

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

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

Mr. Flancbaum was sworn in as a Class II Planning Board member.

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

Mr. Neiman asked that the camera placed in front of the dais be moved to the back of the court room near the prosecutor's office. There is still a clear view from that location.

Mr. Jackson stated you can see people's private notes if the camera were at the dais and that is intrusive and counterproductive. This is a good way to balance it and a way to keep their first amendment rights. He asked that a resolution be adopted as part of their rules and regulations that all recording devices shall be in that location.

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

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

- 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 they would like incorporated and would like this carried to the June 9, 2015 meeting.

- 2. **SD 2006** (No Variance Requested)
Applicant: Chateau Holdings LLC
Location: River Ave & Edgecomb Ave
Blocks 1021; 1040 Lots 4; 1.02
Preliminary and Final Major Subdivision to create 22 fee-simple duplex lots and 1 commercial lot

A motion was made and seconded to approve.

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

- 3. SD 2014** (Variance Requested)
Applicant: Eliezer Kleinman
Location: Towers Street
Block 855.04 Lot 32
Minor Subdivision to create two lots

A motion was made and seconded to approve.

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

- 4. SD 2028** (Variance Requested)
Applicant: Michael & Riva Wenger
Location: Princeton Avenue & 14th Street
Block 147 Lot 1
Minor Subdivision to create two fee-simple duplex lots

A motion was made and seconded to approve.

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

- 5. SP 2110** (No Variance Requested)
Applicant: Imrai Kohain Congregation Inc
Location: Miller Road
Block 12.02 Lots 17, 21.01, & 21.02
Preliminary and Final Major Site Plan for a synagogue

A motion was made and seconded to approve.

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

- 6. SP 2105** (Variance Requested)
Applicant: Andres Estronza
Location: Ocean Avenue
Block 536 Lot 154
Preliminary & Final Major Site Plan for a building addition

A motion was made and seconded to approve.

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

- 7. SP 2106** (Variance Requested)
Applicant: Mordechai Zafrani
Location: Monmouth Avenue
Block 127 Lot 7
Preliminary & Final Major Site Plan for a synagogue

A motion was made and seconded to approve.

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

- 8. SD 2026** (Variance Requested)
Applicant: ARM Land Group, LLC
Location: Clover Street and Ocean Avenue
Block 538 Lots 15-18
Preliminary & Final Major Subdivision to create twelve fee-simple duplex lots

A motion was made and seconded to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 9. SD 2027** (Variance Requested)
Applicant: ARM Land Group, LLC
Location: Ocean Avenue
Block 246 Lots 36, 37, 64
Preliminary & Final Major Subdivision to create eight fee-simple duplex lots

A motion was made and seconded to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 10. SD 2024** (Variance Requested)
Applicant: Prospect 54 LLC
Location: Prospect Street
Block 411 Lots 30, 35, 36, 40, & 43
Preliminary & Final Major Subdivision to create 78 lots (74 fee simple duplexes, 1 house of worship, 2 basin lots, 1 open space lot, and 1 commercial lot)

A motion was made and seconded to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Follman
Abstain: Mr. Flancbaum, Mr. Rennert

- 11. SD 1895A** (Variance Requested)
Applicant: Ocean Avenue Property Holdings LLC
Location: Ocean Avenue
Block 536 Lots 1, 2, & 4
Amended Preliminary & Final Major Subdivision to create 20 fee-simple duplex lots, 1 remaining lot, and 1 open space lot

A motion was made and seconded to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 12. SD 2029** (Variance Requested)
Applicant: Somerset Development
Location: Towers Street & Pine Street
Blocks 824; 824.01; 825; 828; 829; 830; 853
Lots 1; 1; 1; 1; 1, 3, & 5; 1.05; 1
Preliminary & Final Major Subdivision to create 21 residential lots, 48 townhouses, a community building, and a vacant lot (74 lots)

A motion was made and seconded to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

5. PUBLIC HEARING

1. **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 stated that the applicant's attorney asked that this be carried to the July 7, 2015 meeting. No further notices.

Mr. Peter Flum, 639 8th Street, was sworn in.

Mr. Jackson said he has heard the concerns of the neighbors regarding this application be carried numerous times. It is up to the Board, there is no limit on it but the Chairman can rule as to how many times an application can be carried before a renote is required.

Mrs. Morris stated her notes indicate that this application was on the April 14, 2015 plan review meeting and was advanced to this meeting so this application has not been delayed.

Mr. Flum said he understands the applicant is in Israel vacationing. He is wasting his and the Board's time.

Mr. Neiman said if this does not get heard on the July 7, 2015 meeting then the Board will require a renote.

Mrs. Weinstein said the reason this application is being carried is not because the applicant is in Israel. The applicant wants to meet with the objecting neighbors and has not had the opportunity to do that yet.

Mrs. Morris asked that she waive the time period for the Board to act upon this application.

Mrs. Weinstein agreed and waived the time period.

2. **SD 2034** (Variance Requested)
Applicant: Rivka Herskovits
Location: Read Place
Block 855.02 Lot 33
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated May 21, 2015 was entered as an exhibit.

Mr. Vogt stated the applicant is requesting a minimum lot width variance.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated that this is an application for a minor subdivision on a one acre lot on Reed Place. A lot width variance is requested. This is similar to many other lots in the area. He showed an exhibit to the Board showing similar applications within 100 ft that has been approved by this Board.

Mr. Rennert asked why the lot is "L" shaped.

Mr. Moshe Herskowitz was sworn in. In order to keep that lot conforming, he is giving some land to the other lot.

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

- 3. SP 2114** (Variance Requested)
Applicant: Chateau Holdings LLC
Location: River Avenue
Block 1040 (Future Block 1021) Lot 1.01 (Future Lot 4.23)
Preliminary & Final Major Site Plan for a commercial building

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

Mr. Vogt stated that variances are requested for minimum front yard parking setback and maximum sign area. The applicant shall address their compliance with landscape buffering.

Mr. Adam Pfeffer, Esq.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is for a 27,000 sf commercial building. If the Board recalls, this lot was part of an approval last month. The residential subdivision created the commercial lot along Route 9 next to the Chateau building. The relief asked for is a minimum parking front yard setback of 59.4 ft where 65 ft is required. They are outside the desired typical section and are consistent with the property next door. A sign area variance is requested for 187.45 sf where 75 sf is required. It is the kind of facility where that kind of exposure will help both the applicant and the public. It is a very good ratable for the Township. Variances can be granted without any detriment to the zone plan or zoning ordinance. Additionally, relief is requested for the landscape buffering along the residential lots which was just approved. A fence is proposed and a landscaping plan has been prepared for that project. There is a comment on the review letter suggesting that this lot and the commercial lot to the southwest be consolidated as they are owned by the same entity. However, they do not want to do that. They are both lots that meet the ordinance and will be operated differently. There will be a cross access easement so that the parking on both will have access in and out. All other items in the engineer's review letter will be addressed.

Mr. Neiman asked about the traffic flow.

Mr. Flannery said there is one entrance off of Route 9 where they would need a DOT approval. In addition to that, there will be a cross access easement to the Chateau facility which is under construction right now and is also a retail commercial site. That particular site is on the intersection of Broadway and Route 9. Broadway is one of the major collector roads on the Master Plan. There is a traffic light that will be going in at that intersection and the applicant has already met with the DOT and would pay his fair share.

Mr. Neiman asked if that exit would be a right in and right out only.

Mr. Flannery said that would be subject to the DOT. He would imagine it would be right in and right out.

Mr. Banas said at one point they were discussing a road going in back of the building.

Mr. Flannery said it is Parkview Avenue. The applicant with the subdivision approval agreed to do that.

Mr. Banas asked where that would extend.

Mr. Flannery said that would join Broadway which is to the south.

Mr. Neiman said there will be a traffic light on the corner of Broadway and Route 9..

Mr. Flannery said that is correct.

Mr. Pfeffer said the Township has already passed an ordinance and that has been sent to the DOT. They do not want this approval restricted subject to that traffic light being installed.

Mr. Flannery said it would be done through a developer's agreement with the Township Committee.

Mr. Banas asked about the landscaping.

Mr. Flannery said there would be the typical street trees along Route 9 and along the perimeter would be Evergreen and flowering plants.

Mr. Banas asked what is to the east.

Mr. Flannery said it is vacant. The Township submitted a CAFRA permit for that whole area.

Mr. Vogt asked if the fence will be a solid and 6 ft high.

Mr. Flannery said yes.

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

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

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

- 4. SD 2037** (Variance Requested)
Applicant: Yehuda Gelbfish
Location: Monmouth Avenue
Block 139 Lots 3 & 5
Minor Subdivision to create four fee-simple duplex lots

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

Mr. Vogt stated that variances are requested for lot width and front yard setback. A design waiver is required with regard to sidewalk along the property frontage of Washington Place.

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

Mr. Yehuda Gelbfish, 25 14th Street, was sworn in.

Mr. Flannery entered exhibits A-1, a copy of the plan as submitted, and A-2 is a tax map showing where the property is located. It is a very unique piece of property. There are currently two structures which are in need of redevelopment. The applicant is asking for duplexes on these lots. The lots conform with area requirements in the R-10 for a duplex. The variances requested are due to the unique shape of the property as it is only 92 ft between Washington Place and Monmouth Avenue. In order to get a house that accommodates the families that would be moving here, they are asking for that relief. A front yard setback of 20 ft is proposed where 30 ft is required on Washington Place. No houses are facing that way so nobody is directly impacted by that. Along Courtney, a front yard setback of 20 ft is proposed where 30 ft is required. Again, so the buildings have some separation they are looking for relief as well. A front yard setback on Monmouth Avenue of 15.7 ft is proposed where 30 ft is required. If you look at the existing structures on the site, they meet the same standards. Variances can be granted without any detriment to the zone plan or zoning ordinance. The rest of the comments in the engineer's review letter can be satisfied.

Mr. Neiman said the Board will not grant relief from providing sidewalks along Courtney Road.

Mr. Gelbfish said that was resolved at the previous meeting. They will be providing sidewalks.

Mr. Neiman asked where the driveways are located.

Mr. Flannery said the driveways all come out to Washington Place. The spaces are pushed away as far as possible from the intersection and are both centered on each of the units. The units have jogs in them so it is not just a straight line.

Mr. Neiman opened to the public.

Ms. Silvija Hagenfeld, 1351 Monmouth Avenue, was sworn in. She lives across the street from the proposed duplexes. She is opposed to this application and believes it will affect their quality of life.

Mr. Leo Schwartz, 111 Hudson Street, was sworn in. He is opposed to this application and believes it will affect their quality of life.

Ms. Hagenfeld is concerned about the existing trees and wildlife.

Mr. Neiman closed to the public.

Mr. Flannery said there are existing homes in the area with similar setbacks. Duplexes are permitted on 12,000 sf lots. They are not asking for a reduction in size, they are asking for front yard setbacks to make a structure that will fit a family. They can plant more trees but they cannot save the existing trees.

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

Affirmative: Mr. Banas, Mr. Flancbaum

Mr. Follman: No

Abstain: Mr. Neiman, Mr. Rennert

5. **SD 2038** (Variance Requested)
Applicant: Irving Heilbrun
Location: 7th Street
Block 46 Lot 9
Minor Subdivision to create two lots

Applicant has requested to carry this item to the July 7, 2015 meeting. This project will not be heard. No further notices.

6. **SD 2040** (Variance Requested)
Applicant: Yehoshua Frenkel
Location: Cross Street
Block 439 Lot 7
Preliminary & Final Major Subdivision to create eight fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated May 21, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for building coverage, rear yard setback and the number of parking spaces. A design waiver is requested for the front stagger of the building units to exceed 3 ft.

Mr. Brian Flannery, P.E., P.P. was sworn in. He entered exhibit A-1, a rendering of the proposed subdivision, A-2 shows where the application is located. A design waiver is requested for staggering the units. Because of the nature of the property and the cul-de-sac, the units are staggered more than 3 ft on the two rear units. Ordinance 10-14 allows 40% maximum building coverage so they are not requested a maximum building coverage variance. To encourage duplexes rather than townhouses, the Township passed an ordinance which allows duplexes on 8,500 sf lots with 40% impervious coverage. It is his testimony that that variance is not required. A rear yard setback of 7.5 ft where 15 ft is required. That is just for the corner of the one building due to the unique shape of the property. They have done it this way so the owners have a nice, useable house. Three off-street parking spaces are being provided. The applicant did not want to create a visibility issue. When the house gets built, they would have to show they have parking that conforms with the ordinance. Variances can be granted without any detriment to the zone plan or zoning ordinance. The rest of the comments in the engineer's review letter can be satisfied.

Mr. Vogt stated that he is not seeking relief for the parking spaces.

Mr. Flannery said that is correct. They do comply with RSIS but they are not asking to put in a 6 bedroom house and ask for 3 parking spaces.

Mr. Rennert asked if it would make sense if they removed the L shaped lots and made two rectangular lots or would that create more variances.

Mr. Flannery said they would be creating more variances. When it is built and driving down the street, it will look like any other duplex lots.

Mr. Banas asked for the definition of a duplex.

Mr. Vogt read into record "A duplex on a single lot containing two side-by-side only dwelling units with front staggered by not more than 3 ft, each of which is totally separated from the other by an unpierced wall extending from ground to roof with both dwelling units and having separate private entrances to each dwelling unit. The entrances for both dwelling units must face a public street. Front-to-back dwelling units are not considered to be a duplex."

Mr. Banas asked if these duplex units fall into that definition.

Mr. Vogt said yes, based upon the site layout.

Mr. Flannery said that is correct. The only relief they are asking for is to stagger more than 3 ft.

Mr. Follman said then it is no longer a duplex.

Mr. Flannery said a similar application came before this Board and the Board ruled that it was a design waiver which was granted. The jog they are asking for is about 9 ft. If the Board does not like that, they could push that unit to match the other one but it takes away from the rear yard.

The Board would like the applicant to keep with the definition of a duplex.

Mr. Flannery agrees and would mend their applications to put a maximum of 3 ft jogs for the buildings.

Mr. Neiman would like to see at least 4 parking spaces.

Mr. Flannery agrees to extend the driveway and add some landscaping in order to fit 4 spaces.

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

Mr. Rennert said there is nowhere to park on the road without blocking someone's driveway.

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

Affirmative: Mr. Banas, Mr. Neiman, Mr. Flannery, Mr. Follman, Mr. Rennert

- 7. 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.

Mr. Vogt stated that variances are being requested for minimum lot width, side yard and front yard setback.

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

Mr. Joe Kociuba, P.E., P.P. was sworn in.

Mr. Flannery said the application is to subdivide 3 existing lots to create 6 lots and a cul-de-sac. Two of the homes will remain and 4 residential lots will be created. Exhibit A-1 is a copy of the plan submitted, A-2 is a copy of the tax map showing the location of the application. The variance relief asked for is minimum lot width on various lots. All of the lots conform with the 12,000 sf requirement but due to the nature of the cul-de-sac they are requesting relief for the lot width. Additionally, a side yard setback variance of 7.59 ft is requested where 10 ft is proposed. That would be between the two existing homes. Nothing would look different when driving down the street. A front yard setback is requested on the existing home lots to the proposed cul-de-sac. The applicant is providing off-street parking spaces which exceeds the requirement. With respect to the stormwater

management, there will be a meeting with DPW to determine what gets covered. There were some requests from the neighbors so that the water was not discharging towards their property.

Mr. Vogt stated that they have requested to hear testimony as to the presence of wetlands and associated buffers.

Mr. Flannery said the applicant has retained Jack Prior to look at the site. He did a site visit and his report and conclusion is there are no wetlands.

Mr. Ron Gasiorowski, Esq. objected as that is hearsay.

Mr. Flannery said any DEP permits would be outside agency approvals.

Mr. Vogt said there are two potential issues. One is with regard to freshwater wetlands and the fact that they do not have any site specific information. What they have is based upon the state's GIS data which shows wetlands potentially present at the northeast corner. The other issue is that the state's mapping is showing a local waterway up to within about 100 ft east of that corner. The state is calling that waterway a category 1 designation. Depending upon the location of the waterway, the state could require up to 300 ft, however, the applicant can petition to have that buffer reduced to 150 ft. He asked if they know anything tonight as to the person that has done these investigations.

Mr. Flannery said the land use law stipulates that the applicant is allowed to submit an application and any of the other approvals needed be a condition of approval.

Mr. Neiman said this is very significant. It's a category 1.

Mr. Flannery said he is familiar with this area and it runs through the backyards. He said there is nothing critical out there. They do not have a definite answer tonight. In order to get one, they would have to go offsite on other people's properties. The applicant should not have to go through that expense if the Board is not going to grant approval anyway. That is why the MLUL allows an applicant to come before this Board first.

Mr. Gasiorowski represents an objector, Yossi Berger, whom lives on Van Buren Avenue in close proximity to this property. He stated that the waterway runs through Township property. He agrees that the DEP has jurisdiction to decide but he believes when an applicant comes before the Board, the Board should have some idea of where the wetlands are to understand the impacts.

Mr. Gasiorowski presented an exhibit to the Board detailing the location of the lots and wetlands.

Mr. Flannery argued the map shown to the Board is not accurate.

Mr. Neiman asked why his client is objecting to this when NJDEP approval is a condition of this approval.

Mr. Gasiorowski said there is absolutely nothing in the documents submitted which even discloses the possibility of wetlands.

Mr. Neiman said his client is living within the 50 ft buffer as well.

Mr. Kociuba stated that documentation submitted does indicate that there are some offsite wetlands as was noted by the Board Engineer in his review letter.

Mr. Gasiorowski said when his client's house was built that 300 ft restriction was not in place.

Mr. Vogt said there are two environmental issues. The one deals with wetlands with one buffer that is assumed and intermediate value and it's the most common buffer which is 50 ft. If for some reason the wetlands encroaches on the property in the buffer, the applicant can seek permits to a certain point to deal with that. The far bigger issue is the larger buffer line. That is not a wetlands buffer. It is known as a Riparian buffer. It was assigned with the regulation changes which is why you see a lot of the existing homes in this area. They do not have any site specific information which shows the waterway.

Mr. Jackson said wetlands is not the purview of this board. The application is contingent on those outside agency approvals.

Mr. Gasiorowski said the Board should be aware as to the extent of the wetlands before this is approved.

Mr. Flancbaum said the information they have is inconclusive but it is no different than granting another application subject to well and septic approval by the Ocean County Board of Health.

Mr. Neiman asked if there is an LOI for this property.

Mr. Vogt said typically an LOI is a condition of approval. If the Board acts favorably, can a condition be made that the actual plan will not be filed until the determination for the category 1 buffer. The lots are not created until the map is filed with the county.

Mr. Gasiorowski said he has never seen a subdivision come before a board where there were known wetlands on the property and there was not a preliminary LOI.

Mr. Kociuba stated that there are not known wetlands on the property. The buffer is touching the lot line, not the wetlands.

Mr. Vogt said the buffer would be 150, 200 or 300 ft. Another question is where the waterway ends.

Mr. Kociuba said he walked the site today and reviewed the DEP rules. It is his opinion that the end of the regulated water, which is where that 300 ft buffer is measured from, is substantially further off the site than this map shows.

Mr. Gasiorowski said that he should prepare a report and subject himself to cross examination.

Mr. Flancbaum said the bottom line is the stream needs to be field verified but this Board does not handle that. The approval would be subject to whatever the findings are.

Mr. Neiman opened to the public.

Mr. Moses Gelfand, 7 Kings Court, was sworn in. He is concerned about the drainage, wetlands and density of this project. He argued that the DEP does not look at actual plans proposed.

Mrs. Morris said the DEP would have to review the plans to confirm that any houses are outside of the buffer.

Mr. Vogt stated the DEP is going to determine where the category 1 buffer is. Upland in a buffer, they can build. Inside the buffer, they would not be allowed to build. DEP is not going to look at zoning or design. They are going to look at this property and determine where this waterway is located.

Mr. Gelfand said Gudz is a major thoroughfare as thousands of people are coming out of Westgate. Gudz has no sidewalks and he is concerned about the additional traffic.

Mr. Luis Martinez was sworn in. He objects to this application due to the increased density and traffic. He believes it will affect his quality of life.

Mr. Joseph Berger, 125 Van Buren Avenue, was sworn in. He objects to this application due to the increased density and traffic. He also has concerns about the increased water coming from this project.

Mr. Vogt said the drainage design is not finished at this time. It is a comment in the review letter.

Ms. Chana Oppen, 113 Van Buren Avenue, was sworn in. She objects to this application and is concerned about the increased water due to this project. She complained about standing water and mosquitoes.

Mr. Neiman is considering holding off on this application until they see something from the DEP. Mr. Banas is in agreement.

Mr. Flannery said it would take six months and a lot of money. If this application does get continued to the next meeting, he would provide a plan showing no variances but they would have to knock down one of the existing homes. Then the only issue would be the wetlands. It would not be fair to the applicant to make him wait six months.

Mr. Vogt said he would like the study that was mentioned before prior to the next hearing if this is continued.

Mr. Flannery said he would provide that.

Mr. Vogt said if they have that information and testimony supporting that report then the Board may not have an issue.

Mr. Flannery said they could also provide information regarding the character of the properties. Something can be provided by the end of the week. He asked if they can be heard on the June 9, 2015 meeting.

Mr. Gasiorowski asked permission for his professionals to do a site investigation of the property.

Mr. Flannery said the applicant is fine with that as long as they schedule it with him first.

Mr. Flannery granted a time waiver.

A motion was made and seconded to carry this application to the June 9, 2015. No further notices.

- 8. SD 1692B** (Variance Requested)
Applicant: Mordechai Taub
Location: Leonard Street
Block 228 Lot 2
Amended Minor Subdivision to create two lots

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

Mrs. Morris stated that this is a previously approved application. A building coverage variance had been granted. Since then the ordinance has changed to permit a larger building coverage so they are not back to request an increased coverage variance.

Mr. Vogt stated the maximum building coverage requested is 34.2%.

Mrs. Miriam Weinstein, Esq. said there was a subdivision application in 2010 which created two very undersized lots. Subsequently, at the end of 2013 the applicant came back and requested one variance for lot coverage for 30% where 25% was permitted. The ordinance has since been changed to permit the 30% coverage in the R-10 zone, therefore they are now asking for 34.2%. One of the house already has a house constructed. They are looking for the coverage variance on the other lot. The original house was 4,080 sf and the proposed house will be 4,330 sf. The applicant happened to purchase a lot in a very pricy neighborhood. He is just trying to get himself a few more square feet.

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

Mr. Neiman asked where they are adding the additional coverage.

Mr. Mordechai Taub was sworn in. He said in the back part of the house.

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

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

Abstain: Mr. Banas

6. CORRESPONDENCE

- **SD 1752** – change to original approval from townhouse units to duplex units

Mr. Adam Pfeffer, Esq. stated that they are actually decreasing the number of units from 43 to 42. No new variances are being created. The triplex units will become duplex units. The community center will be moved from the rear to the front.

Mr. Vogt asked if the cul-de-sac is RSIS compliant.

Mr. Lines said yes.

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

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

- **SD 1381** – removal of original condition of approval restricting driveway location

Mrs. Morris stated there was a restriction on this approval regarding the driveway location for a future dwelling because there was an existing tree they wanted to preserve. The tree has since been removed but that condition is still in the resolution. The applicant has applied for building permits and are now having difficulty complying.

Mr. Adam Pfeffer, Esq. stated that the tree was knocked down during Hurricane Sandy.

A motion was made by Mr. Rennert, seconded by Mr. Flancbaum to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- **SP 2055** – adjustment to approved building locations and uses

Mrs. Morris said this was on correspondence at the last meeting but the Board asked for additional information.

Mr. Brian Flannery, P.E. said the original building was 17,628 sf and required 338 parking spaces because there was a restaurant. The building has been reduced by 207 sf and no longer requires a parking variance. The uses are being change from a supermarket and restaurant to retail only.

Mr. Vogt said there was a variance condition with the original approval but it is actual lessened.

Mr. Flannery said it is eliminated.

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to approve.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary