

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SD 1993** (Variance Requested)
Applicant: Yehuda Lench
Location: Alamitos Drive
Block 189.11 Lot 3
Minor Subdivision to create 2 lots

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

5. PLAN REVIEW ITEMS

- 1. SP 2102** (No Variance Requested)
Applicant: Congregation Zichron Binyamin
Location: 701 Princeton Avenue
Blocks 165 Lots 19.01, 19.02, & 19.03
Preliminary and Final Major Site Plan for a building addition

Applicant did not submit required information in time for this meeting. This project will be carried to the February 17, 2015 meeting.

A motion was made and seconded to carry the application to the February 17, 2015 meeting. No further notices.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

2. **SD 2006** (Variance Requested)
Applicant: Chateau Holdings LLC
Location: River Ave & Edgcomb Ave
Blocks 1021; 1040 Lots 4; 1.02
Preliminary and Final Major Subdivision to create 22 fee-simple duplex lots and 1 commercial lot

A review letter prepared by Remington, Vernick & Vena Engineers dated January 29, 2015 was entered as an exhibit.

Mr. Vogt stated variances are requested for minimum lot area, building coverage and front yard setback from a state highway. A design waiver is requested from constructing sidewalk along the proposed future commercial lot 4.23 along Route 9.

Mr. Brian Flannery, P.E., P.P. stated that they will be eliminating two of the variances before the public hearing.

Mr. Neiman said he hopes it is the minimum front yard setback along Route 9.

Mr. Flannery said it is not. Testimony will be provided for the front yard setback along Route 9 at the public hearing.

Mr. Neiman said there is talk of eventually widening Route 9 so he wants to be careful with these applications.

Mr. Rennert asked if the setback to Route 9 was changed recently.

Mr. Flannery said it was changed to 75 ft.

Mr. Rennert thought it changed to 200 ft.

Mr. Flannery said last year there was an ordinance that was adopted by the Township which had a effective date provision. This application was submitted before that effective date.

Mr. Rennert does not believe they should be giving additional variances off a state highway if the Township Committee is looking to push it back.

Mr. Flannery understands and it will be discussed with his client and will be prepared at the public hearing.

Mr. Rennert asked if he knows of any other applications in the area.

Mr. Flannery said there are other applications. There is nothing in that area that has been approved. When they come back at the public hearing they will be ready to address that as well.

Mr. Rennert asked if there was one heard at the tech meeting.

Mr. Flannery said yes there was.

Mr. Rennert asked if this area was within the rezoning for higher density.

Mr. Flannery said this particular property is within the HD-7 which was not rezoned.

Mr. Rennert said the Board must look at Vine Street being opened the same way the Board made conditions for Drake Road and White Street when that area was rezoned. That is more important than Route 9 being widened to the development and to the rezoning in that area. He is not saying it applies to this application, but to the applications that are coming in. He would really like to see a plan for Vine Street.

Mr. Flannery understands.

Mr. Jackson said that may be a good thing to ask the engineer/planner to make a map up showing any other applications within the area.

Mr. Rennert would like to know if there is any way to see a map for applications over 10 lots to show any other applications in the vicinity to give the Board a better idea of what they are approving and to make sure the infrastructure is in place.

Mr. Neiman said if they are putting up 75 homes, there are ordinances that require certain percentages going for a clubhouse, playground, etc. They want to make sure they have that for the end user.

Mrs. Morris said the best they can do is when applications come in, she would mark any nearby applications on a tax map and provide copies to the Board members.

A motion was made by Mr. Herzl, seconded by Mr. Sussman to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 3. SD 2008** (No Variance Requested)
Applicant: Berkshire Investment Holdings, LLC
Location: Elmhurst Boulevard
Block 431 Lot 15
Preliminary and Final Major Subdivision to create 20 fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated January 29, 2015 was entered as an exhibit.

Mr. Sussman would like to echo the thoughts from the last application (SD 2006) that the Board would like to see what other applications are nearby.

Mr. Vogt stated that waivers are requested for EIS, tree protection management and flood plains/wetlands buffers. The applicant's engineer indicates that an NJDEP LOI is pending. EIS and tree protection are supported provided that a tree protection management plan is provided prior to any construction.

A motion was made by Mr. Herzl, seconded by Mr. Sussman to approve the waivers.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

Mr. Vogt stated there are no variances, however, a design waiver is requested from providing curb and sidewalk along the Route 9 frontage.

Mr. Adam Pfeffer, Esq. stated this is a conforming application. Testimony will be provided at the public hearing.

Mr. Neiman asked what the setback is to Route 9.

Mr. Brian Flannery, P.E., P.P. stated they are complying with the 75 ft setback.

Mr. Franklin asked how wide Elmhurst Boulevard is.

Mr. Flannery believes it is 30 ft.

Mr. Franklin does not think so.

Mr. Flannery said he would provide that info at the public hearing.

Mr. Franklin would like to see at least 32 ft.

Mr. Rennert asked that a map be provided showing any other applications in the area.

Mr. Flannery said there is nothing approved in the area. At the public hearing that will be addressed.

Mr. Rennert asked if there is any flooding in this area.

Mr. Flannery is not aware of any flooding. The design they do will provide for stormwater management and will be reviewed by the board engineer.

Mr. Rennert asked if the EIS addresses flooding.

Mr. Vogt said no. What would address the flooding is the LOI from the NJDEP and the applicant would also be required to do test pits to find out where the water table is. That information would be used to set building elevations and size whatever stormwater management is needed.

A motion was made by Mr. Herzl, seconded by Mr. Franklin to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 4. SP 2103** (No Variance Requested)
Applicant: Cedarbridge Properties, LLC
Location: Cedarbridge Avenue
Block 1608 & 1609 Lot 2 & 28.01
Preliminary and Final Major Site Plan for two office buildings

A review letter prepared by Remington, Vernick & Vena Engineers dated January 22, 2015 was entered as an exhibit.

Mr. Vogt stated waivers are requested for topography, contours and mad-made features within 200 ft as well as road dedication, EIS and shade tree easements. The B waivers are supported. The C waivers are not supported.

A motion was made and seconded to approve the waivers as supported by the engineer. Mr. Rennert asked why they waive EIS on certain applications and others they don't.

Mr. Vogt stated that on this particular application they are requesting that they provide EIS showing the wetlands and the proposed transition area averaging.

Mr. Vogt stated a minimum front yard setback may be reduced from 100 ft to 50 ft with the approval of the Lakewood Industrial Commission.

Mr. Stuart Challoner, P.E. said they are requesting a front yard setback of around 85 ft. He said the variance should not be a problem as they are purchasing the land from the LIC but they will receive their approval.

A motion was made by Mr. Sussman, seconded by Mr. Herzl to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 5. SD 2017** (No Variance Requested)
Applicant: David Kahan
Location: Cedar Street and West Spruce Street
Block 423.01 Lots 8 & 20
Minor Subdivision to create 3 lots

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

Mr. Joe Kociuba, P.E., P.P. stated he agrees with everything in the engineer's review letter and will be ready to provide testimony at the public hearing.

A motion was made by Mr. Herzl, seconded by Mr. Franklin to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 6. SD 2018** (Variance Requested)
Applicant: David Kahan
Location: White Road
Block 251 Lot 8.02
Minor Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated January 29, 2015 was entered as an exhibit.

Mr. Joe Kociuba, P.E., P.P. stated he agrees with everything in the engineer's review letter and will be ready to provide testimony at the public hearing.

Mrs. Morris confirmed that this is an area that was reduced from R-40 to R-12.

Mr. Neiman said there is a meeting on Thursday to discuss what direction the Township wants the Board to take. When the density went down from R-40 to R-12, the Board discussed infrastructure to accommodate this density. They do not really have clear direction from the Township on this. He hopes to have some sort of resolution before this and other applications get approved.

Mr. Joe Kociuba, P.E., P.P. understands. They are in the R-12 zone and the lots they are proposing are 17,000 and 27,000 sf so they are significantly oversized for that zone. Mr. Rennert reiterated that if nothing changes with the Township Committee, they will not be approving anything in this area until a plan is in place to improve the infrastructure.

A motion was made by Mr. Sussman, seconded by Mr. _____ to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 7. SD 2019** (Variance Requested)
Applicant: Central Oasis, LLC
Location: Gudz Road and Lakewood New Egypt Road
Block 11.30 Lot 4, 18.01, 18.02, & 18.03
Minor Subdivision to create 5 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated January 22, 2015 was entered as an exhibit.

Mr. Vogt stated a variance is required for minimum front yard setback.

Mrs. Miriam Weinstein, Esq. asked that this be heard tonight in one hearing. She understands the Board does not like to approve applications with variances at one meeting but the reason they are making this request is because the applicant is purchasing a piece of property from the neighboring project, Jule Estates. The seller is putting extreme pressure on them to close on that but they cannot close until the map is filed. Her notice appropriately stated that there most likely would be only one meeting so that anyone who would have an interest in this application would have been present this evening.

Mr. Neiman will allow it. He announced that members of the public will have an opportunity to comment.

Mrs. Weinstein said this is an application to create four lots from three lots. This is a previously approved subdivision that was heard by this Board in 2007. At the time this was approved, the applicant was proposing lots on well and septic which required larger lot sizes. Since that time, the applicant has brought water and sewer to the project which is clearly in the best interest of the Township. In addition,

the applicant provided a 50 ft right-of-way as opposed to many other projects that come before this Board. A front yard setback variance is required where 15.2 ft is provided and 30 ft is required. The variance is being necessitated by the odd shape of the lot and the fact that this lot falls at the bulb of the cul-de-sac which basically carves out a large chunk of this lot. At the time of the initial approval, the applicant had agreed to provide sidewalk on both sides of Oasis Court, however, the applicant is requesting a waiver of sidewalk on the side of Oasis Court that has no houses on it. That portion would be to the backyards of the houses behind us. It would pose a large financial burden on the developer with probably little benefit to the homeowners.

Mr. Brian Stevens, P.E. was sworn in. He stated the applicant proposes to take three lots to create four which would all be fully conforming in the R-12 zone. All of these lots will be a minimum of 12,000 sf and will exceed the zoning requirements. The surrounding subdivision of Jule Estates was done under the recreation ordinance so the majority of those lots are about 10,000 sf so these lots are actually larger than the surrounding lots. There is only one variance that is being requested. The applicant is simply requesting a small front yard setback variance for the westerly most lot because of the unusually shape of the lot. There are some environmental constraints located to the south of that lot. They are trying to move the lot far enough forward to allow for a backyard. The majority of the home will meet the front yard setback requirements, it is really only the one place where the bulb of the cul-de-sac pushes into the lot itself.

Mr. Franklin asked about parking.

Mr. Stevens said they are proposing a side entry garage so there will be parking along side of the house as well as in the front.

Mr. Franklin said there is not enough room to park in the front.

Mr. Stevens said they would agree, if the Board grants the variance, to provide four parking stalls for every one of these houses.

Mr. Neiman asked about proposed lot 4.02.

Mr. Stevens said that is the lot they are discussing with the variance.

Mr. Neiman asked where lot 4.01 is.

Mr. Stevens said lot 4.01 is the remainder of the Jule Estates lot. The property borders up against a large portion of Jule Estates which is about six acres. Our client is buying a small portion of that lot from Jule Estates which is allowing this subdivision.

Mr. Neiman asked about the sidewalks.

Mr. Stevens said Jule Court comes off the top and then the homes in Jule Estates front on Jule Court so it's really the backyard of these homes that front on Oasis Court. It is his clients thought that there really isn't a need to put sidewalk on this side of the street but that would be up to the Board.

Mr. Rennert asked if these are new homes.

Mr. Stevens said yes, Jule Estates is currently under construction.

Mr. Neiman asked if that side of the Oasis Court would not front any properties.

Mr. Stevens said it shouldn't.

Mr. Jackson asked if Jule Estates agreed to a condition that the properties would not front on the roadway.

Mr. Stevens is not sure they could grant that. In looking at it from east to west, lot 13 is not part of that project. This is an outparcel for that job so they wouldn't be able to say that.

Mr. Franklin believes the sidewalks should be constructed on both sides of Oasis Court and that a waiver should not be granted.

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

A motion was made by Mr. Franklin, seconded by Mr. Herzl to approve. The waiver from providing sidewalks was not granted.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 8. SD 2020** (Variance Requested)
Applicant: FSBS Investments, LLC
Location: 150 Locust Street
Block 1081 Lot 5.01
Preliminary and Final Major Subdivision to create 37 lots to contain 64 duplex units, a private road, a synagogue, a tot lot, a stormwater management basin, and an open space lot

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

Mr. Vogt stated a variance is requested for minimum front yard setback. Bulk requirements shall be provided for the proposed shul lot. A design waiver is required for proposed lot lines which are not radial to the right-of-way. A design waiver is required from constructing curb and sidewalk along Locust Street. Testimony must be provided as to how duplex housing is permitted in the zones.

Mr. Franklin would like the road to be at least 32 ft wide so two buses can pass each other if cars are parked along the road.

Mr. Neiman asked if they have four parking spots per duplex.

Mr. Harvey York. Esq. said yes.

Mrs. Morris asked if the lots will be fee simple.

Mr. York said yes.

Mr. Neiman asked that the applicant's professionals make sure they address the construction of duplexes in these zones at the public hearing.

A motion was made by Mr. Herzl, seconded by Mr. Franklin to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 9. SD 2021** (No Variance Requested)
Applicant: Fourth Street Properties, LLC
Location: 500 Prospect Street
Block 445 Lot 17
Preliminary and Final Major Subdivision to create 12 fee simple duplex lots

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

Mr. Vogt stated a submission waiver is being requested for EIS. The waiver is supported as an EIS was provided for the original application.

A motion was made by Mr. Herzl, seconded by Mr. Sussman to approve the waivers.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

Mr. Vogt stated a variance is requested for minimum front yard setback for lot 17.01

Mr. Brian Flannery P.E., P.P. stated the variance is for the corner of the building. This application was previously approved for 15 townhouses and this is a much better plan with less units. He will provide testimony at the public hearing.

A motion was made by Mr. Herzl, seconded by Mr. Sussman to advance the application to the March 3, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 10. SP 2104** (No Variance Requested)
Applicant: Kennedy County Line Realty, LLC
Location: Kennedy Boulevard and County Line Road
Block 141 Lots 3 & 12
Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated January 29, 2015 was entered as an exhibit.

Mr. Vogt stated he does not believe there are any variances being requested, however, testimony must be provided on the types of professional offices contemplated to confirm the allowed use and requirements for off-street parking.

Mr. John Doyle, Esq. stated this is a variance and waiver free application for a 6,000 sf office building in the OT zone. While the OT zone is currently predominantly residential, it is zoned for exactly this type of

application. With respect to the parking, they are providing 23 spaces which exceeds the requirements. The only way they would not meet the requirements is if more than 900 ft of the office building was for medical. They would agree that whatever offices go in, under the ordinance, not need more than the 23 spaces.

Mr. Vogt stated they would guarantee only up to 900 sf would be medical.

Mr. Doyle said they had the opportunity to speak with some of the citizens who expressed their concerns. They would certainly look at the buffering, lighting and any other concerns before the public hearing.

Mr. Neiman asked where the egress and ingress will be.

Mr. Doyle said it will be on Kennedy Boulevard East. There are two spaces meant predominately for deliveries that would come off of East County Line Road but otherwise the other spaces will be off of Kennedy which is a County Road and they would need to seek approval from them as well.

Mr. Rennert asks how it works when new tenants come in and out of the building. He asked if the zoning department checks it.

Mr. Doyle said typically what happens is a building permit would be required or a change of use that would bring you into the municipal building for approval.

Mr. Neiman said a few months ago, the Board approved a building that required 17 parking spaces. At that point, the building warranted 17 spots but since then the occupants changed and all of a sudden they were using almost 80 spots and it messed up all the parking in that area. They want to make sure that with these types of offices that 23 spaces is sufficient and they will not be putting in something that will require more parking down the road.

Mr. Jackson said the zoning officer is in charge of that. If the use is being changed and it triggers more parking it is stopped right there and they would have to go to the Board. It would be a zoning violation.

Mr. Neiman said today there could be a dentist office and tomorrow the dentist office moves out and an accounting office moves in or vica versa, does that have to go to the Board.

Mrs. Morris said any change of use from one permitted use to another, provided it is not residential, goes through the zoning officer.

Mr. Jackson said medical use should always send up a red flag because medical always requires more parking.

A motion was made by Mr. Sussman, seconded by Mr. Herzl to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

- 11. SP1860A** (Variance Requested)
Applicant: Congregation Avreichim
Location: Tenth Street
Block 112 Lot 11.02
Amended Preliminary and Final Major Site Plan for a synagogue

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

Mr. Rennert stepped down.

Mr. Abe Penzer, Esq. asked that this be heard as both tech and public tonight.

Mr. Vogt stated a submission waiver is requested for EIS. The waiver is supported given the lack of existing vegetation, the site is cleared and there are no environmental constraints to the best of their knowledge.

Mr. Brian Flannery, P.E., P.P. was sworn in.

Mr. Penzer said this is a well-known shul that has been in existence for 27 years. They are in need of approval right away as they are being evicted from their current residence. He thanked the Board for hearing this application in full tonight.

Mr. Flannery said a site plan was previously approved on this site. They are making some changes including increasing the size of the structure, shifting the handicap spaces westerly, towards the middle of the site, they will be adding an elevator, they will reconfigure the main entrance on 10th Street, and adding a 6 ft high board on board fence.

Mr. Neiman asked about parking.

Mr. Flannery said they had an agreement for off-site parking. Currently across the street there is public parking.

Mr. Neiman asked if this shul is used during the week.

Mr. Penzer said it used for shabbos.

Mr. Neiman asked if there will be a simcha hall.

Mr. Penzer said not at this point.

Mr. Neiman said if they want a simcha hall, they would have to come back before the Board and address the parking.

Mr. Penzer said the intent is a kiddish on shabbos.

Mr. Neiman said nothing during the week.

Mr. Penzer said right now there is no intent but because there is a huge parking lot across the street, they would ask that they do not have to come back before the Board for further approval.

Mr. Sussman said that block is a disaster.

Mr. Penzer said the shul would mainly be used early in the morning and late at night.

Mr. Sussman said it is a concern to approve a simcha hall there. He said the area there is terrible during the day and night.

Mr. David Godin was sworn in. He said during the day the parking lot is full but early in the morning and in the evening the lot is nearly empty.

Mr. Neiman said the Board needs to know what's there so that two years from now when someone questions that this was never approved for a simcha hall. He asked if the applicant wants a hall downstairs and if there is one to be able to utilize the parking across the street and the time they would have these parties would be when the parking lot is not really in use.

Mr. Godin said that is correct.

Mr. Neiman said if the shul is going to be used for a party, it has to be used either before 9 am or after 6:30 pm.

Mr. Penzer said they agree with all of the comments in the engineer's review letter.

Mr. Neiman asked if they will repair the sidewalks.

Mr. Penzer said they will replace any sidewalks that is required.

Mr. Neiman stated he said that about the parking lot where Shop Rite is and the potholes have still not been fixed. He asked that he make sure the sidewalks are fixed and no CO should be issued until that is done.

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

A motion was made by Mr. Herzl, seconded by Mr. Franklin to advance the application to the March 17, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman

6. PUBLIC HEARING

1. **SD 2001** (Variance Requested)
Applicant: Joseph & Renee Klein
Location: East Eighth Street
Block 166 Lot 2.44
Minor Subdivision to create two fee-simple duplex lots.

The applicant has asked that this project be carried. New notices will be provided.

- 2. SD 1968** (Variance Requested)
Applicant: Barbara Flannery
Location: James Street
Block 375; 377; 378 Lots 1; 26 & 26.01; 1
Amended Final Major Subdivision (Phases 1 & 2) to create 20 duplex buildings and 1 single-family lot

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

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated that the one variance requested for minimum front yard setback was granted at the preliminary approval hearing for the corner of the building which is now next to the recreation area. A waiver was granted from providing 5% dedicated open space for recreation. There are buffers, open space areas and they have added a playground area. With respect to traffic, there was an approved plan for 20 lots that would have put traffic onto Drake Road. This plan disconnected that so there is now only 2 lots that go to Drake Road and the rest go to James Street where the County reviews the traffic and collects the fees to widen and improve the roads.

Mr. Neiman said if this did go out to Drake then the Board probably wouldn't approve this. He asked about a shul. There will be at least 80 families in this development.

Mr. Flannery said when this gets developed, he is sure whomever develops it will provide a shul/clubhouse because obviously they won't sell otherwise.

Mr. Franklin wants the roads to be at least 32 ft.

Mr. Flannery agreed.

Mr. Rennert asked if they can require a shul/clubhouse be provided.

Mr. Jackson said the purpose of a final approval is to make sure the conditions of the preliminary have been satisfied.

Mr. Rennert said the review letter states that the Board granted a waiver for the 5% open space requirement. He believes Mr. Flannery gave testimony that the 5% is being provided.

Mr. Flannery said the testimony is that there are buffers and restricted areas that comply with that 5%. In addition, they disconnected the roadway and in that area they put an active recreation area. His testimony is that they do comply with the intent of the ordinance.

Mr. Rennert asked if buffers are normally counted towards the 5%.

Mr. Flannery said yes.

Mr. Neiman cannot believe they did not address a shul at the preliminary meeting. He asked if half a duplex could be set aside for a shul.

Mr. Flannery said there is a school next door, he would assume some sort of agreement could be made with them or there are other lots in the area. If that does not work, they will have to set aside a duplex for a shul use.

Mr. Neiman said the market does force providing a shul but the Board solidifies it. The Board really does look out for the end user and when you have an application this size, they have made sure to set aside land for a shul/community center. He would like the applicant to take that into consideration.

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

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Pervis, Mr. Sussman, Mr. Neiman, Mr. Rennert

7. CORRESPONDENCE

- **SD 1576 and SD 1598** – Albert Ave Flag Lots, discussion on landscaping requirements

Mr. Flannery, P.E., P.P. stated the original approval for the flag lots showed the landscaping that was required. This applicant has retained the vegetation on the outside and on the inside it is like a private cul-de-sac that the homeowner's maintain.

The Board recommends that the existing landscaping be preserved as much as possible, particularly along the outside property lines. Additionally, the shade trees as originally proposed in the shade tree easement along Albert Avenue are still required.

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