

## I. 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. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: *The Asbury Park Press*, and *The Tri-Town News* at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

## 2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Rennert, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- SD 1853** (Variance Requested)  
Applicant: HK Investment Holdings, LLC  
Location: Ridge Avenue, south of Lanes Mill Road  
Block 190 Lots 67, 70.01 & 70.29  
Minor Subdivision to adjust lot line to create 1 additional lot for a total of 4 Lots

Mr. Jackson stated that there are a few minor changes that need to be made the HK Investment Holdings resolution.

Mr. Follman arrived at the meeting.

A motion was made by Mr. Schmuckler, seconded by Mr. Rennert to approve.

Roll Call: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Rennert, Mr. Percal  
Abstained: Mr. Herzl, Mr. Follman

- SP 1991AA** (No Variance Requested)  
Applicant: Avi Verschleiser  
Location: Kingsfield Drive  
Block 11.12 Lot 35  
Change of Use Site Plan to convert existing basement to a shul

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

Roll Call: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert  
Abstained: Mr. Herzl, Mr. Percal

3. **SD 1836** (Variance Requested)  
Applicant: Homes For All, Inc.  
Location: Vine Avenue, south of Oak Street  
Block 1146 Lot 1  
Block 1147 Lot 1  
Block 1154 Lot 1  
Block 1155 Lot 1  
Block 1156 Lot 1

*Maple Tree Village – Preliminary & Final Major Subdivision to create 71 residential single family dwellings & duplex affordable housing*

***\*Applicant's attorney Mr. John DeVincens has requested that this item be carried to the October 30<sup>th</sup> public hearing.***

## 5. PUBLIC HEARING

### 1. Review of the Smart Growth Plan by T&M Associates

Proposed for formal adoption into the Master Plan as a land use element.

Stan Slachetka stated that they will be discussing the adoption of two documents that have been provided to the board. One is the 2012 re-examination report of the master plan and unified development ordinance. The second is the Lakewood Smart Growth Plan which is dated September 2012 which is an update of the 2009 Smart Growth Plan which was adopted by the Township Committee in November of 2009 as the vision plan for the Township of Lakewood. Both documents work together. They are essentially closing the loop that was started back in 2008 to 2009 as the original Smart Growth Plan was developed as a vision plan of the Township Committee. During that process there were fairly extensive community vision meetings and a series of public hearings. Over the course of the last few years, the Township has continued to work with the state planning commission to further refine and develop the Township's smart growth policies. There are some revisions and changes in this document that are the result of that. One of the most significant being the discussion of the boundaries for the proposed sewer service areas in the Township that is part of the Ocean County water quality management plan. At the current time, the Township Committee and the Planning Board is considering a number of planning proposals including rezoning that would implement components of the plan. Ultimately, a planning foundation for the board will be needed. Without the Smart Growth Plan being adopted formally, as part of the Master Plan, the only way those decisions can be made is on an ad hoc basis. The 2012 Smart Growth Plan is fundamentally the same plan that was adopted in 2009. The key things that have not changed is the statement for the community's vision, the overalls concepts of the plan in terms of directing growth and development within the community to more compact development forms, nodes and cores has fundamentally been retained with one exception. In the prior 2009 plan, there was a concept that was presented called smart

growth corridors. Essentially those were the highways corridors within the Township including Routes 70, 88 and 9. The idea was to develop, redevelop and infill develop those corridors in a way that promotes smart growth and benefited the Township. In dialogue with different commissions and DEP, the Township has found out that concept doesn't fit into a formal box either in the State Plan framework or the DEP regulatory planning framework. Essentially they have changed the name to nodes. There are also changes in the proposed state plan policy area map to reflect those changes in the sewer service areas. That map will not be finalized yet because there is continued dialogue between the Township and different agencies. The population projections have been updated to include the 2010 census data. There are a variety of minor technical changes and corrections, some revisions to the land use categories and boundaries within the proposed Oak Street core to more accurately reflect the location of the existing cemetery and some of the existing and proposed school sites. In the re-examination plan, there is a quote that fundamentally captures the vision and intent of the plan which says "Lakewood's Smart Growth plan seeks to create a balance between growth and preservation strategies to improve communities, enhance transportation options and create economic opportunity. The plan also strengthens community, promotes sustainable development policies, preserves open space and promotes environmental protection in a comprehensive planning framework."

An exhibit was brought up that is basically a copy of the map that appears in the Smart Growth Plan.

The plan has several components to it. It has centers, cores and nodes as well as a variety of areas within the Township for preservation, open space and included a provision for non contiguous clustering which would allow for further enhancement of the preservation opportunities. A downtown regional center is proposed, another town center associated with the Cedar Bridge redevelopment area. There are two cores, the Oak Street core and the other is Cross Street core. There are the two industrial parks as industrial nodes as well as three highways nodes. The Kettle Creek area is a relatively new preservation area that is being proposed as part of the overall Oak Street core development and also allowing for opportunities for tree save under CAFRA regulations. Again, these components were discussed back in 2009. The reason why the re-examination report is submitted as part of the plan is because from a land use planning perspective and under the MLUL, you could in fact adopt the Smart Growth Plan as part of your Master Plan but by adopting it as part of the re-examination report it provides the adoption to take place within the framework that is spelled out in the MLUL for review and evaluation of the Master Plan. The proposed re-examination report is structured in a way that is consistent with the statutory requirements, evaluating the goals and objectives of the 2007 Master Plan re-examination plan, changes that have taken place both nationally and statewide or locally that affect those goals and objectives. The most significant change is the visioning activity that took place in 2008, after the 2007 Master Plan. The recommendation is to adopt the Smart Growth Plan as a supplement and addendum to the Master Plan and Land Use Plan element. In conclusion, you are closing the loop and providing a comprehensive planning framework in your Master Plan that matches the vision that the Township Committee adopted and the Planning Board recommended that will allow the foundation of future zoning and land use planning initiatives to implement the concepts embodied in the Smart Growth Plan.

Mr. Percal stated he was confused about the Smart Growth Plan being part of the Master Plan. He asked which Master Plan he was referring to.

Mr. Slachetka stated that the last time the Township did a comprehensive Master Plan was in 1999. A re-examination was done in 2007. The Planning Board adopted it but Township Committee did not. The Master Plan as it exists now is essentially a combination of the 1999 plan and the 2007 re-examination report. The Master Plan is the providence of the Planning Board. The Board is allowed to make changes and adopt supplements to the Master Plan at any point in time to promote sound planning in the community.

Mr. Schmuckler stated that a lot has changed since the 2009 plan. He asked if he has taken that in regard with the 2012 plan.

Mr. Slachetka stated that there have been changes in terms of the economy. Lakewood's growth and the interest in development in Lakewood still remains robust. This plan looks out to the future to 2020, 2030 and setting a planning framework. The idea is to have a plan to have a plan in place, to put in place the zoning changes that are necessary to accommodate that growth and development.

Mr. Schmuckler stated that the infrastructure should be done before this growth is done.

Mr. Slachetka stated that the overall vision has to be supported by the infrastructure. This provides you with some level of insurance that you have some consistency between your plan and your proposals for infrastructure. You can not have one without the other.

Mr. Schmuckler stated that maybe this could be done in phases when we know certain infrastructure is put in.

Mr. Slachetka stated that could be part of your overall planning approach subsequent to the adoption of the plan. The plan itself is not going to create the ordinances and it's not going to create the infrastructure. That infrastructure placement and investment has to take place in concert with the utilities as well as state agencies. The state agencies are looking to Lakewood to establish and adopt and create the Smart Growth Plan in the context of the Master Plan. Those agencies in which Lakewood would be working with to get the infrastructure that's necessary and put it in place and ensure that the infrastructure capacity is there, they in turn need the planning standard and framework for the Township.

Mr. Schmuckler asked if they could put in this plan that before the Township creates these ordinances they must put the infrastructure in first.

Mr. Slachetka stated that if the Board feels very strongly that there needs to be more of a connection between the plan and the infrastructure, that could also be added.

Mr. Neiman stated that right now if this Smart Growth Plan is not put into place, they can go to the zoning board and get approval. There are no ordinances on a lot of the land. This is the infrastructure. This is going to work hand in hand with creating ordinances, creating infrastructure.

Mr. Jackson stated that the Master Plan is the vision. The Committee still has to enact the zoning ordinances to carry it out.

Mr. Schmuckler stated that he thinks there needs to be something holding and as a financial reason because there isn't extra money at the end of the year for infrastructure. So we go ahead and adopt this and the Township starts adopting ordinances and he believes there is not the financial backing to do this. When a development is built, they have to bond for it. They can go ahead and change the ordinances without putting aside the funding to do the upgrades to the roads, the intersections, etc

Mr. Slachetka stated that the plan does have very detailed discussion of circulation improvements and transportation improvements that are necessary to implement the plan. Those recommendations reflect other plans that have been adopted related to the downtown circulation as well Township wide circulation.

Mr. Schmuckler stated that for example you have Vine Street which has been planned for so many years which a lot of the building in the south part of Route 9, having Vine Street finished would have a tremendous impact and give a lot of relief to roadways. Unfortunately, due to financial reasons Vine Street has not been finished and this has been going on for years. This is just one example what he is afraid of in the future. He is afraid they are going to allow the building, the density saying we are going to finish the Vine Streets of Lakewood and just not do it because of finances.

Mr. Slachetka agrees but the Board's responsibility is to establish a vision and then you can move forward to do the things that are necessary to phase the infrastructure investments appropriately.

Mr. Neiman opened the microphone to the public. He asked if they could please limit the comments to 3 or 4 minutes per person.

Mr. Tom Sterns of Sterns Associates, who is a professional planner out of Stockton stated that he supports the smart growth plan. He thinks it's a logical, thought out plan.

Mr. Elliot Zacks, Spruce Street stated that he is against of this plan. They are part of the Oak Street core. For him to get out of his house in the morning, it takes about 40 minutes. He believes this plan is calling for more density on his block. His neighborhood is mostly single family homes. He would like to see the infrastructure before this plan is adopted including the widening of Route 9 which has been talked about for years.

Mr. Joe DeFalco, 38 Oakmont Road stated that there are many issues before a vote can be taken. He believes some sort of infrastructure has to be put in.

Ms. Noreen Gill, 192 Coventry Drive stated that her constant complaint is safety and traffic. She complained further about the traffic and the infrastructure.

Mr. Herzl Herskowitz, 1496 Cedar Row is against the plan and expressed his displeasure.

Mr. Shentov Issakov, Spruce Street complained about the traffic. He is against the plan.

Mr. Abbi Hersch, 501 Spruce Street complained about the traffic as well. He stated that they already have high density housing. He believes the smart growth plan needs to be presented along with the projections of where the infrastructure is going to get paid from.

Mr. Abraham Zaks, 540 Spruce Street stated that this should be called money growth. He doesn't think there is one homeowner that would stand up and say that they would like this to be done so he believes that someone is making money off this.

Mr. Brian Flannery, Atlantic Avenue is in favor of the plan. This plan sets a framework so that the governing body can do ordinances in order that promote the infrastructure, that allow the development in an orderly fashion. There is a lot of green areas will get built upon if this plan does not get adopted.

Mr. Follman asked about the infrastructure.

Mr. Flannery stated that the reality is that more houses are going to be built and that we either come up with a plan and decide how it's going to be or we bury our head in the sand.

Mr. Schmuckler reiterated the issue about the finances.

Mr. Flannery stated that is not the Planning Board's job. They are appointed to come up with the plan, it is the Township Committee's.

Mr. Avrohom Sehubert, 18 Gefen Drive is against the plan and complained about the clustering.

Mr. Schmuel Rabinowitz, 800 South Lake Drive stated that because they didn't have a smart growth plan, that's why we have all these problems. The density will come whether you adopt the smart growth plan or not. He would like to see it passed.

Mr. Larry Simons, 7 Schoolhouse Court is against the plan and complained about the density and traffic. He asked if the Board can adopt this plan without the Township Committee's approval.

Mr. Jackson stated yes.

Mr. Aaron Rubin, Brook Road is against the plan.

Mr. Gerri Balwinz, Governors Road is against the plan and it is crowded as it is.

Mr. Michael Zucker, Spruce Street complained about the traffic and is against the plan or Spruce Street should be taken out.

Mr. Hillel Charish, 3 Dovash Court asked why this is being voted on.

Ms. Barbara Isenburgh, Morris Avenue complained about the traffic.

Ms. Aleida Salguero, Albert Avenue is against the plan.

Mr. Neiman said that one of the things they are going to want to see is an infrastructure, funding, maybe remove or move the clusters.

Mr. Neiman closed to the public.

Mr. Slachetka stated that the plan can be modified or amended to incorporate specific recommendations as to the kinds of things that the planning board would like to see.

Mr. Jackson asked him to explain the significance of whether the board acts on this plan tonight or acts for revisions.

Mr. Slachetka stated that there are different zoning ordinances that are being proposed and presented to the board and in doing these requests without a comprehensive framework in the master plan doesn't make sense.

Mr. Franklin stated that we have to look at the old infrastructure before we look at the new infrastructure and what the demands will be on the infrastructure once this is implemented. There has got to be an overall look at this before we even move on it. He thinks it is a good plan but he does not think it is ready to be moved upon until that's done.

A motion was made by Mr. Franklin, seconded by Mr. Schmuckler to place this plan on hold until the Township can review the existing infrastructure, the effects of the infrastructure from the changes that this plan will make, as well as further emphasize on the study of clustering.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

- 2. SD 1857** (No Variance Requested)  
Applicant: Platinum Developers & Tall Oaks, LLC  
Location: Warren Avenue & Dr. Martin Luther King Drive  
Block 775 Lot 5  
Minor Subdivision to create two lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 50' X 300' fifteen thousand square foot (15,000 SF) vacant lot known as Lot 5 in Block 775 to create two (2) single-family residential lots. The proposed lots are designated as Lots 5.01 and 5.02 on the subdivision plan. Proposed Lot 5.01 will front on Warren Avenue. Proposed Lot 5.02 will front on Dr. Martin Luther King Drive. Public water and sewer is available. The site has double frontage and is situated in the central portion of the Township between Warren Avenue and Dr. Martin Luther King Drive, north of Pine Street. Both roads are Township Roads. The existing right-of-way width of Dr. Martin Luther King Drive which fronts the east side of the site is sixty-six feet (66'). A sixty foot (60') right-of-way width exists for Warren Avenue which fronts the west side of the site. Both streets are paved roads. The existing pavement width of Dr. Martin Luther King Drive is approximately forty feet (40'). The existing pavement width for Warren Avenue is about thirty feet (30'). The existing sidewalk and curbing in front of the site along the Dr. Martin Luther King Drive property frontage is in fair condition. There is no curbing and sidewalk along the Warren Avenue frontage, but both are proposed. The surrounding area is predominantly residential. No variances will be required to create this subdivision. The lots are

situated within the R-7.5 Single Family Residential Zone. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-7.5 Single-Family Residential Zone District. Single Family Detached Housing with a minimum lot size of seven thousand five hundred square feet (7,500 SF) is permitted in the zone. Statements of fact. 2. No variances are required for the proposed subdivision. Statements of fact. II. Review Comments 1. A stockade fence from neighboring Lot 1.02 to the north encroaches onto the property. This encroachment must be addressed since the relinquishing of any land would create a variance condition. The applicant's engineer indicates the fencing shall be resolved during plot plan submission. 2. During our site investigation on 7/27/12 we noted some large trees of significance located on the site. These large trees have not been indicated on the survey. The applicant's engineer indicates that trees shall be located prior to preparing plot plans. 3. The Schedule of Bulk Requirements shows that four (4) off-street parking spaces will be required and provided per unit. This exceeds the 2.5 off-street parking spaces which are required for units with unknown number of bedrooms to comply with the NJ R.S.I.S. parking requirements. No off-street parking is shown for proposed Lots 5.01 and 5.02. Testimony on off-street parking is required. Parking should be provided to the satisfaction of the Board and comply with ordinance 2010-62. Testimony on off-street parking should be provided. The applicant's engineer indicates that four (4) off-street parking spaces shall be provided per lot in accordance with the Township parking requirements. 4. If basements are proposed for the future dwellings on Lots 5.01 and 5.02, seasonal high water table information will be required. The applicant's engineer indicates that soil borings shall be provided with plot plan submissions. 5. Unless a waiver is requested from and granted by the Planning Board, shade trees shall be proposed within the shade tree and utility easements for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. The applicant's engineer indicates that proposed landscaping and compliance with the Township Tree Ordinance will be provided with plot plan submissions. 6. An Improvement Plan is required for the project. The applicant's engineer indicates that an Improvement Plan shall be provided with plot plan submissions. 7. Proposed grading is required on the Improvement Plan. Coordination of proposed grading with surrounding improvements to remain is necessary. The applicant's engineer indicates that proposed grading shall be provided with plot plan submissions. 8. Storm water management from the development of proposed Lots 5.01 and 5.02 must be addressed. The applicant's engineer indicates that drywells shall be provided for storm water management and will be designed for plot plan submissions. 9. The Legend shall be revised to indicate the proposed outbound corner monuments as "monument to be set". The Legend has been revised to indicate "monument to be set". 10. Proposed lot numbers must be approved by the tax assessor's office. The map must be signed by the tax assessor prior to filing. 11. Compliance with the Map Filing Law is required. Statement of fact. 12. The Sidewalk Detail shall be revised to show Class B concrete. The width dimension shall be revised to four foot (4') minimum. The sidewalk width has been revised to indicate four foot (4') minimum. The strength for Class B concrete shall be corrected. 13. The Concrete Vertical Curb Detail shall eliminate the joint sealer since the adjoining roads are asphalt. The joint sealer note shall be eliminated. 14. The Improvement Plan must include the following additional construction details at a minimum: a. Trench Repair. b. Gutter Reconstruction. c. Depressed Curb. d. Driveway Aprons. This Improvement Plan may be provided during compliance if approval is given. Final construction details can be reviewed with resolution compliance submission. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to



the following: a. Township Tree Ordinance; b. Ocean County Planning Board; c. Ocean County Soil Conservation District; (if required); and d. All other required outside agency approvals.

Mrs. Miriam Weinstein on behalf of the applicant stated that this is a minor subdivision with no variances.

Mr. Flannery, P.E. was sworn in. He stated that they have satisfied all of the engineer's comments and at resolution compliance that will satisfy all the list items.

Mrs. Weinstein stated that there will be four parking spaces per house.

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

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

- 3. SD 1852** (Variance Requested)  
Applicant: Rachel Friedman  
Location: Corner of Hope Chapel Road & Van Buren Avenue  
Block 3 Lots 8, 9 & 12  
Minor Subdivision to adjust lot lines to form three new lots

### **Project Description**

The applicant seeks minor subdivision approval for the adjustment of lot lines on three (3) existing lots to form three (3) new lots. In this manner, the existing use of two (2) single family dwellings may become a proposed use for three (3) single family dwellings. The project involves three (3) existing lots known as Lots 8, 9, and 12 in Block 3. The proposed properties are designated as proposed Lots 8.01, 8.02, and 9.01 on the subdivision plan. Existing Lot 8 which fronts Hope Chapel Road contains a one-story dwelling and a garage. Existing Lot 9, which is a corner lot, contains a dwelling. Existing Lot 12 which fronts Van Buren Avenue North is vacant. The garage will be removed from existing Lot 8, since it would be located on proposed Lot 8.01. The dwellings on existing Lots 8 and 9 will remain and would be located on proposed Lots 8.02 and 9.01 respectively. Public water and sewer is not available. No curb and sidewalk exist across the frontage of the tract. The site is situated in the northwest portion of the Township on the southwest corner of Van Buren Avenue North and Hope Chapel Road. Van Buren Avenue North is a Township Road, while Hope Chapel Road is a County Highway. Proposed Lot 9.01 would become an irregular corner lot for the existing dwelling on old Lot 9, with an area of 26,049.25 square feet. Proposed Lot 8.02 would become an irregular lot for the existing dwelling on old Lot 8, with frontage only on Hope Chapel Road and an area of 15,986.52 square feet. Proposed Lot 8.01 would become an irregular "L-shaped" lot surrounding proposed Lots 8.02 and 9.01 for a proposed dwelling. The proposed lot would have twenty-five feet (25') of frontage on Van Buren Avenue North and about ninety feet (90') of frontage on Hope Chapel Road, with an area of 28,514.78 square feet. The lots are situated within the R-15 Single Family Residential Zone. As presently configured, lot width variances are being requested for proposed Lots 8.01 and 8.02. We have the following comments and recommendations: 1. Zoning 1. The parcel is located in the R-15 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. Per review of

the Subdivision Map and the zone requirements, the following lot width variances are required: • Minimum Lot Width – Proposed Lots 8.01 and 8.02, 90.01 feet, 100 feet required – proposed condition. Per communications with the applicant's attorney, the applicant is only proposing a minor land swap with the owner of existing Lot 9 to obtain access to Van Buren Avenue North. Therefore, the proposed subdivision has not been configured to eliminate the proposed width variances even though there is sufficient frontage on Hope Chapel Road to do so. The Board shall take action on the requested variances. 3. A variance would be required for the Front Yard Setback on proposed Lot 8.02. The existing dwelling to remain on proposed Lot 8.02 has a nonconforming front yard setback of 23.47 feet from the existing right-of-way of Hope Chapel Road. The applicant is requesting an eight foot (8') road widening easement from the County along Hope Chapel Road. A variance would also be required for Front Yard Setback on proposed Lot 9.01. The existing dwelling to remain on proposed Lot 9.01 has a nonconforming front yard setback of 23.70 feet from the existing right-of-way of Van Buren Avenue North and a nonconforming front setback of 24.30 feet from the existing right-of-way of Hope Chapel Road. The Board shall take action of the required variances. 4. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey Plan with topography has been submitted. However, per technical review, the survey is only for Lot 8. Surveys of Lots 9 and 12 are required in order to evaluate the practicality of the irregular configuration of the proposed subdivision and whether additional variances will be required. The existing dwelling has been added to the subdivision plan and is nonconforming with respect to front yard setbacks. Any approvals shall be conditioned upon providing Survey of Lots 9 and 12. 2. The proposed offsets on the plan and information in the Zoning Data shall be to the hundredth of a foot. The following corrections are required to the Zoning Data: a. The minimum lot width for proposed Lot 9.01 is 120.02 feet. b. The minimum lot widths for proposed Lots 8.01 and 8.02 are both 90.01 feet. c. The minimum front yard setback for proposed Lot 9.01 is an existing nonconformance. d. The minimum front yard setback for proposed Lot 8.02 is 23.47 feet. e. Dimensions shall be added to the plan for the minimum rear yard setbacks listed for proposed Lots 9.01 and 8.02. f. The aggregate side yards for proposed Lot 8.02 are 37.06 feet. g. The zero lot line reference shall be removed from the maximum building coverage and the actual building coverage provided for proposed Lot 9.01. 3. The Survey Certification on the Minor Subdivision Plan indicates the survey date to be 5-2-2012. This date is not consistent with the survey date of 4/23/2012, for Lot 8. Furthermore, surveys of Lots 9 and 12 have not been provided and the existing dwelling at the corner of Van Buren Avenue North and Hope Chapel Road is not shown. The Survey Certification date has been revised to reference the Minor Subdivision Plan date. Surveys for Lots 9 and 12 are still required even though the existing dwelling at the corner has been added. Any approvals shall be conditioned upon providing Surveys of Lots 9 and 12. 4. The application is proposing a road widening easement as opposed to a dedication from the County along Hope Chapel Road. Should a dedication be required, proposed lot areas and setbacks will be impacted. The Board may wish to consider the more stringent setbacks which would be required if the County requires a dedication. 5. The following existing information should be shown on the Improvement Plan: a. Topography of old Lots 9 and 12. b. Topography of Van Buren Avenue North and Hope Chapel Road along the frontages of old Lots 9 and 12. c. The gas line marked out on Hope Chapel Road. d. The driveway to the garage on old Lot 8. Providing the existing information may be conditions of approval. 6. The Zoning Data indicates that four (4) off-street parking spaces will be required for

each unit. The Improvement Plan notes that parking shall be provided in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. Unless plot plans are provided, the Improvement Plan must propose four (4) off-street parking spaces for new Lots 9.01 and 8.02. 7. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The signature block for the tax assessor shall be signed, should subdivision approval be granted. 8. The plans indicate the existing well in front of the dwelling on proposed Lot 8.02 to be relocated. The project will be serviced by individual well and septic systems approved by the Ocean County Board of Health. The existing well would be located within the proposed shade tree and utility easement. 9. A Tree List proposes sixteen (16) "October Glory Maple" street trees. The locations of the proposed shade trees should be added to the plans. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation indicates there are many existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 8.01, 8.02, and 9.01. The locations of the proposed shade trees have been added to the plans. The proposed number of trees has been reduced to fifteen (15) because of providing the larger sight triangle easement. The Board should provide landscaping recommendations, if any. 10. The applicant proposes to construct new curb, sidewalk, and driveway aprons along the property frontage of new Lots 8.01, 8.02, and 9.01. Two (2) separate Road Widening Sections are required since Van Buren Avenue North is a Township Road and Hope Chapel Road is a County Road. The width of the proposed sidewalk should be five feet (5') unless pedestrian bypass areas are designed. A pedestrian bypass area must be designed along Van Buren Avenue North. 11. The Improvement Plan shall be revised to provide proposed grades for the top of curb and gutter. Accordingly, the Typical Pavement Widening Section may require revision. The design is required to determine the extent of road widening reconstruction. 12. Testimony is required on the disposition of storm water from the development. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. Testimony on storm water management should be provided at the public hearing. 13. Testimony should be provided on proposed site grading. No proposed grading is indicated on the Improvement Plan since the existing topography is incomplete. Proposed grading shall be designed. The Notes on the Improvement Plan indicate that proposed grading will be included on the plot plan submittals. Testimony on proposed site grading should be provided at the public hearing. 14. The Legend shall be revised to "monument to be set". Proposed monuments should be offset to intersect with easement lines where they conflict with proposed sidewalk locations. Proposed monuments should also be added to the outbound corners missing corner markers. 15. Compliance with the Map Filing Law is required. Statement of fact. 16. At a minimum, a Concrete Apron Construction Detail shall be added to the Improvement Plan. Construction details will be reviewed during compliance should subdivision approval be granted. The detail has been added. Final construction details will be reviewed after resolution compliance submission, should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Board of Health (well and septic); d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Glenn Lines, P.E., was sworn in. There are three existing lots and are proposing to split the small lot on Van Buren lot to give part of it to the corner lot. They will be subdividing the large

Hope Chapel lot down the middle. We require variances for lot width for the two Hope Chapel lots. There will be sidewalks on both frontages which will be 4' with the handicart passing.

Mr. Neiman opened the microphone to the public.

Ms. Susan Barth, 365 Hope Chapel Road asked why the properties are being broken up.

Mr. Lines stated that there are two existing houses and a new house is proposed.

Mr. Neiman closed to the public.

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

- 4. SD 1855** (No Variance Requested)  
Applicant: Open Apple, LLC  
Location: Thorndike Avenue  
Block 266 Lot 4.01  
Minor Subdivision to create two lots

#### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 0.586 acre lot into two (2) proposed conforming single-family residential lots. The existing property, Lot 4.01 in Block 266, is a vacant, wooded tract created from the minor subdivision of Lot 4 under a previous Subdivision Application. The tract has frontage on Thorndike Avenue, a sixty feet (60') wide right-of-way. Thorndike Avenue borders the site to the west, and is newly improved. An unimproved right-of-way, being a portion of old Lafayette Boulevard, borders the property to the south. The applicant proposes to subdivide the property into two (2) residential lots. Both proposed Lots 4.03 and 4.04 will be rectangular 91.11' X 140' properties, having frontage on Thorndike Avenue. Roadway improvements are already in place for Thorndike Avenue. An existing drainage easement will encumber the south side of proposed Lot 4.04, but will not encroach upon the proposed yard setback. Water and sewer are available. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are either vacant or residential. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. No variances are being requested to create this subdivision. II. Minor Subdivision Review Comments 1. Any Minor Subdivision approval granted shall be conditioned upon providing a current Outbound and Topographic Survey. Our site investigation on 7/20/12 noted the following information missing from the Minor Subdivision Map provided: a. Existing monuments along the Thorndike Avenue frontage. b. Chain link fence along the Lot 6 property line. c. Street lights. d. Water valves and mains. e. Sanitary sewer manholes and mains. f. Drainage structures and pipes. 2. The surveyor should check the proposed square footage areas for Lots 4.03 and 4.04. 3. The surveyor should check the square footage area of the existing drainage easement and list the dedicated party. 4. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Zoning Data is requiring and proposing four (4) off-street parking spaces per dwelling unit. Testimony should be provided on the proposed number of

bedrooms anticipated, and on off-street parking to be provided. 5. It has not been shown whether basements are proposed for the new dwellings. Should basements be proposed, test pit logs must be provided to indicate the minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether basements will be proposed and if they will be unfinished. In any event, parking shall be provided in accordance with parking ordinance 2010-62. 6. The General Notes indicate that horizontal datum is assumed and vertical elevation is based on USGS 1929. General Note #6 shall be corrected to state that vertical elevation is based on NGVD 29. A bench mark shall also be provided. 7. Improvements have been constructed for Thorndike Avenue. 8. No improvements are proposed for old Lafayette Boulevard. Being all proposed lots with frontage on Lafayette Boulevard will access other streets, we had previously recommended that Lafayette Boulevard be left unimproved. 9. A note should be added that the proposed sidewalk extending across old Lafayette Boulevard should match the sidewalk from the road improvement plans. The proposed sidewalk width should be added. 10. Testimony is required on the disposition of storm water management for the proposed development. 11. Testimony should be provided on proposed site grading. Proposed lot grading should direct runoff to the neighboring road and minimize runoff directed towards adjoining properties. 12. The plan notes that "new lots are to be serviced by public water and sewer". The project is located within the New Jersey American Water Company franchise area. 13. The lot numbers should be consistent with the numbers assigned by the Tax Assessor. 14. Proposed six foot (6') wide shade tree and utility easements are shown along the property frontage. Bearings, distances, and areas have been provided for the proposed easements on an individual lot basis. No shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought) and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 15. Our site investigation indicates the property is entirely wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 4.03 and 4.04. 16. The date on the Secretary's Certification must be revised since there are no longer one hundred ninety (190) days left in the year. 17. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 18. Monuments should be proposed on the outbound property corners. 19. Compliance with the Map Filing Law is required. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey American Water (sewer and water); and e. All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Lines, P.E. was sworn in and stated he can comply with all the comments in the engineer's letter.

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

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

5. **SD 1860** (No Variance Requested)  
Applicant: Rabbi Jack Lebovic  
Location: Melville Avenue  
Block 763 Lot 7  
Minor Subdivision to create three lots

**Project Description**

The applicant seeks minor subdivision approval for the subdivision of one (1) existing residential lot into three (3) residential lots for a zero lot line duplex and a single family dwelling with basement synagogue. The project involves an existing 126.06' X 150', 18,909 square foot (0.43 acre) property known as Lot 7 in Block 763. The proposed properties are designated as proposed Lots 7.01 through 7.03 on the subdivision plan. Existing Lot 7 is a corner lot containing a dwelling. The existing dwelling will be removed from the site. Public water and sewer is available. Curb exists along only one (1) frontage of site. No sidewalk exists across either frontage of the tract. The site is situated in the central portion of the Township on the northeast corner of Melville Avenue and Elm Street. Both roads are paved Township Roads with fifty foot (50') right-of-ways. Proposed Lot 7.01 would become a rectangular corner lot for the proposed single family dwelling with basement synagogue having an area of 8,907.4 square feet. Proposed Lots 7.02 and 7.03 would become rectangular zero lot line properties for the proposed duplex, with frontage only on Melville Avenue. Both zero lot line properties would have an area of 5,000.8 square feet. The lots are surrounded by residential uses and are situated within the R-7.5 Single Family Residential Zone. No variances are being requested for the proposed subdivision. We have the following comments and recommendations: I. Waivers A waiver has been requested from submission of Topography. Per our site investigation, this site is level. We can support the requested waiver from a completeness standpoint only, provided the Board requires the submission of a Topographic Survey as a condition of approval, so that this survey and design can be reviewed during compliance. II. Zoning 1. The parcel is located in the R-7.5 Single-Family Residential Zone District. Single Family Detached Housing, Zero Lot Line Duplex Housing, and places of worship are all permitted uses in the zone. 2. Per review of the Floor Plans and the zone requirements, the Maximum Building Coverage of thirty percent (30%) will be exceeded because of the covered access fronting Melville Avenue. The proposed building area should either be decreased, or a variance requested. 3. The applicant must address the positive and negative criteria in support of any required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. The site location shall be identified on the Zone Map. 2. A 30' X 30' Sight Triangle Easement to Lakewood Township is proposed at the intersection of Melville Avenue and Elm Street. The proposed bearing for the hypotenuse of the Sight Triangle Easement is incorrect. 3. The following existing information will be required on the Improvement Plan as a condition of approval: a. Topography of old Lot 7. b. Topography of Melville Avenue and Elm Street along the frontages of old Lot 7. c. The existing utilities on Melville Avenue and Elm Street. 4. The Zoning Data indicates that four (4) off-street parking spaces will be required and provided for each lot. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. The Floor Plans for proposed Lot 7.01 indicate the synagogue in the basement will have a usable main sanctuary of eight hundred square feet (800 SF), which would require no additional off-street parking. 5. The proposed handicap access to the synagogue conflicts with the design location of the off-street parking spaces. The design of the proposed off-street parking spaces must be revised. 6.

Since a basement is already proposed for the single family dwelling with the synagogue, seasonal high water table information must be provided. 7. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 8. Public water and sewer is available to the project site. The project will be serviced by New Jersey American Water Company, since the site is within their franchise area. 9. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 7.01 through 7.03. The proposed easement information and areas are shown on an individual lot basis. 10. A Tree List proposes seven (7) "October Glory Maple" street trees. The locations of the proposed shade trees are shown on the Improvement Plan. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation indicates there are some existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 7.01 through 7.03. 11. The applicant proposes to construct new curb on Elm Street, a curb ramp at the intersection, as well as sidewalk and driveway aprons along the property frontage of new Lots 7.01 through 7.03. Topography is required to ascertain whether any of the existing curb, which is in fair condition, along Melville Avenue can be salvaged. The line work on the plans for existing and proposed curb must be differentiated. A note shall be added to the plans that any existing curb damaged during construction shall be replaced at the direction of the Township Engineer. 12. The locations of proposed improvements within the right-of-way shall be dimensioned. 13. Two (2) separate Road Section Details are required since Elm Street will be improved with new curb and Melville Avenue will at least be partially improved with replaced curb. 14. The proposed sidewalk at the intersection should be designed to provide a landing area for the curb ramp. 15. Topography is required for the Improvement Plan. Little relief was observed during our site investigation and the Improvement Plan shall be revised to provide proposed grades for the top of curb and gutter to determine whether any drainage problems exist or will be created. 16. Testimony is required on the disposition of storm water from the development. The project is too small to qualify as major development. At a minimum, dry wells will be required for storm water management and shall be provided when plot plans are submitted. 17. Testimony should be provided on proposed site grading. No proposed grading is indicated on the Improvement Plan since the existing topography has yet to be completed. Proposed grading shall be designed. At a minimum, proposed grading will be included on the plot plan submittals. 18. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 19. Proposed monuments should be added at the four (4) outbound property corners. 20. Compliance with the Map Filing Law is required. 21. At a minimum, Curb Ramp and Trench Repair construction details shall be added to the Improvement Plan. 22. Discrepancies in the concrete curb base dimensions shall be rectified between construction details. 23. The six and a half inch (6-1/2") dimension on the Depressed Curb at Driveways detail shall be corrected to four and a half inches (4-1/2"). 24. Final construction details will be reviewed during compliance should subdivision approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals.

Items number 5 & 6 will be heard together.

Mr. Lines, P.E. was sworn in. He stated that they are proposing a three lot subdivision. One duplex structure on a conforming lot, a single family home on one lot and the basement will be a synagogue. There is a possibility that we needed a lot coverage variance. We reduced the overall size of the basement so we are now conforming. We will be providing all adequate parking, no parking is required for synagogue. Curbs and sidewalks will be provided. We are requesting a waiver from the buffer requirements for the corner lot. He will address all comments in the engineer's letter.

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

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

- 6. SP 1995AA** (No Variance Requested)  
Applicant: Zalman Lebovic  
Location: Melville Avenue  
Block 763 Lot 7 (proposed Lot 7.01)  
Change of Use/Site Plan Exemption to permit a synagogue in the basement of a new single-family dwelling.

### **Project Description**

The applicant is seeking Site Plan Exemption/Change of Use approval for a new single family dwelling with a basement synagogue. This new dwelling is proposed on the property of a pending minor subdivision (SD#1860) that has been field with the Planning Board, and subject to our August 16, 2012 review letter. The project involves an existing 126.06' X 150', 18,909 square foot (0.43 acre) property known as Lot 7 in Block 763. Three (3) new proposed properties are designated as proposed Lots 7.01 through 7.03 on the accompanying subdivision application. The proposed dwelling and basement would be built on proposed Lot 7.01, a conforming 8,907 sf lot at the intersection of Elm Street and Melville Avenue. Existing Lot 7 is a corner lot containing a dwelling. The existing dwelling will be removed from the site. Public water and sewer is available. Curb exists along only one (1) frontage of site. No sidewalk exists across either frontage of the tract. The overall property is situated in the central portion of the Township on the northeast corner of Melville Avenue and Elm Street. Both roads are paved Township Roads with fifty foot (50') right-of-ways. Proposed Lot 7.01 would become a rectangular corner lot for the proposed single family dwelling with basement synagogue having an area of 8,907.4 square feet. No variances are being requested for the accompanying subdivision (i.e., proposed Lots 7.01-7.03). I. Zoning 1. The property is located in the R-7.5 (Single Family Residential) Zone. Single-family residences and synagogues are permitted uses in the zone, subject to the requirements of Sections 18-902G and 18-905 of the UDO. 2. Per review of the Site Plan and the zone requirements, the proposed home and basement synagogue comply with the Bulk requirements of the R-7.5 zone. As depicted, the proposed home is slightly below the 30% building coverage limit in the R-7.5 zone. II. Review Comments 1. Per review of the submitted Change of Use plan and the architectural floor area plan, it appears that five (5) bedrooms are proposed for the dwelling at this time. No bedrooms are depicted as proposed in the basement (although the plans appear to depict exterior basement stairs. The applicant should testify whether additional bedrooms are contemplated at a future date. 2. If Board approval is granted, the descending basement stairs as depicted on the



architectural plans should be revised to conform to what is depicted 3. As noted on the architectural floor plan, a 'useable' Main sanctuary floor area of 800 sf is depicted. Testimony should be provided by the applicant and/or professionals to confirm that our interpretation is correct. 4. As depicted on the Change of Use Plan, there are four (4) 9'x18' off-street parking spaces proposed off of Elm Street for the proposed home/synagogue. For small places of worship, Section 18-905 of the UDO does not require off-street parking for "main" (useable) sanctuary spaces of 800 sf or less, but 1 parking space for every one hundred square feet of main sanctuary space above the 800 sf threshold. Based on our interpretation, the proposed use complies with UDO requirements as presented. 5. Confirming testimony should be provided by the applicant that catering is not proposed with this converted use. 6. As indicated in the application documents, the applicant is seeking a waiver of the perimeter buffer requirements, between proposed Lot 7.01 and adjacent residential Lot 11, that are stipulated in Section 18-905B of the UDO. Buffering (if any) should be provided to the satisfaction of the Board. 7. The change of use plan depicts proposed sidewalk along both (Elm, Melville) property frontages. 8. As indicated per note #13 on the Change of Use site plan, grading, utilities and construction details for this lot will be provided during Plot Plan review if/when Board approval is granted. The applicant should be aware that on-site drainage measures (e.g., dry wells) will likely be required for stormwater management purposes at time of Plot Plan approval. 9. As depicted on the Change of Use site plan, trash will be disposed in robocans stored on the rear of the residence that will be put curbside for collection by the Township DPW. 10. Per Note #14 on the Change of Use plan, only building-mounted security lighting is proposed at this time. 11. Any information necessary to document compliance with Section 18-905, "Places of Worship and Religious Facilities" of the UDO should be provided. 12. The requested Change of Use site plan approval, if granted, does not alleviate the applicant's obligation to obtain any other necessary outside local or outside agency approvals necessary for the proposed conversion.

7. **SP 1993AA** (No Variance Requested)  
Applicant: Congregation Khal Bais Avrohom Inc  
Location: 2 Poplar Street  
Block 1.05 Lot 12

Change of Use/Site Plan Exemption to convert existing single-family home into house of worship

### **Project Description**

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of an existing residence into a synagogue via a proposed addition and other improvements. Per our review of the documents, it is our understanding that the converted building would no longer be used as a residence. The site is located on the northwest corner of the intersection of Poplar Street and County Line Road. The property is rectangular in shape, is 15,146 sf in area. The site surrounded primarily by single-family residential structures on the northerly side of County Line Road, with the Lakewood Country Club on the south side of the road. Curbing and sidewalk exist along the Poplar Street property frontage (only). 1. Zoning 1. The property is located in the R-15 (Single Family Residential) Zone. Synagogues are a permitted use in the zone, subject to the requirements of Section 18-905 of the UDO. 2. Per review of the Site Plan and the zone requirements, the proposed synagogue (including the proposed addition) complies with the Bulk requirements of the R-15 zone. There appear to be some minor corrections necessary to the Zone Requirements Table which could be addressed as a condition of Board

approval (if/when forthcoming). II. Review Comments 1. Per review of the submitted "Poplar Shul" floor area plat, it appears that the converted building will contain sanctuary space and amenities, bathrooms and a kitchen (only). Testimony should be provided by the applicant's professionals that the converted building will be used as a synagogue (only). 2. As noted on the floor plan, the floor area of the "Main Bais Medrash" is depicted as 900 sf floor area, with a 'useable' sanctuary floor area of 800 sf. Testimony should be provided by the applicant and/or professionals to confirm that our interpretation is correct. 3. As depicted on the Change of Use Plan, there is an existing 43' long driveway capable of providing two (2) 9'x18' off-street parking spaces. For small places of worship, Section 18-905 of the UDO does not require off-street parking for "main" (useable) sanctuary spaces of 800 sf or less, but 1 parking space for every one hundred square feet of main sanctuary space above the 800 sf threshold. 4. Confirming testimony should be provided by the applicant that catering is not proposed with this converted use. 5. Off-street parking should be provided to the Board's satisfaction. Per communications with the applicant's professionals, it may be feasible to expand the existing driveway that accesses Poplar Street if necessary, or desired to provide additional off-street parking. 6. As indicated in the application documents, the applicant is seeking a waiver of the perimeter buffer requirements, to adjacent residential Lot 11, that are stipulated in Section 18-905B of the UDO. There is an existing 10.8 foot setback from the existing structure to the adjoining property. Buffering (if any) should be provided to the satisfaction of the Board. 7. As depicted on the Change of Use site plan, trash will be disposed in robocans stored on the side of the residence that will be put curbside for collection by the Township DPW. 8. Testimony should be provided regarding any existing or proposed security lighting associated with the proposed use. 9. Any information necessary to document compliance with Section 18-905, "Places of Worship and Religious Facilities" of the UDO. 10. The requested Change of Use site plan approval, if granted, does not alleviate the applicant's obligation to obtain any other necessary outside local or outside agency approvals necessary for the proposed conversion.

Mr. Lines, P.E. was sworn in. He stated that this is an existing single family house with a carport which they are proposing to convert into a synagogue with an addition on the County Line Road side for the entryway including handicapped accessible bathrooms. They are requesting a waiver from sidewalks on the County Line Road side because there are no sidewalks on that road.

Mr. Neiman opened to the public.

Ms. Alvarez, 1 Crocus Street asked how it would affect her as she lives directly behind this.

Mr. Lines stated that the main use will be on Saturdays and there wouldn't be any one driving. Some occupancy during the week. It's really to service the neighborhood for anybody that is in walking distance. There is two parking spaces on the property. There is a 20 ft buffer to the rear of the property. There is currently a 4' fence. The applicant is willing to put up a 6' white vinyl fence.

Mr. Neiman closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve  
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

8. **SD 1858** (Variance Requested)  
Applicant: 23 Miller Road, LLC  
Location: Miller Road  
Block 11.03 Lots 1 & 92  
Preliminary & Final Major Subdivision to create five lots  
**\*Applicant's attorney Mr. Steve Pfeffer has requested this item be carried to the October 30<sup>th</sup> public hearing.**

Mr. Jackson announced that this application will be carried to the October 30<sup>th</sup>, 2012 meeting. No further notice required.

9. **SP 1992** (No Variance Requested)  
Applicant: Mikor Hatorah c/o Jeffrey Schron  
Location: Massachusetts Avenue  
Block 524.28 Lot 73.01  
Preliminary & Final Site Plan to construct a gymnasium for an existing school  
**\*Applicant's attorney Mr. Moshe Klein has requested this item be carried to the October 30<sup>th</sup> public hearing.**

Mr. Jackson announced that this application will be carried to the October 30<sup>th</sup>, 2012 meeting. No further notice required.

10. **SP 1975** (Variance Requested)  
Applicant: Lakewood Housing Partners  
Location: Southeast corner of Vermont Avenue & Oak Street  
Block 1154 Lots 1 & 10  
Block 1155 Lots 1 & 6  
Amended Preliminary & Final Site Plan for sixty-five affordable housing rental units  
**\*Applicant's attorney Mr. John DeVincens has requested that this item be carried to the October 30<sup>th</sup> public hearing.**

Mr. Jackson announced that this application will be carried to the October 30<sup>th</sup>, 2012 meeting. No further notice required.

## 6. CORRESPONDENCE

1. **SD 1603A**  
Applicant: Joseph Rosenbaum  
Location: River Avenue  
Block 415 Lots 10, 11, & 12

Request to remove a portion of condition 14 of the Resolution of Approval that requires the Homeowners Association documents to be filed with the Department of Community Affairs

Mr. Jackson stated that the DCA does not require any kind of filing of the homeowner's documents. That can be removed from the resolutions.

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

## **7. PUBLIC PORTION**

## **8. APPROVAL OF MINUTES**

A motion was made and seconded to approve minutes from the August 21, 2012 and August 28 2012 meetings.

Affirmative: Mr. Herzl, Mr. Banas, Mr. Schmuckler, Mr. Follman, Mr. Rennert

## **9. APPROVAL OF BILLS**

A motion was made and seconded to approve.

Affirmative: Mr. Herzl, Mr. Banas, Mr. Schmuckler, Mr. Follman, Mr. Rennert

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary