

## 1. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

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

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- 1. SD 2100 314 East 7th Street, LLC**  
Nowlan Place and East 7th Street                      Block 224, Lots 20 & 21  
Minor Subdivision to create four fee-simple duplex lots (Corrected Resolution)

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

- 2. SP 2157 Tiferes Chaim**  
New Hampshire Ave    Block 1159, Lots 1 & 57  
Preliminary and Final Major Site Plan for a new school building and to convert an existing commercial building into a dormitory

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

- 3. SD 2044 Preferred Enterprises, LLC**  
Rutgers Boulevard    Block 1607, Lot 13  
Minor Subdivision to create two lots

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

- 4. SP 2152 David Flam**  
Ocean Avenue    Block 246, Lot 44  
Preliminary and Final Major Site Plan for a synagogue

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

**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

Mr. Goldberg said he does not object to this application but he would like to inform the board that he owns a property on Edgecomb Street which is about 140 feet in from the street. There is 120 feet that the school owns on both sides of the street and eventually when he develops his property, he would be responsible for paving, curb and sidewalk along the frontage of his property which is 140 feet. He wants to ensure that the school will be responsible for their portion of the roadway.

Mr. Vogt said this is the application with the issues concerning circulation which he believes were addressed.

Mr. Goldberg said that is a different side of the street.

Mr. Neiman said the portion of the school's property he is referring to was not part of this application.

Mrs. Morris said the board would have granted a waiver from improving that frontage to impose changes on an application that already had a public hearing or to invoke changes that relate to a property not owned by the school or part of this application, she is not sure the board has the authority to do that.

Mr. Goldberg said if that is the case then he believes he was not properly notified. He is not looking to give the board or the applicant a hard time but he is looking for fair share costs.

Mrs. Morris suggested holding off the application until Monday to give time to the applicant's professionals to work this out.

Mrs. Miriam Weinstein, Esq. said the applicant is very anxious for the resolution because they are going for bank funding. She said this is the first time hearing about this and questioned why Mr. Goldberg didn't bring this issue up at the public hearing.

Mrs. Morris does not believe the board can impose changes to the resolution at this point unless they feel an error was made. If the applicant or his professionals feel that something was omitted that they intended to incorporate into the resolution, they can do that at this point. She does not believe the board can make substantial changes to the site without further notice to the public.

Mr. Goldberg wants to ensure that the school is responsible for paving, curb and sidewalk along their portion of their property.

Mrs. Morris said she has a condition in the resolution that when Edgecomb Avenue is developed, the school shall be responsible for the installation of sidewalk and curb along their portion of the property, however, the roadway improvements themselves were not required as part of the approval for this application.

Mr. Flancbaum said because the school does not need this roadway.

Mrs. Weinstein said that is correct.

Mr. Vogt said that was part of them being able to come back with a revised circulation and give the necessary testimony.

Mrs. Weinstein said that is correct. They actually adjourned this meeting for a month in order to come back with a revised circulation plan.

Mr. Goldberg does not think it is accurate that the applicant would not be required to pave the roadway.

Mrs. Morris said when developing a property, the applicant is required to improve the roadway frontage to township standards.

Mr. Vogt said typically the applicant is responsible for the half on their side.

Mrs. Morris said since the board did not impose that, the board approved any waivers necessary to grant relief from that requirement.

Mr. Goldberg suggested that the street be vacated in order to get to the two properties.

Mrs. Weinstein said Mr. Krupnick owns property across the street and was there at the public hearing. He voiced his concerns which the board heard and he left satisfied.

Mr. Goldberg said the school will end up using that street.

Mrs. Morris said unfortunately with this application, the school didn't propose to install it and was approved without the installation of it. She does not believe the board has any rights to require that now.

Mrs. Weinstein said that Mr. Krupnick did raise this issue because he got up and asked for the road to be paved and the board did not require it.

Mr. Goldberg is not saying that the road should be required to be paved. He is asking that an agreement be made that the school pay for their portion of the improvements along their frontages.

Mrs. Weinstein said this is not the appropriate forum for this.

Mr. Neiman said at this point, the board is just approving the resolution. There was a public hearing and this was brought up and the board didn't feel the need to have that paper street paved.

Mr. Goldberg said he not talking about paving it right now but when it comes time to pave it, they should share in the costs.

Ms. Kimberly Bennett, Esq. said this is not the appropriate time to be discussing this. The board has given him an ample amount of time even though it's not a public hearing.

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

**6. SP 2158 Cedarbridge Office, LLC**

Pine Street & Boulevard of the Americas Block 961.01, Lot 2.04  
Preliminary and Final Major Site Plan and Subdivision to create for lots and a two-story office building

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

**7. SD 2104 Joseph Singer**

Park Avenue Block 232, Lot 6  
Preliminary and Final Major Subdivision to create six lots

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

**8. SD 2115 Mordechai Eichorn**

Massachusetts Ave & Cross Street Block 440, Lots 6 & 7.01  
Minor Subdivision to realign lot lines

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

**9. SD 2108 George Topas**

Central Avenue Block 85, Lot 5  
Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.  
Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum, Mr. Follman  
Abstain: Mr. Rennert

**10. SP 2167 Congregation Lutzk**

Whitesville Road Block 251, Lot 16.01  
Preliminary and Final Major Site Plan for a building addition

Mrs. Morris said they would be holding off on this resolution as there were some issues with lighting and drainage that needed to be tweaked.

**5. PUBLIC HEARING**

**1. SP 2159 Congregation Kehillas Hearthstone**

Hearthstone Drive Block 428.01, Lot 1  
Preliminary and Final Major Site Plan for a building addition

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

Mr. Vogt stated a variance is required for side yard setback.

Mr. Rennert has stepped down.

Mr. Grunberger arrived at the meeting.

Mrs. Miriam Weinstein, Esq. said this is a shul which was approved recently for an addition as well as a rabbi's residence. The construction associated with that application has been completed. Now the applicant is back with this application which is for the construction of a second story addition with an exterior staircase so as to not lose valuable space from their sanctuary area. That staircase does encroach on the side yard setback and comes pretty close to the next door neighbor's property line. At the technical hearing, they tried to do this all in one hearing but the neighbor couldn't be present that evening.

Mr. Glenn Lines, P.E., P.P. was sworn in. The addition is going to be on the front half of the building which was the original house that was converted. A secondary set of stairs for emergency access will be on the north side of the building. To make it as unobtrusive as possible, they have kept it to the front of the building which keeps it out of the way of some of the other doors as the steps need to be a minimum of 4 feet wide. They ended up a half foot off the property line. Therefore, they need a C-2 variance. He does not believe there is any detriment to the zone plan or zoning ordinance in granting this type of variance.

Mr. Neiman asked if there is any additional parking proposed.

Mr. Lines said no. The parking is based on the main sanctuary which is not changing.

Mr. Neiman asked what will be on the second floor.

Mrs. Weinstein said that will be the Ezrat Nashim, or the women's section of the synagogue.

Mr. Neiman said it would only be used on Shabbos so there is no need for additional parking.

Mrs. Weinstein said that is correct.

Mr. Neiman opened to the public.

Mr. Eliezer Lam was sworn in. He lives right next door. He said there are currently no parking issues. He understands that the staircase will be close to his property line and he is fine with it.

Mr. Neiman closed to the public.

A motion was made and seconded to approve the application.

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

Abstain: Mr. Rennert

**2. SP 2161 TJ Realty Enterprise, LLC**

River Avenue

Block 430, Lot 10

Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated March 10, 2016 was entered as an exhibit.

Mr. Vogt stated that variances including off-street parking with respect to parking spaces that are located within the NJDOT desired typical setback. Variances including minimum lot area, lot frontage, front yard and rear yard setback were previously granted under application SD 1933. Partial relief is required for the landscape buffer.

Mrs. Miriam Weinstein, Esq. said this application is to permit a two-story addition to the existing office building on the corner of Route 9 and Cushman Street in the HD-7 zone. There was a subdivision which created the lots and an approval to construct the initial building. As a result of the feedback they received at the technical hearing, the applicant has elected to shrink the size of the building. As the board members will recall, there was some discussion as to some of the existing parking spaces that are along the Route 9 frontage and may be lost when Route 9 is widened. They would continue to use these parking spaces for now but will not rely on them to determine the parking space calculation. In turn, they shrunk the building to make the remaining parking work. The net usable square footage of the building, after deducting the common areas such as the elevator shaft, stairways and closets is 8,400 square feet. There are really no new variances, most of them were previously granted as part of the previous subdivision application.

Mr. Joe Kociuba, P.E., P.P. was sworn in. The application proposed is for a two-story addition as shown on the architectural plans submitted. One of the additional stories will be full size. The third story proposed has been reduced in size to limit the proposed square footage to 8,400 square feet. The site as indicated does have parking existing within the desired typical section and had to relocate those 9 stalls. They are going to stay as part of the addition but were not allowed to count those as part of their calculations in the event that they would be removed at some point in the future. They have a net gain of zero with 28 parking stalls existing on the site, 9 of which they cannot use and therefore added 9 more to account for those. Those 28 stalls allow for a 8,400 sf of office space which is what they provided in net area. They have deducted areas for stairwells, elevator shafts and closets. It is his professional testimony that there will be sufficient parking to account for the proposed office space.

Mr. Neiman asked if the building is currently being used.

Mr. Kociuba said yes, it is an existing office building. It actually existed prior to the subdivision approval.

Mr. Neiman asked if there are any issues with parking now.

Mr. Kociuba said not to his knowledge.

Mr. Rennert asked if it is a doctor's office.

Mrs. Weinstein said it is currently but it is not going to be in the future.

Mr. Rennert said then there will not be any medical offices there.

Mr. Hibberson asked how many tenants are in that building now.

Mrs. Weinstein said there are currently two tenants.

Mr. Herzko (sp?) was sworn in. He said currently half the building is used by a doctor's office and the other half by a therapy office.

Mr. Neiman said it is important to get on the record as to what type of clients will be utilizing this building to ensure there is sufficient parking.

Mr. Herzko said it will be a general office building. There will be no medical use.

Mr. Rennert asked when the UDO gives parking calculations per square foot, are they taking into account the elevator, closet space and such or does the UDO calculation only say usable square footage.

Mr. Vogt does not remember exactly. He believes it excludes things like breezeways and areas that are not occupied per say. He knows there is a section in the UDO. He will look up the definition of gross floor area.

Mr. Rennert cannot believe that only 28 stalls are required for this proposal.

Mr. Kociuba said it is 1 stall per 300 sf.

Mr. Flancbaum said the applicant is proposing two-stories for a total of 8,400 sf for the entire building. He asked how much sf there is currently.

Mr. Kociuba said the footprint is 4,000 but there are some existing common areas.

Mr. Flancbaum wants to know how much they are adding.

Mrs. Weinstein said the net usable square footage is going to be 8,400. Right now, there it is a single story building with no elevator or stairwell. Even though the footprint may be 4,000 square feet, you are going to lose a lot of that when you go to the second story.

Mr. Flancbaum said a big concern in this area is parking. He asked how many existing parking spaces there are.

Mrs. Weinstein said there are 28.

Mr. Kociuba said currently the site is severely over parked per the ordinance. They have approximately 1 per 150 sf where 1 per 300 is required. The existing building does not have stairwells or an elevator as it is a one-story building so essentially the square footage of the existing building should be very close to 4,000 sf.

Mr. Neiman said they are proposing, 4,400 sf without adding additional parking. That is what the board is questioning.

Mr. Kociuba said in a typical case he would agree, however, in this particular case there is a substantial amount of extra parking. Given the requirement of 1 space per 300 sf, which is a fairly conservative standard.

Mr. Neiman said the applicant would comply with ordinance parking standards.

Mr. Kociuba said that is correct.

Mrs. Weinstein said until Route 9 is widened, there are an additional 9 parking spaces. Also, the doctor's office will no longer be there and it would be general office us only.

Mr. Kociuba said there are 28 stalls on the site now. There will be 37 after the improvements are made. In the future, there may be a point where those 9 stalls are removed.

Mr. Flancbaum understands. They are not taking those 9 stalls into account.

Mr. Vogt read the definition of Floor Area onto record: The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls

separating two (2) buildings. In particular, the floor area of a building shall include: a. Basement and cellar space (whether or not a floor has actually been laid; however, just the area directly under a headroom of seven feet or more), b. Stairwells, c. Attic space which may be considered a floor/inhabitable as per appropriate state/federal regulations, d. Enclosed porches, e. Garage Spaces. However, the floor area of a building shall not include uncovered steps/porches, terraces, breeze ways and open spaces.

Mr. Kociuba said the ordinance includes interior stairwells which they do not include in their square footage calculation.

Mr. Flancbaum does not want to grant any parking variances.

Mr. Neiman asked if there is a Simcha hall.

Mrs. Weinstein said no.

Mr. Rennert said if the parking calculations were worked out per the UDO, the applicant would be required to have more parking.

Mrs. Weinstein said the UDO is rather vague. Their interpretation is that you don't need parking spaces for the elevator shaft.

Mr. Flancbaum argued that the parking calculations are not per the ordinance. Stairwells have to be included in the calculation. Therefore, there may be a parking variance.

Mr. Franklin said anything approved along Route 9 has not included any of the front parking because they know they will lose it eventually.

Mr. Vogt does not believe they are that far off.

Mr. Flancbaum understands that it is probably one or two spaces but there is no reason to grant a parking variance.

Mr. Vogt asked if the applicant would be willing to reduce the building size to meet the UDO definition.

Mr. Flancbaum said there is no other option because they don't want people parking on Cushman Street.

Mr. Vogt said rather than pushing this off a month, the applicant could agree now to meet the requirements which would mean shrinking the building.

Mr. Rennert said the Planning Board should suggest to the Committee that they look at the parking ordinance. One space per 300 sf is not sufficient.

Mrs. Morris said the Committee is working on a Master Plan.

Mr. Kociuba said there are 4 on-street parking spaces directly in front of this site as well.

Mr. Flancbaum said that is not part of this project. If the building has to be 300 sf smaller to meet the UDO, then it has to be 300 sf smaller. Parking variances should not be granted anywhere and certainly not in this area.



Mrs. Weinstein said the applicant would agree to shrink the building to add one more parking space.

Mr. Flancbaum said whatever they need to do to meet the ordinance.

Mr. Vogt said if the board acts favorably, they would look during compliance to ensure the parking meets the standards.

Mr. Flancbaum just wants to follow the ordinance.

Mr. Neiman asked if there were any drainage issues.

Mr. Vogt said he does not believe there was anything they couldn't agree to.

Mr. Kociuba said that is correct. They do not object to any other items in the engineer's report.

Mr. Neiman did not see a trash enclosure on the plans.

Mr. Kociuba said there is a trash enclosure and they would be improving that in accordance with the previous approval.

Mr. Vogt asked if it is private.

Mr. Kociuba said it will be private for general office but the original approval did indicate public pick up.

Mr. Vogt said if it is going to be private, then they do not need Public Work's review.

Mr. Rennert asked about sidewalks.

Mr. Kociuba said there are existing sidewalks.

Mr. Neiman asked what kind of condition the sidewalks are in.

Mr. Kociuba said typically it would be indicated in the engineer's report. Some pavement repair was pointed out but nothing with the sidewalks.

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

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

**3. SP 2162 Khal Meor Chaim**

Miller Road

Block 9, Lots 3.01 & 6

Preliminary and Final Major Site Plan for a change of use and building addition for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated March 7, 2016 was entered as an exhibit.

Mr. Vogt stated that variances include minimum front yard setback and lot coverage. Relief is sought for parking and perimeter buffer.

Mr. Adam Pfeffer, Esq. said the lot coverage variance is not needed as the ordinance has changed.

Mr. Brian Flannery, P.E., P.P. was sworn in. With respect to the lot coverage, the ordinance was updated last year to allow 30% coverage in the R-15 zone. They are proposing 29%, therefore a lot coverage variance is not required. The variance asked for are with respect to the front yard setback on Adams Street and Miller Road. The plans show 13.3 ft on Miller Road and 9.5 ft on Adams Street. As the board engineer points out, the 13.3 ft is measured from the right-of-way line. If you looked at it from the County road widening easement, it is another 5 ft. A rendered version of the plan submitted was entered as exhibit A-1. As the board is well aware, the existing shul sits on the corner of Adams and Miller. The congregation purchased the westerly property where the residential structure will be demolished and a parking lot is being constructed. The original plan showed a one way exit out to Miller Road but it didn't meet County standards so that has been eliminated. They are providing 17 parking spaces. The existing building is in the middle and are adding an addition of what they feel makes sense. The front setback relief sought, in his opinion the benefits outweigh the detriments. The UDO indicates there is an acute need for sites for neighborhood synagogues. This is an inherently beneficial use.

Mr. Neiman said this is definitely a needed shul as it is packed. He said the applicant is enlarging the basement. He wants to make sure the basement is not going to be rented out for a Simcha hall.

Mr. Pfeffer said currently they use the basement for small get-togethers for members only.

Mr. Neiman said you have to draw a line somewhere now that this shul is getting bigger. If someone lives 3 or 4 miles away, they may want to rent it out for 100 guests because now it can fit that.

Mr. Pfeffer said if you are not a member, they are limiting the use.

Mr. Neiman said then if you are member, where would the 100 guests park.

Mr. Pfeffer said there isn't room for 100 guests.

Mr. Neiman said there is room in the basement now.

Mr. Rennert said they should keep this for a Kiddush on Shabbos only.

Mrs. Morris questioned about whether or not a coverage variance is required. She believes the maximum coverage requirements was changed for residential uses but specifically houses of worship is only 25%.

Mr. Flannery did not look at that specifically. If that is the case, then they would ask for that variance and would also recommend the Committee change it for houses of worship as well because an inherently beneficial use should certainly have the same benefit that residential homes would have. His testimony would be that the benefits of that clearly outweigh any detriments.

Mr. Pfeffer said they are willing to put some restrictions on but they would like a better understanding of what the board wants. They do not want to restrict it to Shabbos use only. Currently there are 17 off-street parking spaces as well as some on-street parking.

Mr. Neiman said you can't have a hall of this magnitude with only 17 parking spots. He suggested that it be used on Shabbos only as a Kiddush hall. He does not believe this corner can handle a bris with 100 guests, for example, with that sort of parking and all the buses coming through in the morning.

Mr. Pfeffer said the board is looking for the use to be Shabbos and holidays only.

Mr. Neiman said they know there was talk to obtain more parking in the area. When that happens, they are welcome to come back to the board.

Mr. Pfeffer said that is correct, they are looking for more parking.

Mr. Neiman said until that happens, he does not think it is fair to the neighborhood.

Mr. Rennert asked if they can add more parking on the property. The requirement is 22 and they are only providing 17.

Mr. Pfeffer said they had more parking but the County said it wasn't acceptable so they lost 4 parking spaces.

Mr. Neiman asked why they can't pave some more area in the back to get more parking.

Mr. Flannery said in order to have a parking lot to meet the standards, you need a 24 ft aisle getting in. They could probably do some creative things if it weren't a County road.

Mr. Neiman opened to the public.

Mr. Steven Friedman, 35 Adams Street, was sworn in. He agrees that early in the morning, it would be difficult to have a bris with the school buses and traffic. He suggested that they be limited to having brises later in the morning. The night events are very few and far in between and they honestly don't pose a problem. People park along the streets and it doesn't seem to be an issue with the neighbors.

Mr. Neiman said it may not be an issue now but they are proposing to more than double the size of the space. He is looking out for the residents of this neighborhood. More off-street parking should be provided if they want a Simcha hall.

Mr. ? was sworn in. He said nothing is going to change as far as the people coming to the shul. The parking situation is the same. They are only looking for a bigger shul. As far as the basement is concerned, they may have more elbow room but they will not have any more people coming to a bris than they do today. Currently they have a bris with 100 guests and there is no issue. There is plenty of parking along the streets as everyone uses their driveways. They will not have any more congestion due to this addition.

Mr. Pfeffer said the congregation is really not looking to add any more members, this is just due to natural growth. If there were objecting neighbors present, he would understand but there aren't. Perhaps as a neighbor suggested, the board can limit events to certain times of the day. This is not an area where there will be additional housing coming in. This is for the existing members.

Mr. Rennert asked if they could add a gravel area for overflow parking.

Mr. Flannery said they could probably add a gravel area behind the building for about 5 vehicles to park.

Mr. Franklin said the ordinance doesn't allow gravel parking.

Mr. Flannery said it does not. They are testifying that they are providing 17 parking spaces which meets the intent of the ordinance.

Mr. Franklin said they do not want to start allowing gravel again. They require the blacktop to keep the oil from running into the ground.

Mr. Flannery said they could pave that area. When it is not being used, it could be an area for the children to play basketball or other recreation.

Mr. Pfeffer said they have no objection to paving that area.

Mr. Vogt asked what is on the adjacent property.

Mr. Flannery said there is a residence.

Mr. Vogt said if there are putting this along that property line perhaps they want to put up a solid fence as a buffer.

Mr. Pfeffer said they have no objections. The congregation had made an offer to purchase that property.

Mr. Neiman asked if the board is in agreement to limit brises to after 9 am in the morning as the buses should be gone by then.

Mr. Neiman closed to the public.

Mr. Franklin asked if they could have a driveway going out to Miller Road.

Mr. Flannery said no. It is a County road and they will not allow it.

Mr. Rennert said there should be no functions before 9 am.

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

**4. SD 2103 Naftali Falk**

Albert Avenue

Block 1159, Lots 58 & 59

Preliminary and Final Major Subdivision to create four lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 4, 2016 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Abraham Penzer, Esq. said they are back and have taken the board's recommendations into consideration.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. As requested by the board, they submitted a development plan that shows the subdivision of the two lots into four and also shows the improvement of Salem Avenue with a 24 ft wide roadway with curb on both sides, sidewalk on one side where the development is provided as well as curb and sidewalk along Albert Avenue. A total of four variances are requested, two of them are related to the



Mr. MacFarlane said that is correct, therefore they would have to make some modifications to that. They would install a left turn lane similar to that which exists in other spots along Avenue of the States.

Mr. Flancbaum asked if Stadium Way is a public right-of-way.

Mr. MacFarlane said no, it is not.

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

Mr. Rennert asked if the left turn in will have a right turn only out.

Mr. MacFarlane said the secondary access is just for right out movements. There is a median there which makes it impossible to make a left turn.

Mr. Rennert thought they were modifying that in order to make the left turn in.

Mrs. Weinstein said at the primary entrance they are.

Mr. Rennert asked if there would be a left turn out at the primary entrance.

Mr. MacFarlane said yes.

A motion was made and seconded to approve the changes as described.  
All were in favor.

- **SD 1607** – front setback clarification

Mrs. Morris said this is the original Shenandoah Manor approval. There were two site plan lots included in that original approval, one of which was slightly affected when the new subdivisions were created on Cedarbridge Avenue.

Mr. Brian Flannery, P.E., P.P. was sworn in. When they originally received approval, they had a vacant area on the westerly side and came back for duplexes which the neighbors did not like. They revised the plans to show single family homes which the neighbors approved of. The commercial site had a site plan approval at the time, the architect has come up with something he says is going to look much nicer that juts out a little into the front setback. The board engineer's office can not approve the change as it creates a variance. He argued that it is an architectural feature that looks better. If the board doesn't want it there, they would built it straight.

Mr. Neiman asked if there are any issues with the site triangle.

Mr. Vogt does not believe there is a site triangle. He thinks it is an issue as to what is the face of the building. There is a section in the code that talks about projections but this doesn't really fit that per say.

Mr. Flannery said it doesn't fit it very well. His opinion is that the intent of it was to cover something like this. If the board feels this looks better, then he believes the board engineer would go along with it but neither of them wanted to make that determination without the board weighing in on it.

Mr. Flancbaum asked what the use will be.

Mr. Flannery said it would be retail/commercial.

Mr. Rennert asked if it possible to see the original and revised architectural plans.

Mr. Flannery said it was going to be square and then the architect proposed a jut out. It is the entrance way.

Mr. Flancbaum said by doing this jut out, they are now creating a variance.

Mr. Flannery said if it's determined that it's part of the building it would be a variance. If it's an architectural feature, it's not a variance.

Mr. Vogt said there is a section of the UDO that actually pertains to this which typically talks about things like bay windows or second story which may extend out a couple more feet. This is kind of in the same ball park but it is not exactly the same.

Mr. Flancbaum said he likes the jut out but unless they can determine definitively that this is not part of the building, he does not feel comfortable approving this without proper notice to the neighbors.

Mr. Rennert asked if this was noticed.

Mr. Flannery said no. The applicant's position is if the board thinks it's a variance, they would go straight and just build it as proposed.

Mr. Flancbaum said to build it straight.

The board was in consensus to build as originally proposed as the jut out may create a variance.

The applicant withdrew their request.

- **SP 2129** – removal of dormitory use from approved site plan

Mrs. Morris said the applicant would like to remove the proposed dormitory use. The footprint is not changing.

Mr. Joshua Schmuckler was sworn in. He said this is a Yeshiva building. Originally, they were on septic and would be pulling sewer. Due to the smart growth plan changes, that whole area was removed from the sewer area so they no longer can get sewer and you cannot have a dormitory on septic. Therefore, the dormitory use was changed to classrooms. The parking calculations changed slightly but they still have more than what is required.

Mrs. Morris said she doesn't necessary think this had to come back to the board, however, the applicant wants it in writing in the resolution because the County Health Department will not issue the septic approval without that.

Mr. Vogt said the applicant is voluntarily vacating the approved dormitory use to be able to get the septic permit.

Mr. Schmuckler said that is correct. He believes a draft resolution has already been prepared.

Mrs. Morris said she has a draft resolution.

Mr. Schmuckler said if they are able to get sewer any time in the future, they would come back. The dormitory cannot run on septic. He asked that the resolution be approved tonight so they can go directly the board of health.

A motion was made and seconded to approve the removal of the dormitory use.  
All were in favor.

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

• **SP 2077** – request to phase prior approval

Mr. Brian Flannery, P.E., P.P. was sworn in. There is an existing school on Oak Street which they are trying to get a certificate of occupancy for. The way they are trying to do that is to phase the approval. The first phase would be the existing building that is there and has been there for a while in order for a CO to be issued.

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

A motion was made and seconded to approve phasing of the project.  
Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum, Mr. Follman  
Abstain: Mr. Rennert

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth, Planning Board Recording Secretary