8. SP 2179 Yeshiva Philip Hirth Academy, Inc.
Oak Street Block 1151, Lot 1
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington, Vernick & Vena Engineers dated April 25, 2016 was entered as an exhibit.

Mrs. Morris said the applicant is requesting a combined tech and public hearing.

Mr. Neiman finds that acceptable as there are a lot of schools in the Oak Street area.

Mr. Vogt said submission waivers being requested include plans and profiles of proposed utility layouts. The waiver is supported with the condition that the information be provided during resolution compliance, if approval is granted.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mrs. Miriam Weinstein, Esq. said this is a girl's elementary school on Oak Street along with all of the other girl's schools. The school currently has kindergarten through second grade. Their plan is to never have more than two classes in a grade level so there would be a maximum of twenty classrooms with 27 or 28 students per class. No variances are being requested.

Mr. Neiman asked how many parking spaces are being proposed.

Mr. Joshua Schmuckler said 34. They could add more but they would lose playground space and they wanted to keep as much green as they could.

Mr. Neiman said no banquet hall will be permitted.

Mrs. Weinstein agreed. There will be a maximum of twenty classes and they could use Bais Tova parking across the street for PTA as all the schools have PTA on different nights.

Mr. Neiman asked about site circulation.

Mr. Schmuckler said it will be one way in and one way out for the buses and cars.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said there is plenty of room for 4 or 5 buses.

Mrs. Weinstein said all students will be bused in except for the occasional student who misses the bus or has an appointment.

Mr. Vogt asked if the applicant will comply with the comments in the review letter.

Mr. Flannery said yes.

Mr. Neiman wants to ensure that the dumpsters are provided per DPW's recommendations.

Mr. Vogt said it is a 10' x 20' enclosure, 6" thick pad with reinforcing steel.

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

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

9. SP 2180 Congregation Somerset Walk

Canary Drive Block 830 & 830.04, Lots 1.06 & 30.01
Preliminary and Final Major Site Plan for an addition to an existing synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated April 28, 2016 was entered as an exhibit.

Mr. Jackson said he received a letter from an attorney representing a property owner who is building a house nearby and she objects to the application not having a licensed professional. The applicant does have an attorney present. He is unsure how the board wants to proceed.

Mr. Abe Penzer, Esq. said he was never notified by the objecting attorney concerning this matter. He will make every effort to reach out to them and talk.

Mr. Vogt said submission waivers requested include plans and profiles of proposed utility layouts, an environmental impact statement and design calculations. The plans and profiles and environmental impact statement can be waived for completeness purposes. Design calculations are recommended to be submitted prior to the public hearing.

Mr. Schmuckler said the design was done and they have given an overview of the calculations. They are tying into Somerset Walk and Pine River Village's main system but they are unable to locate the original calculations. He would like to meet with the board engineer before the public hearing to discuss further.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner.
All were in favor.

Mr. Penzer said the recreation building in Somerset Walk is being used as a shul but there is currently not enough parking. The Township had a lot which was landlocked and the only ones who can access it is Somerset Walk. The Township was glad to get rid of the land but they restricted it as park and recreation use only. This is a fully conforming application.

Mr. Vogt asked if they would clarify zoning before the next meeting.

Mr. Schmuckler said it is a complicated zone as it was changed a few times. They will address it.

A motion was made and seconded to advance this application to the June 21, 2016 meeting.
All were in favor.

10. SD 2136 Aaron Finkelstein

Somerset Ave Block 189.31, Lot 153
Minor Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 26, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, lot width and side yard setback.

Mr. Schmuckler said they have no issues with the engineer's review letter. Supporting testimony concerning the variances will be provided at the public hearing.

Mr. Neiman asked if any side yard setback variances are being requested for the new lot.

Mr. Schmuckler said no.

A motion was made and seconded to advance this application to the June 21, 2016 meeting.
All were in favor.

- 11. SD 2137 Jediedjah Moshe Rodrigues Pereira**
East County Line Road Block 186.04, Lots 6 & 7
Minor Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 25, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, lot width, front yard setback and possibly variances for accessory structures if they are going to remain where they are currently shown.

Mr. Neiman asked if this is in the Raintree area.

Mr. Schmuckler said yes. The existing homes will remain and they will be creating a third lot for a single family home. Supporting testimony concerning the variances will be provided at the public hearing.

A motion was made and seconded to advance this application to the June 21, 2016 meeting.
All were in favor.

- 12. SD 2138 10 James Street Associates, LLC**
James Street Block 416, Lots 5-7
Minor Subdivision to create 4 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 25, 2016 was entered as an exhibit.

Mr. Vogt said a variance is requested for side yard setback.

Mr. John Doyle, Esq. asked that this be heard in full tonight. The only variance requested is for a 6" side yard setback. This board approved four duplexes in the area for Mr. Frenkel who has specialized in this kind of project which is removing and replacing old, dilapidated homes. They will also be bringing in public water and sewer. Everything in the engineer's report can be met. He is not aware of any objectors. There are a few neighbors who has requested a privacy fence.

Mrs. Morris said they have left the meeting. She asked if they were satisfied with whatever was discussed.

Mr. Doyle said yes.

Mr. Neiman is not comfortable hearing this as a public hearing item tonight. If it is worked out with the board secretary and it states on the agenda that it is a combined meeting, then he might have considered it.

A motion was made and seconded to advance this application to the June 21, 2016 meeting.
All were in favor.

- 13. 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 review letter prepared by Remington, Vernick & Vena Engineers dated April 29, 2016 was entered as an exhibit.

Mr. Vogt said there are variances identified and a number of them are pre-existing. He would like the applicant to discuss any proposed variances.

Mr. Sam Brown, Esq. said they are seeking to present shoppers with a better shopping experience. They are not looking to expand the footprint of the store in a sense that they are looking to attract more customers. They are simply trying to improve what is currently there. There are some outdoor storage and other facilities which should be part of the main structure.

Mr. Neiman asked if there have been any issues with parking in the past.

Mr. Brown said no.

Mr. Brian Flannery, P.E., P.P. has read the engineer's review letter and any comments will be addressed at the public hearing.

Mrs. Morris asked if this is the site with the freezers within the right-of-way in the rear.

Mr. Flannery said yes, that issue will be rectified

A motion was made and seconded to advance this application to the June 21, 2016 meeting.
All were in favor.

6. PUBLIC HEARING ITEMS

- 1. SD 2118 Yehoshua Frenkel**
River Avenue Block 534, Lot 7
Preliminary and Final Major Subdivision to create fourteen lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 11, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, front yard setback from a state highway, front yard setback from the proposed cul-de-sac and rear yard setback.

Mrs. Miriam Weinstein, Esq. said there is an existing approval from several years on this property to create 20 townhouse units. That approval is still valid but the applicant felt that was not the best plan for this property. The applicant worked very hard to come up with a design for this site that would be substantially more appealing than the previous plan. They are proposing 14 lots upon which 6 duplexes will be built. There will be two commercial properties in the front, one of which will contain the existing service station and the other lot is the subject of the next application which is for an office building.

Mr. Brian Flannery, P.E., P.P. was sworn in. The property is in the HD-7 zone which does allow townhouses. As Miriam indicated, there was a prior approval which was marked as A-1. Exhibit A-2 is the proposed plan showing 6 units on each side of the cul-de-sac. They could push them together and have townhouses with the same number of units but it would look ugly. This is a classic C-2 variance wherein the benefits outweigh the detriments. There is a shopping center to the north, the auto parts store, lumber yard and DOT yard to the south. The commercial lots in the front are consistent with what the Township Committee has indicated they prefer to see along Route 9. The relief requested is 5 ft on each side which would leave 10 ft in between each building. The units are narrow and where they are situated, it is his professional opinion that the board can grant the variances without any detriment to the zone plan or zoning ordinance. This provides housing opportunities and it is smart growth as there is housing with commercial development. If this was in other residential neighborhoods where it would be adversely affecting somebody, he thinks the board may look at it differently and the applicant would not have submitted. This is set back from the road and it's in between more intense uses.

Mr. Neiman asked about the minimum lot area variance for the commercial lot.

Mr. Flannery said this is in the HD-7 zone typically for commercial uses. They have two half acre lots because of the unique size and location of this property with a cul-de-sac. If they proposed this as a private road and the road was included, it would meet the acreage requirements but it's really nothing different. The uses proposed are consistent with other commercial uses in the area and it is a vast improvement of what is currently there now. The minimum front yard setback to the proposed cul-de-sac has been eliminated. The proposed building for the site plan and the parking was pushed back to meet the desired typical section for the DOT. In order to make something work, the building was pushed back so they are asking for a 10 ft rear setback but that is to the proposed unit so the people buying there will know what they are buying into. A waiver is being requested for non-radial lot lines which is typical for something in a situation like this. The other comments in the engineer's report can be addressed. This is clearly a unique piece of property and it has been an eyesore for many years.

Mr. Neiman said this board has previously granted a 5 ft side yard setback and the applicant admitted that those few extra feet do make a huge difference. He asked if there is any way to spread out the units further.

Mr. Flannery said that in order to provide the same number of units and living space, they would have to shove them together which would definitely look worse than 10 ft in between the buildings. There are a lot of places where 10 ft works very nicely and he thinks this is a good location for that.

Mr. Vogt asked for testimony concerning the perimeter buffer relief.

Mr. Flannery said they would provide fencing and landscaping to meet the intent of the perimeter buffer.

Mrs. Weinstein said there is a comment in the review letter as to who will be maintaining the stormwater management system.

Mr. Flannery said they would do what is typical. Anything within the right-of-way would be maintained by Public Works and anything outside of the right-of-way and on private property, they would put isolation manholes.

Mr. Vogt said whatever being proposed will be subject to Township approval.

Mrs. Weinstein said no homeowner's association will be necessary.

Mr. Flannery said that is correct.

Mr. Neiman said there is no parking along the cul-de-sac.

Mr. Flannery said that is correct. They are providing four parking spaces per unit. The distance between the driveways kinds of precludes it. The width provided allows for it by RSIS standards.

Mr. Franklin said there shouldn't be any parking along the street at all as trucks won't be able to get down there.

Mr. Flannery said they would write a letter to the Township Committee requesting no parking zones and put up no parking signs.

Mr. Neiman asked what kind of commercial building is being proposed.

Mr. Flannery said the applicant does not have a tenant yet.

Mr. Neiman wants to make sure that trucks are able to come down that driveway.

Mr. Flannery said they would provide the turning movements to the engineer's office.

Mrs. Weinstein said the applicant indicated it will be an office building.

Mr. Neiman asked if there is sufficient parking for an office building.

Mr. Flannery confirmed, they are not requesting any relief for parking.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Cautillo

No: Mr. Hibberson, Mr. Neiman

2. SP 2165 Yehoshua Frenkel

River Avenue

Block 534, Lot 7

Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated April 28, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, front yard setback from a state highway, front yard setback from the proposed cul-de-sac and rear yard setback.

Mrs. Miriam Weinstein, Esq. said there is an existing approval from several years on this property to create 20 townhouse units. That approval is still valid but the applicant felt that was not the best plan for this property. The applicant worked very hard to come up with a design for this site that would be substantially more appealing than the previous plan. They are proposing 14 lots upon which 6 duplexes will be built. There will be two commercial properties in the front, one of which will contain the existing service station and the other lot is the subject of the next application which is for an office building.

Mr. Brian Flannery, P.E., P.P. was sworn in. The property is in the HD-7 zone which does allow townhouses. As Miriam indicated, there was a prior approval which was marked as A-1. Exhibit A-2 is the proposed plan showing 6 units on each side of the cul-de-sac. They could push them together and have townhouses with the same number of units but it would look ugly. This is a classic C-2 variance wherein the benefits outweigh the detriments. There is a shopping center to the north, the auto parts store, lumber yard and DOT yard to the south. The commercial lots in the front are consistent with what the Township Committee has indicated they prefer to see along Route 9. The relief requested is 5 ft on each side which would leave 10 ft in between each building. The units are narrow and where they are situated, it is his professional opinion that the board can grant the variances without any detriment to the zone plan or zoning ordinance. This provides housing opportunities and it is smart growth as there is housing with commercial development. If this was in other residential neighborhoods where it would be adversely affecting somebody, he thinks the board may look at it differently and the applicant would not have submitted. This is set back from the road and it's in between more intense uses.

Mr. Neiman asked about the minimum lot area variance for the commercial lot.

Mr. Flannery said this is in the HD-7 zone typically for commercial uses. They have two half acre lots because of the unique size and location of this property with a cul-de-sac. If they proposed this as a private road and the road was included, it would meet the acreage requirements but it's really nothing different. The uses proposed are consistent with other commercial uses in the area and it is a vast improvement of what is currently there now. The minimum front yard setback to the proposed cul-de-sac has been eliminated. The proposed building for the site plan and the parking was pushed back to meet the desired typical section for the DOT. In order to make something work, the building was pushed back so they are asking for a 10 ft rear setback but that is to the proposed unit so the people buying there will know what they are buying into. A waiver is being requested for non-radial lot lines which is typical for something in a situation like this. The other comments in the engineer's report can be addressed. This is clearly a unique piece of property and it has been an eyesore for many years.

Mr. Neiman said this board has previously granted a 5 ft side yard setback and the applicant admitted that those few extra feet do make a huge difference. He asked if there is any way to spread out the units further.

Mr. Flannery said that in order to provide the same number of units and living space, they would have to shove them together which would definitely look worse than 10 ft in between the buildings. There are a lot of places where 10 ft works very nicely and he thinks this is a good location for that.

Mr. Vogt asked for testimony concerning the perimeter buffer relief.

Mr. Flannery said they would provide fencing and landscaping to meet the intent of the perimeter buffer.

Mrs. Weinstein said there is a comment in the review letter as to who will be maintaining the stormwater management system.

Mr. Flannery said they would do what is typical. Anything within the right-of-way would be maintained by Public Works and anything outside of the right-of-way and on private property, they would put isolation manholes.

Mr. Vogt said whatever being proposed will be subject to Township approval.

Mrs. Weinstein said no homeowner's association will be necessary.

Mr. Flannery said that is correct.

Mr. Neiman said there is no parking along the cul-de-sac.

Mr. Flannery said that is correct. They are providing four parking spaces per unit. The distance between the driveways kinds of precludes it. The width provided allows for it by RSIS standards.

Mr. Franklin said there shouldn't be any parking along the street at all as trucks won't be able to get down there.

Mr. Flannery said they would write a letter to the Township Committee requesting no parking zones and put up no parking signs.

Mr. Neiman asked what kind of commercial building is being proposed.

Mr. Flannery said the applicant does not have a tenant yet.

Mr. Neiman wants to make sure that trucks are able to come down that driveway.

Mr. Flannery said they would provide the turning movements to the engineer's office.

Mrs. Weinstein said the applicant indicated it will be an office building.

Mr. Neiman asked if there is sufficient parking for an office building.

Mr. Flannery confirmed, they are not requesting any relief for parking.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Cautillo

No: Mr. Hibberson, Mr. Neiman

7. CORRESPONDENCE

SD 1550 – revised community building footprint

Mrs. Morris said this project is currently under construction. This project was approved with a community building that was similar in size to one of the units. The applicant is looking to increase the size of the building.

Mr. Brian Flannery, P.E., P.P. said the proposed building is typical of what this board and the Zoning Board is seeing. Which is that the community is growing and they need some expansion. The original building was 2,425 sf and the proposed building is 3,880 sf. No variance relief is needed.

Mr. Neiman asked if it is serving the same community.

Mr. Flannery said yes. The buildings have started to be built and they realized it would be better to come back now rather than later and ask for an addition.

Mr. Neiman agrees. He asked if this is affecting the drainage in any way.

Mr. Vogt believes the drainage on this property is already oversized.

A motion was made and seconded to approve to increase the community footprint to 3,880 sf.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Cautillo

No: Mr. Hibberson

- 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