

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Flancbaum, Mr. Follman, Mr. Cautillo

3. SWEARING IN OF PROFESSIONALS

Mr. Terrance Vogt, P.E., P.P., C.M.E. was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD 2173 Shulem Illowitz

Joe Parker Road

Block 189.04, Lots 188-190

Minor Subdivision to create four lots

Mr. Jackson said the applicant's attorney had a couple of issues with the resolution. The applicant's engineer testified that any future development of the school be limited to 30% building coverage. He may have said that but he does not think they should make it a condition. The applicant's attorney also requested that the parking area not be limited to only parent/teachers night but can be used as needed.

Mr. Penzer doesn't have an issue limiting to only parking but he does not want it limited for certain occasions such as PTA.

Mr. Jackson said they would like exceptions for special circumstances.

Mr. Penzer said that is correct. He does not want it to be limited to just parent/teachers night or overflow.

Mr. Jackson said they would change the wording to 'including, but not limited' and it should satisfy his request.

Mr. Herzl said it should be limited to school functions.

A motion was made and seconded to approve the resolution.

2. SD 2179 Mark Properties LLC

Netherwood Drive

Block 433; 436, Lots 1, 2 & 3; 1 & 2

Preliminary and Final Major Subdivision to create 6 lots

A motion was made and seconded to approve the resolution.

- 3. SP 2207 36 Airport Road, LLC**
Airport Road Block 1160.12, Lots 263, 263.01, & 263.02
Preliminary and Final Major Site Plan for an addition to an existing office building

A motion was made and seconded to approve the resolution.

- 4. SP 2213 Congregation Neustadt**
East County Line Road Block 172.01, Lot 2
Preliminary and Final Major Site Plan for a house of worship

A motion was made and seconded to approve the resolution.

- 5. SD 2186 Pinchos Wolhendler**
East Seventh Street Block 208, Lots 134.03 & 134.04
Minor Subdivision to create 3 lots

A motion was made and seconded to approve the resolution.

- 6. SD 2157A Dovid Berger**
Second Street Block 72, Lot 7.01
Amended Preliminary and Final Major Subdivision to create 5 lots

A motion was made and seconded to approve the resolution.

- 7. SP 2219 Congregation Mishkan Hatorah Inc**
East County Line Road Block 174, Lots 20.02 & 20.03
Preliminary and Final Major Site Plan for a school with a dorm

A motion was made and seconded to approve the resolution.

- 8. SP 2225 Yosef Notis**
James Street Block 284.06, Lot 23
Preliminary and Final Major Site Plan for a house of worship

A motion was made and seconded to approve the resolution.

5. PUBLIC HEARING

- 1. SP 1957A Beth Medrash Govoha of America**
Forest Ave & Carey Street Block 63, Lots 1 & 4
Extension of Preliminary and Final Major Site Plan for a school campus

Mr. Abraham Penzer, Esq. said an appeal was filed by an objector, upheld in Toms River, and filed in the appellate division and this Planning Board was upheld as well. Understandably, that took a tremendous amount of time until they went through this process. The applicant is requesting two 1 year extensions.

Mr. Herzl opened to the public.

Mr. Shlomo Klein said the applicant filed an affidavit of ownership under the name **Elli Cooperman**.

Mr. Penzer said he is the vice president of BMG.

Mr. Klein said usually an affidavit of ownership is filed by the president or CEO. If the form is not filled out correctly, the board cannot vote. He stressed how important it is to fill out the form correctly.

Mr. Penzer said he is a student of BMG and has represented them for 43 years. Elli Cooperman has been the vice president and duly authorized to sign any and all documents. There is no need to show ownership as this is only an extension of the approval. Also, this application was litigated and this matter was not raised and cannot be raised at this point.

Mr. Jackson agrees with Mr. Penzer. The documents speak for themselves and indicate there is a proper ownership interest. He does not see a reason why the board can not consider this.

Mr. Herzl closed to the public.

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

2. SP 2150A Wawa Lakewood LLC

Route 9 and Prospect Street

Block 420; 420.01, Lots 16; 12, 14, & 23

Amended Preliminary & Final Major Site Plan and Minor Subdivision for a convenience store and gas station

A review letter prepared by Remington, Vernick & Vena Engineers dated March 8, 2017 was entered as an exhibit.

Mr. Robert Lackey, Esq., acting on behalf of the Planning Board as conflict attorney.

Mr. Ray Shea, Esq. said the applicant is here for minor changes to the original application. The applicant agrees to all comments in the engineer's report.

Mr. Vogt said testimony should be provided concerning parking.

Mr. Christopher Longo, P.E., was sworn in. The parking question originated from the adjacent property which had 25,000 sf of medical use at that particular point in time and 23,400 sf of office space.

Mr. Shea said he is referring to 500 River Avenue. The question of parking really doesn't relate to the Wawa approval but to the contribution of the adjacent property to form that approval.

Mr. Herzl asked if any variances are being requesting for parking.

Mr. Shea said no.

Mr. Longo said medical use needs 1 space per every 150 sf, office needs 1 space per every 300 sf which results in the requirement of 245 spaces. The owner has since put forth an easement allowing for an additional 16 parking spaces which brings the total up to 201.

Mr. Shea reiterated he is referring to the adjacent property, not Wawa.

Mr. Longo said the Wawa gave up 16 spaces to assist the adjacent property.

Mr. Vogt questioned, in his experience with the property, how well will the overall site function from a parking standpoint.

Mr. Longo said professionals from his company have witnessed a surplus of parking spaces in this particular application.

Mr. Shea presented the same testimony for the original application as well.

Mr. Vogt said they have been out there on several occasions and have witnessed the same. There is typically surplus.

Mr. Shea explained they came in for a minor subdivision to realign lot lines in order to accommodate the same uses which resulted in some technical relief. They thought they had addressed it then but it wasn't clear so they are back before the board.

Mrs. Morris said the Wawa has sufficient parking but the existing site next door is technically a little short but the site is involved in the application because it was part of the minor subdivision approval.

Mr. Vogt said one way of looking at this is they are improving a pre-existing non-conformity.

Mr. Longo said that does not exist today as the medical center is now closed so they have a surplus of parking.

Mr. Vogt asked if the applicant is seeking any sign variances.

Mr. Shea said no, they would move the sign back in order to comply. Again, this is concerning the adjacent property, not the Wawa application.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn in. He said he did not see an affidavit of ownership in the file. He asked who the owner is.

Mrs. Morris said usually a certificate ownership of applicant is filed which defines individual owners with 10% or more interest in the LLC.

Mr. Shea said it is a joint venture between Monmouth Medical Center Southern Campus and the owners of 500 River Avenue. This application was filed 8 or 9 months ago so he is unsure who specifically is listed on the form.

Mr. Klein said then the applicant should file two affidavit of ownerships. The board cannot vote on this application if the form is not filled out properly. He expressed his concern about the parking variance needed for the adjacent property as this area needs as much parking as possible.

Mr. Herzl said Wawa is not requesting a parking variance.

Mr. Klein questioned why they are before the board.

Mr. Vogt asked if this was a Wawa on a standalone piece of property, exclusive of the shopping center, would the applicant require a variance for parking.

Mr. Shea said no.

Mr. Vogt said there is sufficient parking for the Wawa.

Mr. Shea confirmed. There is no deficiency for parking on the Wawa property. He believes the certificate of ownership was filed when the original application was made but he does not have it with him tonight.

Mr. Herzl closed to the public.

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

Mr. Grunberger arrived.

3. SP 2214 Torah Temimah of Lakewood Inc

Lanes Mill Road

Block 187.15, Lot 14

Preliminary and Final Major Site Plan for a school and gym

A review letter prepared by Remington, Vernick & Vena Engineers dated February 15, 2017 was entered as an exhibit.

Mr. Vogt said there was buffer relief required, however, the gymnasium has been relocated. There was previously a variance for parking, the plans now show 32 off-street parking spaces.

Mrs. Miriam Weinstein, Esq. said based on the revised plans, they are not seeking any variances. This particular application was carried several times so the applicant could meet with the neighbor. They have had several meetings with the neighbor, their attorney and planner and within the last few hours have come to a resolution. So the board is aware, this is an application for a boys high school. Currently there are four classes, 9th through 12th grades. The school would like to add a Bais Medrash, post college and a dormitory. There is a free standing gymnasium which was the subject of contention with the neighbor. The plans will be modified slightly from what the board members have seen as a result of the discussions and negotiations with the neighbor.

Mr. Thomas Muller, P.E., was sworn in. Lanes Mill Road is a County road and there is currently a dedication in process which has been incorporated. After dedication, the property would be reduced to approximately 5.4 acres. There is also a 240 ft wide JCP&L overhead electric easement for some distribution lines which takes up about 54% of the property. To the east of the property are residential uses along with wooded areas and beyond is the north branch of the Metedeconk River. To the north, south and west are residential uses. The property has an existing residence with smaller accessory structures in the back. As mentioned before, about 240 ft of the eastern portion of the property is encumbered by that JCP&L easement which is about 54% of the property. Inclusive of that is a pretty large wetlands area including a 50 ft transition area that takes up most of the property on that side. The applicant is proposing to construct a 2 story private school. The gross floor area of the basement and first floor would be 16,996 sf and the second floor would be 13,180 sf. The building height is compliant with the ordinance of 34 ft measured to the deck line with a parapet to screen mechanicals on the roof. Associated with the school would be a free standing accessory building used as a gym which will be 5,400 sf in size. The private school may phase the construction so the school may be built first and the gym would be built in the future. A phasing plan can be provided if needed.

Mr. Vogt said that should be incorporated into the approval if the board acts favorably.

Mrs. Weinstein said they would like the project to be phased. The school building would be built first.

Mr. Vogt asked if all other improvements shown on the site plan would be included in phase 1.

Mr. Muller said essentially yes. The area would be rough graded for the gym.

Mr. Franklin suggested installing a fence around the drainage basin.

Mr. Herzl asked if there would be a dormitory and how many students would be attending.

Mrs. Weinstein said yes. It is a high school so there are four classes, 9th through 12th, with roughly 25 boys to a class so there are about 100 students currently. Potentially up to four classes post high school at most. Right now there is no Bais Medrash so the plan is that once the school is built to have a Bais Medrash.

Mr. Herzl wants to ensure there is enough parking for faculty.

Mr. Muller said 32 parking spaces are proposed which complies with the ordinance.

Mr. Herzl asked about bus drop off/pick up.

Mr. Muller said the site has been designed to accommodate a 36 ft bus drop off area which could stage up to three buses. All the interior radii and driveways have been designed to accommodate the buses.

Mr. Herzl asked about sidewalks.

Mr. Muller said the site has been designed with ADA compliant sidewalks throughout and would access directly to the public right-of-way.

Mr. Herzl asked if sidewalks are being proposed along Lanes Mill Road.

Mr. Muller confirmed, sidewalks and shade trees are proposed.

Mr. Hibberson inquired as to the number of students living in the dormitory.

Mrs. Weinstein does not have an exact number of students as right now as there are none. She believes there are 8 dorm rooms in the basement which is 32 beds. There is a potential to add dorm rooms upstairs.

Mr. Grunberger noticed there are two dining rooms. He asked what the function of those would be and if there would be a Simcha Hall.

Mrs. Weinstein said there is one dining room for the high school and there is a separate dining room for the Bais Medrash. There is not going to be a Simcha Hall.

Mr. Flancbaum asked for the maximum number of high school students and the maximum number of Bais Medrash students that could occupy this building.

Mrs. Weinstein said the high school currently has four classes. They do not have plans to go to parallel classes but the building would be large enough to fit parallel classes which would be a total of eight classes with roughly 25 boys in a class.

Mr. Flancbaum asked what the maximum occupancy is for this building.

Mr. Muller displayed the architectural plans to the board.

Mr. Flancbaum asked how many boys would stay in one room.

Mr. Muller said four per room.

Mr. Flancbaum asked how large the dorm rooms are.

Mr. Muller said 13 ft by 28 ft. There are specific code requirements they would need to comply with. There are 5 classrooms on the first floor, the second floor would have 8 classrooms.

Mrs. Weinstein believes the architect told them by code the maximum occupancy is 450 including all staff. They would not exceed what is allowable by code.

Mr. Herzl asked if students are allowed to drive to school.

Mrs. Weinstein said no, students are not permitted to have cars. The high school students would be bused in. Post high school would be living in the dorm and are not permitted to have a car on campus.

Mr. Flancbaum said there would be a total of 32 post high school students.

Mrs. Weinstein said initially. There is potential to convert the upstairs from classrooms to dorm space. Post high school students are required to live in the dorm. The maximum occupancy of 450 would not be exceeded.

Mr. Grunberger asked if additional parking is needed if they convert dorm rooms.

Mrs. Weinstein said no, dormitories do not have a parking requirement because it goes by classroom. If they add an additional class, they would need an additional parking space but they are already exceeding the requirements. She asked that the marked up plan showing revisions as a result of discussions with the neighbor, Mr. Rosenberg, be shown to the board.

Mr. Muller said the Rosenberg property is to the north. The proposed gym was originally located directly behind the school building but after a number of meetings with the neighbor, they have decided to move the gym laterally to the west while still meeting the 20 ft buffer to both property lines and they would provide a fence between the two properties. There is a topography change between the two properties they would naturally have to follow without grading onto their property but at the lowest point the fence would start at approximately 8 or 9 ft high and then it would start to taper until it's about 16 or 17 ft high past the school building.

Mr. Vogt said a zoning permit is required for a fence that high.

Mrs. Weinstein said there is a pool ordinance which allows for extra tall fences.

Mr. Vogt said they have not had the opportunity to see exactly how high it is relative to what property line. He can't say tonight whether a variance is required but there is a possibility.

Mr. Herzl asked if the fence variance was listed in the notice.

Mrs. Weinstein said it was not but there is a catch-all. They are only providing the fence because the neighbor requested it.

Mr. Muller said there is a natural grade change along that property line so they have agreed with the property owner they would maintain an elevation set at 40 ft so from his property it would look like a nice level fence but the bottom of that fence would start to taper as it would go from a shorter fence to a higher fence. There are wetlands on this property so the proposed fence would not extend the full width of the Rosenberg's property. It would end right before that buffer due to NJDEP restrictions so in order to address that, they would provide a dense planting hedge row of Southern Wax Myrtles which are typically 10 to 12 ft at mature height. This particular plant thrives in wet conditions as well. The neighbor acted favorably on the choice and location of plantings. The neighbor requested the fence be chain link with green slats. The entrance of the gym would be furthest south as possible away from the neighboring property. A public announcement system would not be used inside or outside of the school.

Mrs. Weinstein said there would be no PA system inside the gym and there is no exterior PA system. She does not believe they discussed the PA system inside the school building.

Mr. Muller said it was also agreed that the windows in the back of the school would be frosted so the neighbors can't see into the school.

Ms. Michelle Donato, Esq., on behalf of Mr. & Mrs. Chaim Rosenberg, said there were some additional items discussed previously which she understands have been agreed to. She was under the impression that the gymnasium would be 25 ft from the property line.

Mr. Muller said that is no longer required because they are providing a higher fence.

Ms. Donato understands. She confirmed the only entrance to the gymnasium would be to the southern side.

Mrs. Weinstein agrees as long as there is no other exit required by code.

Mr. Herzl said if they need an emergency exit it should only be used for that, not for people coming in.

Mrs. Weinstein agrees. There probably will have to be another emergency exit but the only entrance would be on the southern side of the property.

Ms. Donato said that is acceptable. The top of the fence will be maintained at elevation 40 ft so that there is uniform height so the fence doesn't go down and up. The gymnasium would be sound proofed to meet the requirements of the state uniform noise code. The windows on the school building on the north side will all be frosted. Mechanicals on the roof of the buildings would be located as far away from the property line as feasible.

Mr. Vogt asked if there is any sort of parapet or screening proposed for the HVAC unit.

Mr. Muller said yes.

Ms. Donato said there would be no windows on the gym wall adjacent to the Rosenberg property. There would be no lights on the three sides of the gym except at the exit doors required for safety.

Mr. Herzl said there are privacy lights that won't spill over onto the next property.

Mrs. Weinstein asked if they could stipulate to everything in the engineer's report.

Mr. Muller confirmed. The areas where they are putting the fence, they are not supplementing with additional trees as the fence would suffice in those areas. They are going to have additional screening in the wetlands buffer area but in the area with the fence, there would be no additional plantings.

Ms. Donato said the applicant reluctantly agreed. They thought it would be a lot nicer to have some additional plantings but they accept as proposed.

Mr. Herzl asked about trash pickup.

Mr. Muller said it would be collected by a private hauler.

Mrs. Weinstein said they would meet with DPW to see if they are willing to pick it up.

Mr. Flancbaum said there is a women's section on the second floor.

Mrs. Weinstein said that is for prayer services for Sabbath.

Mr. Herzl asked if the shul is strictly for the school.

Mrs. Weinstein said if neighbors wanted to attend the service on the Sabbath, they would not object. There would not be cars coming and going during the week.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn in. He said the applicant did not file an affidavit of ownership.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He is concerned as the area is environmentally sensitive. He said the area is very wet and there is also a septic system which do not go well together.

Mr. Flancbaum said they are connecting to public water and sewer.

Mr. Hobday warned that area floods.

Mr. Grunberger noticed there is a residence on the first floor. He asked if that requires additional parking.

Mrs. Weinstein said it is an apartment for the dorm counselor.

Mr. Muller said the ordinance does not require parking but they do exceed ordinance requirements.

Mr. Chaim Rosenberg was sworn in. He thanked the board and yeshiva for giving them the extra time to work with the applicant. He is looking forward to having them as neighbors.

Mrs. Weinstein said per ordinance, no fence may be installed exceeding 8 ft in height, however, the height of the fence may be increased by 1 ft for every 5 ft that it is setback from the property line. The applicant does need a waiver from this section, 18-803 F8.

Mr. Vogt said since this section is in the design standards, it is being interpreted as a design waiver and not a variance.

Mr. Jackson said to be conservative and call it a variance.

A motion was made and seconded to approve the application.

Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Flancbaum, Mr. Grunberger, Mr. Cautillo

Abstain: Mr. Follman

4. SP 2222AA Saul Gray

Pawnee Road Block 2, Lot 52

Change of Use/Site Plan Exemption to convert existing house to a school

A review letter prepared by Remington, Vernick & Vena Engineers dated March 14, 2017 was entered as an exhibit.

Mr. Vogt said design waivers are requested for stacked interior parking spaces, from providing sidewalk along the frontage and for perimeter buffer where relief for off-street parking within the 10 ft side yard setback is also required.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said this is an existing 100 ft by 320 ft deep lot on Pawnee Road which backs up to Pine Park. There is an existing home there and the school at start up would have 36 students. It is a boy's high school and there would be a maximum of 4 classes where there would be 26 students per classroom for a total of 104. Currently there are 5 teachers with a maximum of 7. Due to the 100 ft width of the property, a bus drop off is proposed along the front of the property where the bus could pull in and out of the right-of-way. Currently only one bus is needed to transport the students, at maximum build out it would be two. A design waiver is requested for stacked parking and they are providing more parking than what is required by ordinance. The ordinance is 1 space per classroom/office. At build out, this would be 1 office and 4 classrooms so they would need 5 spaces whereas 8 are proposed. There is a large area behind the school where the kids could play. The Rabbi's intention is that he would have a gate up in the front which would only be open when the buses are going in and coming out so that predominately the boys would be in the back. A design waiver is requested from providing sidewalk and that is because in order to have the bus drop off in the front, the bus needs most of that area for turning. There would be a hard surface for people to walk across so the intent of the sidewalk would still be covered. Relief is requested for perimeter buffer and certainly in the rear of the property they are not proposing to have any buffering issues. They would meet with DPW concerning trash pickup. Typically for a school of this size, there would be roll out cans. Any other comments would be complied with.

Mr. Vogt asked if Pawnee Road can accommodate bus traffic anticipated from the proposed change of use.

Mr. Flannery said because there have been other applications, there are a large number of buses. He believes between 30 to 35 that come up and down Pawnee Road. One additional bus is not going to have any noticeable impact and some of the children may go to this school. It is his testimony that Pawnee Road can accommodate the anticipated use with a de minimis impact.

Mr. Vogt said the Shade Tree Commission had requested a landscape plan.

Mr. Flannery said the applicant would provide a landscape plan to the satisfaction of the board's engineer if the board acts favorably. They would do all the typical buffering to the extent practical that school's usually do for applications of this type.

Mr. Vogt asked if the property to the north is residential.

Mr. Flannery confirmed.

Mr. Vogt suggested fencing as a visual buffer.

Mr. Flannery said the applicant did indicate that he tried reaching out and satisfying the neighbors. If the neighbors got up and requested that, the applicant would have no issue. The neighbors were noticed so if they are not coming up to speak, he assumes they are ok with what is proposed.

Mr. Herzl asked if there are any trees or any other buffer.

Mr. Flannery said this entire area is an area which was developed a long time ago and some of the houses are being rebuilt so there is established vegetation but nothing substantial. In the rear yard there is a lot of vegetation.

Mr. Herzl feels more comfortable if the applicant provided fencing as this is a residential neighborhood.

Mr. Flannery agrees if the board feels that is needed.

Mr. Vogt said the fence will be 4 ft when it's within the front yard setback.

Mr. Grunberger said there is no curb or sidewalk along the frontage for the bus drop off so cars could come in from either direction.

Mr. Flannery said there is interior curbing. Traffic striping and signage would be provided as directed by the board engineer.

Mr. Herzl said it is circular driveway so it should be one way in and one way out.

Mr. Flannery confirmed.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn in. He said usually with a change of use, the applicant would testify as to the use of the basement. He said there is no guarantee there would be no Simcha Hall in the basement.

Mr. Flannery said the applicant agrees there would not be a Simcha Hall in the basement. It is not the intention and it is not typical for schools of this nature.

Mr. Klein said the applicant can still finish the basement and use it as a Simcha Hall and there is no way the building department could enforce that. He stressed sidewalks should be provided for safety. Buses and cars will be driving over this driveway as there is no curb or sidewalk which could be dangerous. The Township Committee has instructed the board not to grant sidewalk waivers. He asked that the board not grant the waiver.

Mr. Vogt said the way this is designed, you have a drive that spans the frontage.

Mr. Herzl said any driveway has that.

Mr. Vogt said the applicant's testimony is although a concrete sidewalk is not provided, there would be an impervious hard surface. Obviously when you have buses using it, it is not going to be available for pedestrians. It's one or the other, the property based on the change of use, based on where the building is cannot accommodate both. If you want to have buses, there has to be something like this. If the board wants sidewalk, the bus access is not going to work.

Mr. Flancbaum asked how many buses could fit into that paved area.

Mr. Vogt said probably one bus.

Mr. Jackson reminded the board that the governing body has been against granted sidewalk waivers. He does not know if this could be considered a sidewalk waiver or not as it is a bit confusing. He knows it has been the policy of this board to insist on sidewalks.

Mr. Flancbaum feels there is a lot squeezed into this little area. Right now there are 36 students but they are going to have a max of 104 students. Right now they are talking about one bus but in the future there would be multiple buses so this little bus drop area is useless because there may be three buses that are going to be backed up onto Pawnee Road anyway.

Mr. Jackson said the applicant is proposing buses where it would be appropriate for people to walk.

Mr. Follman suggested the applicant provide sidewalks and putting up no parking zone signs in the front.

Mr. Grunberger said the bus would block the road.

Mr. Vogt said the applicant would be turning the road into a bus staging area. He doesn't know how the residents would feel about that.

Mr. Herzl asked if there is sufficient room at the front of the property for two buses.

Mr. Flannery confirmed two buses could fit. The maximum number of students proposed could fit on two buses and they can certainly stagger the grades so 9th and 10th grades would be on one bus and 11th and 12th would be on the other. It is his opinion the buses off the street are better as it would not block the road and cars wouldn't try to go around it. If the board prefers having the no parking area as Mr. Follman suggested, the applicant would be amendable.

Mr. Follman said the bus would be parked next to the sidewalk.

Mr. Franklin said the applicant could still put the sidewalk down in front, make it like an apron, put a curb down the front to hold the edge of the sidewalk and then put in 5 ft sidewalk. There is plenty of room for people to walk past if the bus is there.

Mr. Flannery agreed.

Mr. Vogt asked if he is talking about keeping the bus loading area as well.

Mr. Franklin confirmed. The sidewalk would abut the curb.

Mr. Vogt asked if there is sufficient room to fit both.

Mr. Flannery confirmed.

Mr. Vogt said he has no issue with that.

Mr. Herzl asked if sidewalks would be provided.

Mr. Flannery confirmed.

Mr. Vogt said it would abut the curb which is abutting the cartway.

Mr. Jackson requested something be sketched showing what is being proposed.

Mr. Vogt said the testimony is from the applicant's professionals that there is adequate room to fit both the sidewalk as well as the bus access.

Mr. Jackson asked if the board is satisfied and does not need to see it on a plan.

The board was unanimously satisfied with the revisions.

Mr. Moshe Deutsch, 124 Rosebank Street, was sworn in. He thanked the board for enforcing sidewalks. This yeshiva is starting out small and he can't imagine they don't want to grow. He asked how many parking spaces are required.

Mr. Flannery said 1 per classroom/office. Four classrooms and one office would be 5 spaces.

Mr. Deutsch said he is sure there will be other people in the building with cars and they would have to park in the street. A lot of yeshivas are going up around town and a lot of the time people are parking on corners and on sidewalks when there is no parking. He asked in the future, it may be a good idea to require more parking spaces for yeshivas as they are going to grow.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He likes that the board required both sidewalks and the bus loading area, however, he thinks it important to update the plans. The board should see the revised plans.

Mr. Vogt said as recommended by Mr. Franklin at the last meeting, the board should see revised plans before passing the resolution.

Mr. Herzl closed to the public.

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

5. SD 2181 Cedarwood Hills Homeowners Association

Flannery Avenue & Quick Chek Drive Block 1603.01, Lot 21
Preliminary and Final Major Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 14, 2017 was entered as an exhibit.

Mr. Vogt said there are variances for lot area on two of the lots, lot width on one and a design waiver is necessary for non-radial lot lines which is common.

Mr. Sam Brown, Esq. said the point of this application is to consolidate a piece of property which ought to be part of the Quick Chek lot and subdivided off from what is currently the residential portion of this development and dedicated to Quick Chek. It is a transaction which everyone agreed to and have no problem making it a condition of approval as the whole point of this approval is not to create a new subdivision which would be quite odd if you look at the dimensions and characteristics of this subdivision. It is not good for anything but to consolidate it into the commercial lot where it properly belongs.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is the open space lot at the end of Flannery Avenue. Currently the homeowners own this property and Quick Chek customers drive across it. So this is a subdivision that should have been done this way in the first place so that Quick Chek comes in on their own property and the homeowners aren't liable. Lot 21.02 would be consolidated with the Quick Chek lot.

Mr. Herzl asked if this is taking away from the residential areas.

Mr. Flannery said no, they are just chopping off a piece of the open space lot which Quick Chek now uses on an easement.

Mr. Brown said this is a liability to the homeowners as it is being used to enter and exit Quick Chek over property that is at this point owned by the homeowner's association. It makes absolutely no sense that the liability should not match the property.

Mr. Herzl asked which variances are requested.

Mr. Flannery said minimum lot area and lot width for lot 21.01 which is the open space lot. Two acres is required and it is substantially less at only 19,000 sf but it is in a zone that wasn't anticipating an open space lot for the homeowner's association. A minimum lot width variance is requested at the narrowest point where it is 100 ft and 200 ft is required. These are variances which sound substantial but they are not variances on a lot that is being developed. They are variances on a lot that is existing that is being used this way and would continue to be used this way. The variance for minimum lot area on lot 21.02 would go away when it gets consolidated with the lot that is owned by Quick Chek.

Mr. Vogt recommends the consolidation as a condition of approval.

Mr. Brown said the applicant agrees with that. It is important to note that the variances currently being sought do exist in reality. Technically they may not exist because there's a lot, a road and sorts of different things going on but the open space is not changing, the road is not changing. The lot line is simply changing such that Quick Chek can own its own liabilities.

Mr. Herzl asked if there are sidewalks.

Mr. Flannery confirmed.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn in. He commented on the ownership of the properties and questioned if the affidavit of ownership form was filled out correctly.

Mr. Jackson said the board secretary was satisfied with what was submitted.

Mr. Brown said the applicant is willing to proceed at its own peril.

Mr. Herzl closed to the public.

Mr. Franklin asked who would maintain the property.

Mr. Flannery said the homeowners association would maintain lot 21.01 like they do now. Quick Chek is going to maintain lot 21.02 like they do now. The only thing changing is the homeowner association is no longer going to have any liability on Quick Chek's entrance.

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

- 6. SD 2187 Mural Holdings, LLC, c/o Jacob Muller**
Turin Avenue Block 1043, Lots 5 & 7
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 13, 2017 was entered as an exhibit.

Mr. Vogt said variances include minimum lot area and lot width.

Mr. Samuel Brown, Esq. said this application is one where a duplex is a product that the applicant is entitled to by right and so they are entitled to build two homes on this property. The lot is quite large so instead of jamming two families into a duplex, the applicant is proposing two single family homes.

Mr. Brian Flannery, P.E., P.P. was sworn in. This lot is in the Oak Street Core and as Mr. Brown indicated, the applicant could have come in for an Oak Street core administrative minor subdivision to build a 120 ft wide duplex. The applicant would prefer to do two single families. It is better for the neighborhood and future owners. The applicant went through the expense of presenting an application asking for the necessary variances to have two single family homes on 70 ft wide lots rather than a duplex on a 140 ft wide lot.

Mr. Herzl said no variances would be required if a duplex was proposed.

Mr. Flannery confirmed. This would be an administrative subdivision approval. This opens it up, looks better, it would be the same number of cars, same drainage. All drainage comments in the engineer's report would all be handled the same way as if it were a duplex. The difference is it's two single family homes.

Mr. Flancbaum asks if this affects the CAFRA approval.

Mr. Flannery said no, the CAFRA approval was for development of the roads and the infrastructure and then it showed typical lots on it. The application for CAFRA was clear that each property agreed to pay all of the fees associated which the Township has already put in. Every one of these people signed a piece of paper knowing they would be paying for it and an ordinance was passed by the Township in order for the Township to recoup that money. This is completely in conformance with the CAFRA permit. The permit limits the impervious coverage that could be on the lots to 80% and they are less than that. All drainage is being designed in accordance with the CAFRA plan and this property owner is also paying his fair share of the stormwater basins, the tree preservation areas and everything else that came with the CAFRA approval.

Mr. Herzl asked which specific variances are requested.

Mr. Flannery said they are asking for a minimum lot area of 7,003 sf whereas 10,000 sf is proposed. This is a classic C-2 variance where you must show that the benefits outweigh the detriments. There are no detriments. He doesn't understand how anybody could indicate there was detriment to having two single family homes rather than a duplex. A minimum lot width variance of 70.3 ft is requested whereas 75 ft is required. The benefits are from an aesthetic standpoint, the traffic gets separated a little more. It is his testimony the board can grant these variances without any detriment to the zone plan or zoning ordinance and without detrimental impact to the public good.

Mr. Franklin wants to confirm they are keeping within the building envelope.

Mr. Flannery said they are asking for a 10 ft side yard setback on each side which would be the same situation with a duplex.

Mr. Brown said there is nothing that the board could approve tonight which would allow the applicant to go outside of the envelope. The building envelope is sufficiently large.

Mr. Franklin understands, he was concerned about adding a porch in the back.

Mr. Grunberger asked if this would set a precedent for future applicants.

Mr. Flannery said these types of applications have come before the board where duplexes are allowed and applicants have requested to build two single family homes. The board has granted those types of variances in the past. He personally likes detached housing better than duplex housing.

Mr. Flannery said if there is an existing 70 ft wide lot in this area, it doesn't need to come to this board because the Lakewood ordinance allows for it as long as you build within the setback lines. It is his testimony and professional opinion that this is not setting any precedent. Each application is weighed on its own merits and with this application they could do a duplex or two single families which are better. If someone comes in the future, the board would approve that as well as it only make sense.

Mr. Brown said this is simply a better product as they have the room to fit the homes.

Mr. Follman said if single family homes are a better product, then the Township Committee should change the zone requirements.

Mr. Flannery said the MLUL establishes when variances should be granted. If the board feels there is a detriment being created by allowing two single family homes then that is their decision. It is his testimony that there is no detriment.

Mr. Brown understands Mr. Follman's point. If the Township Committee saw fit to propose duplexes as a product, why are they asking for single families. If this was a 10,000 sf lot, they would not be in front of the board. This is a unique situation in that you have two decent sized lots, which he admits are undersized for the zone, on which to put single family homes. This is a better product in the applicant's opinion then putting them together simply because the zone would otherwise encourage that and that is the function of this board, to determine whether the benefits do outweigh the detriments.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn in. He commented on the CAFRA permit submitted by the Township. He said the board denied something similar to this a few months ago. He does think this would set a precedent in this area. He argued that the Township could have changed this area to R-7.5 but they made it R-10A.

Mr. Franklin said that application had 10 ft porches in the back and that was the major reason he was opposed to it.

Mr. Grunberger asked if there is any zone which allows for a single family home on a 7,000 sf lot.

Mr. Herzl said not that he is aware of. The applicant's argument is they could build a duplex by right and everybody agrees that a single family home is better.

Mr. Flancbaum noted they are not adding any additional density.

Mr. Rabinowitz, 70 Drake Road, was sworn in. His son owns one of the lots and he has put very hard earned money into this lot and is asking for a very simple thing and a beneficial thing to him. There are already two lots here and they are only asking to move a lot line.

Ms. Gerri Ballwinz, Governors Road, was sworn in. She said this was zoned as R-10A partially because in that area there were numerous land owners plus the Township owned land in blocks of 2 acres or 80,000 sf but amongst the different owners, they owned different sized properties and all the lots were supposed to be 10,000 sf and now they see it is not going to be the case as many of these lots are not on a 10,000 sf lot. She does think this would set a precedent for creating spot zoning for 7,000 sf lots and for other developers to come in with lots under 10,000 sf lots. She questioned how many other properties in the area are under 10,000 sf. She encouraged that a duplex could be built and perhaps the extra area could be used for a playground or for extra parking.

Mr. Aaron Hirsch was sworn in. He said this has become a new gimmick in town. If the applicant can't get a bunch of houses individually then they apply for duplexes and then split them up and that's how you get around all the zoning laws. That is setting a terrible precedent.

Mr. Herzl closed to the public.

Mr. Flannery said there are two separate lots. The owner of lot 5 could come in and build a duplex and then the 20 ft lot would go to the Zoning Board asking for relief because they have a lot they can't build on. They would probably subdivide off from the extra property on lot 5 and put a single family. By not approving this, the board is actually leaving this open for worse.

Mr. Flancbaum said this is a property where the applicant could build a duplex which is 4 units and the applicant is asking for two single family detached housing. They are not adding any density or a single extra unit and they are not saying you can building single family homes on 7,000 sf lots moving forward. To say that the next property owner with an undersized lot is going to come in and ask for the same thing has nothing to do with this application.

Mr. Flannery said each application stands on its own merits.

Mr. Flancbaum thinks it is important to point out that they are not adding any extra units.

Mr. Flannery said this would actually encourage less density.

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl

Abstain: Mr. Grunberger, Mr. Follman, Mr. Cautillo

7. SD 2192 Claire Drive LLC

Claire Drive

Block 430, Lots 13-16

Minor Subdivision to create six lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 8, 2017 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, width and aggregate side yard setback.

Mrs. Miriam Weinstein, Esq. said this application is for a subdivision to create 6 lots from 4 upon which single family homes would be built. These are not developers but rather end users who purchased this property from the Township at a price that was based upon an appraisal that valued the lots as duplex lots. While the property is in the R-12 zone, it is adjacent to the Chateau Park development and hence in valuing the property, the appraiser relied upon the fact that this area would likely be rezoned for duplexes as an appropriate buffer zone between the adjacent townhouse community and the single family Hearthstone area. So these four end users purchased the property at a price that was based on these lots being used for duplexes. While the Hearthstone area is zoned R-12, their testimony will show that most of the lots in the area are non-conforming and are significantly smaller. While this application proposes several variances, she points out that the applicant could have gotten the same number of lots with but one variance for lot width but this particular layout represents a better configuration and their testimony will prove that. They could propose 5 lots totally conforming to the R-12 standards so at best they are looking at only 1 additional lot. The applicant's are paving a much needed new artery in this very congested area and would be extending water and sewer. As the board knows, there have been many applications in this area and as discussed in the past that any new road being opened and improved is a tremendous asset to the Township. While this road does not lead anywhere yet, it is only a matter of time before the land to the north of this property is developed at which time opening this road up will actually yield a much needed alternative to Route 9 to get from Hearthstone to Prospect Street and would surely alleviate the Route 9 congestion. Lastly, she wishes to point out that this extension, which used to be known as Silvestro Drive, will only have houses on one side of the street. The other side of the street is already built up and those are the rear yards of the lots located on Princewood Avenue. The board may recall that when she was before the board for a shul on Princewood, this was the street they were discussing the extension of. While this road is a narrow road, they would provide testimony as to its width and conformity with RSIS standards. She wants it to be clear that there would only be these 6 homes on this road. It is not going to be utilized by any more homes on the other side of the street.

Mr. Brian Flannery, P.E., P.P. was sworn in. He displayed a tax map to the board and explained there is a zone line which runs along the rear line of the subject property. Basically, the Claire Drive cul-de-sac is being extended along the Silvestro right-of-way which already exists at 30 ft wide. The easterly line of Claire Drive follows along the subject property line so if someone was looking to extend Claire Drive out to Pine Boulevard, logically you would extend it the whole 20 ft on the westerly side. The applicant is proposing to add a 10 ft road widening easement along his property so it is 30 now and with that 10 it is 40 ft. As indicated, they do not expect anything to happen on the other side because it is the rear yards of people's houses.

Mr. Herzl commented unless it is subdivided.

Mr. Flannery said this is a temporary extension of the road. Clearly the property located next door, at some point in the future would be developed and that would extend through. What would logically make sense for this road would be to make it a one way so that Claire Drive can maintain the cul-de-sac and would provide some access without adversely impacting Claire Drive as if it had been widened the whole way. He wants to point out that the zone line which goes along the rear of the property and all the way up divides the HD-7 and the R-12 and the HD-7

is developed with townhouses and apartments. When you look on the other side, R-12, further up there are multi-family as well as a development made up of 8,000 sf lots. There are some larger lots in the Hearthstone development but the majority of those are 80 ft by 100 ft so they have an area of R-12 where there is no R-12 that is developed. When the Township sold this property, they sold it with an appraisal as though it was approved for duplexes. His theory as to why that happened is because the Master Plan suggests this area be rezoned.

Mr. Herzl said the R-12 zone does not allow for duplexes.

Mr. Flannery confirmed.

Mrs. Weinstein said it was zoned R-12 when it was sold also.

Mr. Flannery explained currently there are three 50 ft wide lots. They could go to the Zoning Board for each lot and get approval to build a home. The remainder lot which was sold by the Township is 250 ft wide. Logically for this development where most of the lots are 80 ft wide, they could chop that into 3 pieces and it would give them 6 lots. They think the application proposed which has an average lot size of 11,106 sf, which is more than any average lot size of any substantial area here, would fit in and when you look at where it is and what it is adjoining, it is his professional opinion it makes sense. Also shown on the map is the large vacant piece which probably after the Master Plan gets approved and if there is any zoning change, that property would be developed and that would be the time this road which would be a temporary dead end with a hammerhead turnaround approved by public works. It was approved for 1 home but would work for 6 equally as well as far as garbage pickup and emergency vehicles on a temporary basis.

Mr. Franklin asked for the width of the road.

Mr. Flannery said it would be paved 24 ft wide with no parking on either side so it would be a 30 ft right-of-way with a 10 ft road widening easement on the other side. If at some point in the future, someone wanted to develop the adjacent property and make this a proper road of 32 ft wide, they would need to acquire additional right-of-way from the rear of the houses on Princewood.

Mr. Franklin said as soon as this goes in, the owners across the street are going to subdivide off the backs of their properties and sell them off.

Mr. Flannery said lot 13 could possibly be subdivided to create 2 lots but the other lots do not have enough area.

Mr. Herzl asked if any of the lots are 60 ft wide.

Mr. Flannery said the lots on Pine Boulevard are 50 ft wide. There is an application for a single family home at the Zoning Board on a 50 ft wide lot which they will approve. The Zoning Board approved Blue Jay Court/Dove Way where the lots are 57.5 ft wide and if you drive by those lots, there are beautiful houses. At this point, the only people driving down this street are the six people that want to build houses there.

Mrs. Weinstein asked what the widths are currently for these lots.

Mr. Flannery said those are 50 ft wide lots. As indicated earlier, each of those owners could go to the Zoning Board for approval.

Mr. Flancbaum said that is a different situation because here they are creating new lots.

Mrs. Weinstein said lots 13, 14 and 15 are currently 50 ft wide so they are actually making those better by increasing the lot widths. The board may be mistaken, the proposed lots are not all 60 ft wide.

Mr. Vogt said the cartway width proposed is 24 ft wide and they are recommending one way.

Mr. Flannery said initially as the temporary turnaround, it is going to be two way. His recommendation for the future, once that road is open through, it should be a one way.

Mr. Vogt questioned the temporary turnaround.

Mr. Flannery said there is a hammerhead on the end driveway which has been approved by Public Works for the development on one house and if this works for one, there wouldn't be any difference if there were six.

Mr. Vogt said in the short term, even under the temporary scenario, since they are adding multiple owners it is no longer functioning as a driveway essentially as it for one lot. It would be acting as access for five lots.

Mr. Flannery said it was always public access to one house and three vacant lots.

Mr. Vogt said even in the short term, this is going to act as access for multiple properties and for this to be viable they are going to have to restrict parking at a minimum. He asked if it makes sense, since there are objectors, to get Township input as to whether they are going to entertain this. If the board acts favorable, the Township is going to have to sign off on no parking and the adequacy of the width.

Mr. Herzl thinks the applicant should go back to the drawing table.

Mr. Flanbaum said there are too many variances.

Mr. Flannery said by right they can do 5 houses here, 3 of them would be 50 ft wide and 2 would be 125 ft wide.

Mr. Flanbaum said to come back with a by right application.

Mr. Herzl thinks the variances are too great.

Mr. Grunberger asked if there is sufficient room to make the road wider.

Mr. Flannery said the 32 ft wide road has parking on both sides. A 24 ft wide road that has no parking on either side and they could certainly make that a condition of approval.

Mr. Franklin said they can put up all the signs they want, people are going to park on both sides of the road.

Mr. Herzl said they can't enforce it.

Mr. Flannery said the difference is the other people going down this road are the people who live here.

Mr. Franklin said that is today but the road will end up going through.

Mr. Flannery said what makes sense for the future is to make this road a one way and a 24 ft wide one way road functions.

Mr. Vogt said the Township would have to approve that as well.

Mr. Herzl opened to the public.

Mr. Clifford Johnson, 974 Claire Drive, was sworn in. He is against this application, Claire Drive should remain as a cul-de-sac. The lots on Claire Drive are well over 10,000 sf with at least 80 ft frontage.

Mr. Barry Toll, 957 Claire Drive, was sworn in. He said the buses already have difficulty making turning movements in the cul-de-sac. The road is narrow enough and by adding more houses it is just going to make it worse.

Mr. Shlomo Klein was sworn in. The 24 ft wide road is too dangerous and it will only set a precedent to continue this narrow road through.

Mr. Pollack, Claire Drive, was sworn in. There was testimony that this would be a main artery to Route 9 and to make it this narrow is ridiculous. There is a synagogue on Princewood where people would come and park along this road.

Mr. Keller, 962 Claire Drive, was sworn in. He said the majority of houses in Hearthstone are single family homes with no basements. Houses now have basements and attics. No one will follow the no parking signs on Claire Drive.

Mr. Herzl closed to the public.

Mrs. Weinstein wants to make it clear that there are three existing 50 ft wide lots where the owner could get a building permit or go to the Zoning Board and get a variance for side yard setback relief.

A motion was made and seconded to deny the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Mr. Cautillo

8. SP 2067 Yeshiva Gedolah of South Jersey, Inc.

Cross Street

Blocks 457, 458, 466 - 469

Extension of Preliminary and Final Major Site Plan for a school campus

A motion was made and seconded to carry the application to the April 4, 2017 meeting.

All were in favor.

9. SP 2232 Yosef Tress

Spruce Street

Block 778.05, Lot 27

Preliminary and Final Major Site Plan for a synagogue

A motion was made and seconded to carry the application to the April 4, 2017 meeting.

All were in favor.

10. SD 2188 Aaron Sperber

Locust Street

Block 1083, Lot 7

Minor Subdivision to create three lots

Mrs. Morris said the applicant has requested to carry this project. A motion was made and seconded to carry the application to the April 4, 2017 meeting.

All were in favor.

11. SD 2182 BBC Capital Group, LLC

Central Avenue

Block 79, Lot 10

Minor Subdivision to create 2 lots

Mrs. Morris suggested the applicant re-notice as this has been carried twice already.

Mrs. Miriam Weinstein, Esq. said the reason they are carrying is because of the neighbors. The applicant is ready to proceed but a neighbor approached him yesterday asking him to carry as he will be out of town for a few weeks. The applicant would appreciate if he didn't have to shoulder the extra costs as this is just an individual, not a large developer.

Mrs. Morris said the neighbors did communicate to her they would prefer to carry this application to the April 25th meeting.

Mrs. Weinstein said she would not be here April 25th.

Mrs. Morris said the applicant should re-notice when they are able to choose a date.

A motion was made and seconded to carry to the application to the April 25, 2017 meeting.
All were in favor.

12. SP 2224 Cong Satmar of Lakewood

Kennedy Boulevard East

Block 104.02, Lots 14 & 15

Preliminary and Final Major Site Plan for a house of worship

Mrs. Morris said required architectural elevations were received less than 10 days prior to this public hearing, application cannot be heard and will be carried. A motion was made and seconded to carry the application to the April 25, 2017 meeting.
All were in favor.

6. CORRESPONDENCE

- **SD 2091** - request for minor setback variances based upon as-built conditions

Mr. Adam Pfeffer, Esq. said this was a fully conforming application for 3 duplexes. The applicant had no variances at the time, they constructed the buildings and when the final as-built was prepared for lot 8.02, there is a side yard setback of 6.8 ft and 6.9 ft where 7 ft. Lot 8.06, there is a front yard setback where 25 ft is required and only 24.9 ft is there. It was an error.

Mr. Franklin said the foundation location plan is supposed to be approved so this does not happen.

Mr. Pfeffer said nobody raised the issue and it only came up when they got the final as-built.

Mrs. Morris said the building department gives a cursory review or doesn't review the foundation location plans.

Mr. Flannery said the foundation location plan may not have shown this because it was probably the finish on the building.

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

A motion was made and seconded to approve the requested variances.
Affirmative: Mr. Grunberger, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Mr. Cautillo
No: Mr. Franklin, Mr. Hibberson

7. PUBLIC PORTION

Mr. Joshua Gastworth is on the Cedarwood Hills HOA. He asked if the open space lot recently approved for subdivision would stay open space and tax free.

Mrs. Morris thinks previous deed restrictions would remain in effect.

Mr. Flannery said it would maintain the same identity.

Mr. Gastworth asked if the easements are going to remain in effect once transferred.

Mr. Jackson said that is a question of the title and not this board's concern.

Mr. Flancbaum said there was testimony that absolutely nothing is changing. It is just so the traffic that goes to the Quick Chek is now owned by them and not the HOA so there is no liability on the HOA.

Mr. Flannery said a condition of approval is it would be consolidated.

Mr. Klein complimented the engineer for pointing out that Claire Drive was only an access driveway for one home and would not suffice for additional houses.

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