

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

3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2109** (Variance Requested)
Applicant: RD Lakewood LLC
Location: Boulevard of the Americas
Block 961.01 Lots 2.02 & 2.03
Preliminary & Final Major Site Plan for a bank and a hotel

Mrs. Morris stated that the applicant's attorney had some revisions which she has not yet seen. She recommended that this not be memorialized.

The Board was in agreement.

2. Lakewood Planning Board Recording Policy

Mrs. Morris stated a draft resolution has been provided to the Board. She asked that they review.

Mr. Kitrick suggested that the Board hold off on this for now.

5. PUBLIC HEARING ITEM

- **Franklin Street Study Area – Preliminary Investigation**
Review/Determination to the Township Committee whether to recommend that the Franklin Street Study Area should be classified as a Condemnation Area in Need of Redevelopment

A quorum could not be reached therefore this has been carried to the June 23, 2015 meeting.

A legal announced was made to carry this to the June 23, 2015 meeting. No further notices.

- **Ordinance Discussion** – Chapter XVIII, New Section 802.S Single Family Residential (R-40B)

Mrs. Morris compared this ordinance to the bulk requirements in the R-40 zone. It appears that this is an intention to exclude schools from the permitted uses. This is the area known as the Fairways, south of Cross Street. Any existing schools would be grandfathered in. Any future schools would be required to go to the Zoning Board for a use variance.

Mr. Neiman opened to the public.

Mr. Bill Hobday, 30 Schoolhouse Lane, is in favor of this ordinance.

Mr. Neiman closed to the public.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to recommend this ordinance be passed by the Township Committee.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

6. PLAN REVIEW ITEMS

1. **SD 2043** (Variance Requested)
Applicant: Miklos Gottlieb
Location: Van Buren Avenue North
Block 3 Lot 12
Minor Subdivision to create two lots

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

Mr. Vogt stated that submission waivers are requested for site topography and contours.

Submission waivers were approved as supported by the Board Engineer.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

Mr. Surmonte, P.E. said this is a non-conforming undersized lot on Van Buren Avenue. The applicant is requesting to subdivide into two non-conforming lots. Obviously, these lots cannot be developed but the applicant would describe his intentions at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the July 21, 2015 meeting. No further notices.

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

No: Mr. Banas

2. **SD 2050** (Variance Requested)
Applicant: Joseph Singer
Location: Temple Avenue & Country Club Drive
Block 25.05 Lots 42 & 43
Minor Subdivision to realign lot lines

A review letter prepared by Remington, Vernick & Vena Engineers dated May 27, 2015 was entered as an exhibit.

Mr. Vogt stated that no submission waivers are being requested, however, variances are being sought for minimum lot area, width and combined side yard setback as well as a few design waivers.

Mr. Brian Flannery, P.E., P.P. said this is only a minor subdivision to realign the lot lines. He asked if this could be heard in full tonight.

The Board agreed.

Mr. Flannery, P.E., P.P. was sworn in. He entered a copy of the subdivision map as exhibit A-1 and a copy of the tax map as exhibit A-2. They are balancing the lots so they can have two nice houses. The existing houses would be removed. The Board can grant these variances without any detriment to the zone plan and zoning ordinance. This is a C-2 variance where the benefits outweigh the detriments.

Mr. Rennert asked if Temple Avenue will ever be improved.

Mr. Flannery said they are not asking for a vacation of Temple so it is possible in the future it would be improved as there is a vacant lot behind it.

Mr. Franklin asked about sewer/water.

Mr. Flannery said there is currently no sewer. The lots would have public water and septic unless it makes sense to extend the sewer.

Mr. Flancbaum asked if the applicant is asking for a waiver from providing sidewalks.

Mr. Flannery said the applicant would build the sidewalk when the houses are constructed.

Mr. Franklin asked about grading as it is a troublesome area.

Mr. Flannery said they would submit plot plans showing the grading and stormwater management for approval from the Township Engineer.

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

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 3. SD 2051** (Variance Requested)
Applicant: Lakewood Associates, LP
Location: Oberlin Avenue South
Block 1600 Lot 5
Minor Subdivision to create two lots

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

Mr. Vogt stated that submission waivers are requested for site topography and contours.

Submission waivers were approved as supported by the Board Engineer.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

Mr. Vogt stated that variances are requested for minimum and combined side yard setback.

Mr. Jan Wouters, Esq. stated that this is an application to subdivide an approximately 7 acre lot into two lots. This is located in the Industrial Park on Oberlin Avenue. There are two existing buildings that have been there for many years. When this property was first developed, there were two lots and they were subsequently combined into one lot. The variance sought is side yard for one lot. No other variances are required.

Mr. Neiman suggested that this be heard as a public hearing item as it is a very simple application.

Mr. Anthony Tumminia, P.E. was sworn in. They have received the review letter from the Board engineer and agree to the comments.

Mr. Neiman asked about parking.

Mr. Tumminia said there is adequate parking.

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

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 4. SD 2052** (Variance Requested)
Applicant: Jacob Mermelstein
Location: South Street
Block 855.06 Lot 28
Minor Subdivision to create two lots

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

Mr. Vogt stated that variances are requested for minimum lot area and width.

Mr. William Vogt, P.E. stated they are proposing to subdivide one lot into two. Variances are sought for lot area and width.

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to advance this application to the July 21, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

5. **SP 2122** (No Variance Requested)
Applicant: Bnos Esther Malka, Inc.
Location: Whitesville Road
Block 251 Lots 1.01 & 1.02
Preliminary & Final Major Site Plan for girl's school

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

Mrs. Morris stated that the applicant has requested this be heard in full tonight. A letter was received from Mr. Larry Mandel of Gertner, Mandel and Peslak, representing Krupnick Family Trust, requesting that this not be heard in a combined meeting.

Mr. Adam Pfeffer, Esq. stated they are here and they have met with them and have resolved any issues.

Mr. Neiman said this will be heard in full tonight.

Mr. Vogt stated that submission waivers are requested for topography, contours, man-made and manmade features within 200 ft as well as an environmental impact statement. If approved, the applicant will comply with the tree protection ordinance.

Submission waivers were approved as supported by the Board Engineer.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

Mr. Vogt said there are no variances requested, however, a partial waiver is required for the perimeter buffer.

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

Mr. Graham MacFarlane, P.E. was sworn in. The application is for a new school along Lakewood New Egypt and Old Whitesville Road. The building has a footprint of about 15,000 sf with a total floor area of 46,200 sf. The school will have a basement with two stories and 37 classrooms. The parking requirement would be 37 parking spaces and they have provided 42 spaces. Access will be provided to the site from Lakewood New Egypt Road. All traffic will exit Old Whitesville Road and then back out to Lakewood New Egypt Road. The application is fully conforming. A waiver is being requested for the perimeter buffer of 5 ft because of the unique shape of the property. This would maximize the recreation area for the children.

Mr. Neiman asked about the egress for the site.

Mr. MacFarlane said they would turn right or left onto Old Whitesville Road.

Mr. Pfeffer said they have met with some of the neighbors and they have agreed that they will try to have the buses make a left onto Old Whitesville Road.

Mr. MacFarlane said all buses would enter from Lakewood New Egypt Road.

Mr. Flancbaum asked how many students.

Mr. Pfeffer said there are currently 125 students. In 2016 they anticipate approximately 175 students. Currently there are 3 buses.

Mr. MacFarlane said full occupancy would be about 400-450 students which would take about 10 buses.

Mr. Flancbaum asked if any students would be dropped off and/or picked up by car.

Mr. Pfeffer said it would be very minimal in cases where students would have to come in late or leave early.

Mr. Follman asked if there is anything they can do about Drake Road/Lakewood New Egypt Road as it is a mess. A dead end or through street was recommended.

Mr. Pfeffer said that is some of the concerns of the neighbors and they are trying to work with them. That would be approved by the Township Committee. They have asked for signage and speed bumps which they will be providing.

Mr. Neiman said the basement will not be rented out.

Mr. Pfeffer said that is correct. The only intent would be shabbos or Sundays. It would not be rented out during the regular week. The owners of block 251 lots 4 and 5 has requested that all lights be shielded as well as the garbage area be flipped to the opposite side.

Mr. Vogt asked if that would be DPW.

Mr. MacFarlane said yes.

Mr. Vogt said then DPW would have to approve the location.

Mr. Pfeffer confirmed. He said there will be a fence in between the properties. A separate agreement has been made with the owners of block 251 lots 4 and 5 with regards to sewer. The basin will be 40 feet off of the property line.

Mr. Follman asked if the school exit could be a left turn only to avoid additional traffic to the Drake Road area.

Mr. Pfeffer said they have no objection to that.

Mr. Neiman asked if the road is wide enough.

Mr. MacFarlane said yes, it is about 26 ft wide.

Mr. Vogt said a circulation plan would be submitted for approval.

Mr. Banas said the landscaping plan is not very specific. He said they are removing a lot of trees but it does not look like much landscaping is being provided.

Mr. MacFarlane said the site is wooded and they will be planting trees. Open space is being provided in the back for recreation. Street/shade trees and foundation plantings are being proposed. They are providing landscaping in accordance with ordinance requirements.

Mr. Banas asked about the type of buffer being provided.

Mr. MacFarlane said they are proposing a 5 foot buffer in the rear of the property. Again, this is due to the geometry of the site. There are some shrubberies at the top of the retaining wall. The buffer along the sides will be 10 feet.

Mr. Banas asked how high the fence is.

Mr. MacFarlane said it is a 4 foot high fence for safety.

Mr. Banas would like to see a higher fence.

Mr. Pfeffer said they would provide a 6 foot high fence.

Mr. Neiman opened to the public.

Mr. Moshe Portnoy, 292 Old Whitesville Road, was sworn in. He is not in objection to this application. The applicant's attorney has addressed most of their concerns. He is still concerned about the traffic and he believes bringing additional cars and buses will be a bad idea. He recommends a no right turn out of the school. He likes the idea of having a dead end.

Mr. Rennert asked if it makes sense to have a left turn only onto Whitesville Road.

Mr. Vogt said yes as this will limit the traffic onto a potentially substandard road. There is a 24 foot wide aisle between the parking spaces where cars could actually navigate to another access. He said if you look at the circulation plan, there is two way access off of Lakewood New Egypt Road. An access drive will be used by the buses at the front of the school. Also, a 24 foot aisle is connected to that loop access drive. A car can come out directly onto Lakewood New Egypt Road if they choose to. You wouldn't have the same ability with buses because it is a much larger turn.

Mr. Franklin said a traffic light has been installed on Lakewood New Egypt recently.

Mr. Flancbaum said it is at the Westgate entrance.

Mr. Vogt said that will definitely help as it will provide gaps in the traffic.

Mr. Neiman closed to the public.

Mr. Flancbaum asked that there be no parking on Drake Road.

Mr. Pfeffer said they would make a request to the Township Committee.

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

6. **SD 2053** (Variance Requested)
Applicant: Ahuva Eisen
Location: New Central Avenue
Block 11.10 Lot 75
Preliminary & Final Major Subdivision to create 3 lots

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

Mr. Vogt stated submission waivers are requested for topography, contours and man-made features within 200 ft as well as environmental impact statement and drainage calculations. The 'B' waivers are supported. The 'C13' waiver is supported provided that the applicant comply with the tree protection ordinance. The 'C17' waiver shall be provided for review prior to the public hearing.

Submission waivers were approved as supported by the Board Engineer.
Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman

Mr. Joe Kociuba, P.E. said this is a major subdivision to create 3 lots with a cul-de-sac. This is a significantly oversized lot in the R-12 zone. The applicant chose to propose a cul-de-sac rather than a flag lot/hammerhead scenario but as a result they are requesting a waiver from the size of the cul-de-sac.

Mr. Vogt asked if the road would be public or private.

Mr. MacFarlane said the intent is for it to be public.

Mr. Vogt said he is not familiar with the Board granting bulb waivers since he has been here.

Mr. Rennert stepped down.

Mr. MacFarlane said if a conforming cul-de-sac were provided they would then seek lot area variances.

Mr. Neiman said the project may need to be redesigned.

Mr. MacFarlane understands but would like the opportunity to present their case at the public hearing.

Mr. Neiman said to provide a plan that shows the RSIS cul-de-sac.

Mr. MacFarlane said they could make the cul-de-sac a private road.

Mr. Vogt said they would still have to provide proof that there is adequate circulation for garbage trucks and emergency vehicles. It could also affect snow plowing.

A motion was made by Mr. Follman, seconded by Mr. Banas to advance this application to the July 21, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Follman

No: Mr. Neiman, Mr. Flancbaum

7. **SD 2049** (Variance Requested)
Applicant: Paramount Developers
Location: Ridge Avenue
Block 223 Lot 89 & 90
Preliminary & Final Major Subdivision to create 6 lots

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

Mr. Adam Pfeffer, Esq. represented the applicant.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 feet and EIS. Since this is proposed to be privately maintained, Stormwater calculations could be done during compliance. The waivers are supported.

Submission waivers were approved as supported by the Board Engineer.
Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman

Mr. Vogt said there are some concerns with the concept as noted. They would have to be addressed in the revised submission.

Mr. Neiman asked if this meets residential site improvement standards.

Mr. Vogt said no.

Mr. Flannery, P.E. said it is a private road. The engineer's report indicated some changes that are needed. They will make the changes and submit revised plans.

Mr. Vogt asked if the applicant is intending to provide sidewalk internally.

Mr. Flannery said they will provide sidewalk along both the cul-de-sac and along Ridge Avenue.

Mr. Banas believes the Board has asked that homes be fronted on a street.

Mr. Flannery said they will provide testimony at the public hearing. This is a unique piece of property.

Mr. Rennert asked if the garbage pickup will be public or private.

Mr. Flannery said it would be up to DPW. They will meet with them prior to the public hearing. As far as the road maintenance and stormwater, that would be private.

Mr. Frank Vitale, 411 Ridge Avenue, owns the property next door. The Board approved a home on the other side with variances. The home is very large and close to his property line. It provides a totally different atmosphere. He would appreciate the Boards consideration with regards to buffering including landscaping and fencing.

Mr. Neiman asked that the applicant reach out to Mr. Vitale.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance the application to the July 21, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert
No: Mr. Banas

- 8. SD 2055** (Variance Requested)
Applicant: 32 Cross, LLC
Location: Cross Street
Block 533 Lot 11
Preliminary & Final Major Subdivision to create 27 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 4, 2015 was entered as an exhibit.

Mr. Rennert and Mr. Neiman stepped down.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 feet. The waivers are supported as noted.

Submission waivers were approved as supported by the Board Engineer.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman

Mr. Vogt stated that variances are requested for minimum lot area and width, front yard and rear yard setbacks and off-street parking.

Mr. Abraham Penzer, Esq. stated they will comply with all of the comments in the engineer's review letter.

Mr. Brian Flannery, P.E. said the variance are minimal in nature. Most of the variances are for the recreation and stormwater. Testimony will be provided at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Franklin to advance the application to the July 21, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman

- 9. SP 2057A** (Variance Requested)
Applicant: Congregation Satmar of Lakewood
Location: Kennedy Boulevard East
Block 174.11 Lots 38.02, 39.01, & 39.02
Amended Preliminary and Final Major Site Plan for proposed synagogue, addition to existing residence, and Minor Subdivision to adjust lot line

Review letters prepared by Remington, Vernick & Vena Engineers dated June 3, 2015 were entered as an exhibit.

Mr. Adam Pfeffer, Esq. asked if this could be heard in full tonight.

Mr. Neiman said he knows there were objectors to the previous application.

Mrs. Morris said there is an objector who is here tonight.

Mr. Neiman has no issue hearing this tonight.

Mr. Charles Surmonte, P.E. was sworn in. This application was previously before the Board for a proposed synagogue. They have since modified the application and shifted the proposed subdivision line slightly to the east. An access easement through lot 38.02 has been added to allow exit onto East County Line Road.

Mr. Neiman asked if they were entering through East Kennedy Boulevard and existing out East County Line Road.

Mr. Surmonte said that is correct.

Mr. Vogt said he wanted to clarify that if the Board acts favorably tonight, they would be acting upon both a site plan and a minor subdivision.

Mrs. Morris said they are sliding the lot line a bit further to the south so they can construct the synagogue on that portion.

Mr. Neiman asked if the applicant owns the lot behind in order to have that access to East County Line Road.

Mrs. Morris said they would have to have some sort of agreement or easement with that property owner.

Mr. Vogt said that would be part of the approval, if granted.

Mr. Neiman opened to the public.

Mr. Robert Honig, 2 Belvedere Lane, was sworn in. He is not in objection to this application. He said many synagogues have been built in the area and the infrastructure is not adequate. He said there are not enough street lights and it is very dark. He is concerned about the safety of the children.

Mr. Neiman said he has a daughter that lives in the area and he is agreement. He asked if the Board can require the applicant to install a street light.

Mr. Honig said he did try requesting one years ago to no avail. He said something needs to be done as it is pitch dark there.

Mr. Pfeffer said his applicant has no problem sending a letter to the Township Committee to take a look at this.

Mr. Neiman told Mr. Honig to attend the next Township Committee meeting and make a request there.

Mr. Honig asked if is possible to have no parking on one side of the road. There is a synagogue across the street as well and when there is an occasion, the traffic is very bad and it is unsafe.

Mr. Neiman said he is right. They will make a recommendation to eliminate parking on one side of East Kennedy Boulevard.

Mr. Arthur Lang, 918 East Kennedy Boulevard, was sworn in. When he was objecting to the previous subdivision the Board has asked to work with the applicant to come to some sort of agreement which they did. They have since modified the agreement and would like it to become part of the record.

Mr. Neiman said there were agreements by the applicant and neighbors. He asked that this be part of the resolution.

Mr. Pfeffer said they have no objection.

Mrs. Morris believes in the previous resolution, they had referenced the agreement as an exhibit. A lot of these are issues that the Planning Board wouldn't have a way to enforce, however, including it as an exhibit may give private parties some leeway.

Mr. Kitrick said it would be an attachment to the resolution.

Mr. Banas is concerned about putting too much in the resolution.

Mrs. Morris said it may be wiser to act on the project itself rather than list each of these as a condition of approval.

Mr. Banas agrees.

Mrs. Morris said it could be referenced as an exhibit that was provided during testimony.

Mr. Lang expressed his appreciation to the applicant.

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 10. SP 2123** (Variance Requested)
Applicant: Special Children's Center
Location: Prospect Street
Block 490 Lot 13.01
Block 486 Lots 3197-3199, 3215 & 3216
Preliminary & Final Major Site Plan for a 50,432 sf addition, 3,150 sf group home and a 15,000 sf adult vocational school for future development

A review letter prepared by Remington, Vernick & Vena Engineers dated June 4, 2015 was entered as an exhibit

Mr. Rennert stepped down.

Mr. Vogt stated a waiver is requested for the environmental impact statement as well as tree protection management plan. The waivers are supported conditioned upon the applicant complying with the tree protection ordinance during compliance, if approved.

Mr. Abraham Penzer, Esq. said they would like to construct this project in five phases. They can meet all of the requirements in the engineer's review letter.

Mr. Vogt said there is a variance for the existing recreation center. A front yard setback of 14.6 feet is provided whereas 15 feet is required.

Submission waivers were approved as supported by the Board Engineer.
Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman Mr. Flancbaum, Mr. Follman

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance the application to the June 23, 2015 meeting.
Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman

7. PUBLIC HEARING

- 1. SP 2124AA** (Variance Requested)
Applicant: Moreshes Bais Yaakov
Location: Faraday Avenue & Esti Court
Block 508.02 Lot 1
Change of Use/Site Plan Exemption to convert existing garage/warehouse into a school

Mrs. Morris received a request from the applicant's attorney asking to carry this to the July 7, 2015 meeting.

A motion was made by Mr. Banas, seconded by Mr. Flancbaum to carry this application to the July 7, 2015 meeting. No further notices.
Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 2. SD 2007** (Variance Requested)
Applicant: Times Square Holdings, LLC
Location: Basswood Drive
Block 431 Lots 13 & 14
Preliminary and Final Major Subdivision to create 26 fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 18, 2014 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. represented the applicant.

Mrs. Morris stated that the applicant has provided a copy of the plans for SD 2008 proposing a community building that would serve both developments. That plan was submitted in support of this application. She said this has been carried a number of times as there were some concerns about the unit count reaching the threshold requiring a community building.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated this is an application for duplexes. It is conforming except for one rear yard setback variance on the corner of the building. The Board had asked him to prepare a plan showing the applications in the area. This is on the westerly side of Route 9 before Elmhurst. There was another application which preceded it on Elmhurst and at that time the Board had asked for a community building. They are now back with plans for that building. They agreed to add a shul with a parking lot and playground up front which would serve both developments. Neither development was required to provide it.

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

Mr. Flannery said they held off on memorializing the resolution for the previous project until this plan was provided to the Board.

Mrs. Morris said she would schedule that resolution on the June 23, 2015 agenda.

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 3. SD 2041** (Variance Requested)
Applicant: Yehoshua Frenkel
Location: Gudz Road
Block 11.10 Lot 72.01, 72.02, & 76
Preliminary & Final Major Subdivision to create six lots

A review letter prepared by Remington, Vernick & Vena Engineers dated May 18, 2015 was entered as an exhibit.

Mrs. Morris stated that this is a continuation from the May 26, 2015 meeting. She believes the intent is to reopen for public comment and any other comments from the applicant's professionals. A wetlands investigation and concept sketch were submitted as well.

Mr. Brian Flannery, P.E., P.P. stated that there were three basic questions at the last hearing with respect to the freshwater wetlands, category 1 waterway and the variance requested. They have submitted a concept sketch which shows they could get the 6 units with no variances by right. The reason they are doing this design is to save the house. The variances requested are with respect to the side setback but the distance between the houses stays the same as well as a front yard setback to the cul-de-sac which would only impact the existing home. The Board can grant the variances without any detriment to the zone plan or zoning ordinance. There was also the issue with the wetlands. They had an environmentalist, whom is here this evening, do an investigation and prepare a report indicating they do not have a wetlands issue.

Mr. Neiman said even with this testimony they would still have to go to the NJDEP for approval.

Mr. Flannery said if it is questionable you would go to the NJDEP. In this particular case it is not.

Mr. Vogt said he has looked at the documents and from what he has read he is relatively comfortable with the wetlands issue. He is not as comfortable with the category 1 buffer. In one of the documents it states that the waterway is 365 feet east of where it is currently mapped on the DEP website. He would like to hear testimony on what that opinion is based upon because that determines where the category 1 buffer actually encroaches onto the property.

Mr. Joseph Kociuba, P.E. said as discussed at the previous meeting, one of the concerns is the issue with the category 1 stream and the effects of the buffers from that stream on this property. He personally did an evaluation of the site and reviewed them against the DEP rules. Specifically, there are two rules that effect category 1 streams including stormwater rules which are a third of the buffer from the stream as a special water resource protection area. That states that a 300 foot buffer extends from a special water resource, water designated category 1 and perennial or intermittent streams that drain into or upstream of the category 1 waters.

Mr. Neiman asked when he did the investigation.

Mr. Kociuba said two days after the prior hearing.

Mr. Neiman said there was no rain for weeks.

Mr. Kociuba said that presence of water doesn't establish where the C1 waterway is. Basically, a mapping review is required to see if there is an intermittent stream in the area. There is no intermittent stream shown on the USGS in this area. The closest waterway is 365 feet away from the northeastern corner of this property.

Mr. Vogt asked if he walked to area to see where he personally believes this channel begins.

Mr. Kociuba said yes. That portion speaks more to the flood requirements. The other rule that governs this is the flood hazard control act rules. That has a more rigorous determination of how we figure out what is a regulated water and what is not. Specifically, if it drains less than 50 acres and has no discernable channel. He walked the entire water down to the open water and there are no discernable channels through that area. It is a wetland area as is noted in the absence presence which starts approximately two properties away. That is a wetland area but it does not meet the definition of a regulated water under the flood hazard control act rules since it does not have a discernable channel.

Mr. Vogt said based on his inspection and knowledge of the rules, the defined waterway does not begin more than 300 feet from corner of the property.

Mr. Kociuba said that is correct.

Mr. Vogt said if that interpretation is correct, regardless of the drainage size issue, the associated buffer maximum without relief would be 300 feet from that defined waterway. That being the case, it would not encroach upon the property.

Mr. Kociuba said actually the DEP has released amended rules within the past few weeks relaxing some of these requirements.

Mr. Flannery said the applicant has agreed to a 20 foot buffer along the two rear lots, 72.05 and 72.06, where no trees would be removed.

Mr. Neiman said that would be included as a condition of the resolution.

Mr. John J. Prior, wetlands consultant, was sworn in. He was asked to look at the site last spring before the design was established to determine if there were wetlands along the back of the property and if there was a stream associated with the property. At that time, he indicated that there were no wetlands on the property itself but that he did see wetlands at least one or two properties down. In his opinion, even those types of wetlands more than likely would not have a buffer because they are state open waters. The only concern he would have was the category 1. He is not a licensed engineer so he cannot give advice on the category 1.

Mr. Vogt asked if he believes the wetlands buffer is an exceptional value.

Mr. Prior said no, not at all.

Mr. Vogt said the worst case scenario would be a 50 feet buffer and he has stated that the wetlands is more than 50 feet offsite and would not affect this property.

Mr. Prior said yes.

Mr. Neiman opened to the public.

Mr. Chana Oppen, 113 Van Buren Avenue, was sworn in. She asked the Township Engineer if he had reviewed the drainage plans and if there are any concerns of flooding as a result of the construction.

Mr. Vogt said if the Board approves the application, the project is going to be designed in accordance with New Jersey stormwater rules which actually reduces the post development runoff. In addition, as a matter of policy when the individual come in to get plot plan approval they also require recharge systems for each property. He anticipates that the final design is actually going to lessen runoff.

Mrs. Oppen asked how they can ensure this if the lots are sold individually.

Mr. Vogt said the infrastructure cannot be built until the project is reviewed and approved in its entirety and until bonds are posted to guarantee the improvements. Regardless of who builds the individual homes, plot plan approval has to be issued by the engineering office. That would not be issued without drywells or similar mechanisms for the individual homes on top of the drainage system that is going to go in the road.

Mrs. Morris said in order to create these lots, a map must be filed with the County. That map will not be filed until the plans are approved and a bond is in place.

Mr. Stephen Young, 117 Van Buren Avenue, was sworn in. He objected to the application and said this would affect his quality of life.

Mr. Louis Martinez, 112 Gudz Road, was sworn in. He believes this will affect his quality of life and privacy. He is requesting a 6 foot vinyl fence along the northeasterly property line.

Mr. Flannery said the applicant has no objection to that.

Mr. Ephraim Pachtman, 121 Van Buren Avenue, was sworn in. He lives behind this property and he believes this project effects his quality of life. He asked about the buffer.

Mr. Neiman said there will be a 20 foot buffer. He was very specific that all trees within 20 feet would be marked to avoid cutting them down.

Mr. Pachtman asked for a row of 15 foot arborvitaes.

Mr. Flannery said that is done when it is an application asking for variances and other relief. This is a conforming application and the neighbor has had the benefit of this property owners trees for many years. When his subdivision was created they did not put arborvitaes down to buffer these properties. The applicant believes it is unreasonable and has already agreed to the 20 foot buffer. A portion of lot 72.04 would also have the 20 foot buffer as well. The buffer would go from the side property to the side property line and encompass all three of those lots.

Mr. Pachtman does not believe it is unreasonable.

Mr. Neiman closed to the public.

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

4. **SP 2112** (Variance Requested)
Applicant: Monlu LLC – Stuart Lubowsky
Location: Princeton Avenue
Block 162 Lots 2 & 4
Preliminary and Final Major Site Plan for a building addition

Mrs. Morris received a request from the applicant's attorney to carry this to the July 7, 2015 meeting. No further notices.

A motion was made by Mr. Banas, seconded by Mr. Flancbaum to carry this application to the July 7, 2015 meeting. No further notices.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

8. CORRESPONDENCE

- **SP 1947** – request to remove condition of original approval regarding removal of existing residence

Mrs. Miriam Weinstein, Esq. stated this application was approved approximately 2 years ago on County Line Road. They had asked for this project to be completed in phases. Phase 1 was to include the development of the basement and the first floor with 3 classrooms, offices and parking. If the Board recalls, there is a structure at the front of the property which would remain during the course of the construction of Phase 1. Phase 2 would include construction of the second story of the school. The resolution provided that the structure at the front of the property which was housing the caretaker during this time would be removed when Phase 2 is started. The Yeshiva is ready to commence Phase 2 and would like to utilize the front property as a dormitory as they are rapidly growing. The building is less than 1,500 sf and would qualify for a site plan exemption but what they are asking from the Board this evening is to remove that condition that that structure had to be demolished prior to Phase 2.

Mrs. Morris stated this may trigger a variance for parking.

Mrs. Weinstein said they must file for a site plan exemption. If there are any variances, they would have to come back before the Board.

Mr. Franklin said they should come back with a full application so the Board can see the plans.

Mrs. Weinstein said all they are asking is to remove the condition that requires them to demolish the structure prior to Phase 2. They are not converting it to a dormitory at this time.

Mrs. Morris said when the applicant is ready to convert the house into a dormitory, the applicant would be required to come back before the Board with notice. The applicant is asking for the structure to remain.

Mr. Vogt suggested that the applicant proceed with the second story addition at risk with the understanding that they cannot apply for a certificate of occupancy until this is resolved.

Mr. Neiman wants to make sure this structure cannot be used as a dormitory until the applicant comes back before the Board.

Mr. Vogt said the only issue he sees is that they would have to remove the existing garage such that the circulation works.

Mr. Banas is not in favor for this change.

Mr. Flancbaum asked why this condition is in the resolution to begin with.

Mrs. Weinstein believes the applicant suggested it because at the time the applicant thought they would demolish that structure. The existing garage has been demolished.

Mr. Franklin is concerned about the parking.

Mr. Neiman would like the applicant to come back as an amended application so the Board can see the plans.

Mrs. Weinstein would like to go with Mr. Vogt's suggestion that no CO be issued for the second story until they come back before the Board. The parking for the second story was already approved.

Mr. Neiman said they would give them a one year extension. If the applicant does not come back, then the structure must be demolished.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert
No: Mr. Franklin

9. PUBLIC PORTION
10. APPROVAL OF MINUTES
11. APPROVAL OF BILLS
12. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary