

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP OF JACKSON
ZONING BOARD OF ADJUSTMENT
MARCH 5, 2008**

The March 5, 2008 Jackson Township Board of Adjustment meeting was called to order at 7:04 p.m. with a salute to the flag by all present. Attorney Sean Gertner read the Open Public Meetings Act Statement.

ROLL CALL: William Santos John Burrows, Alt. #1
Jeffrey Bowen Carmen Esposito, Alt. #2
Barry Calogero Peter Maher, Secretary
Stephen Costanzo Vincent Sgro, Chairman

ABSENT: Diana LaBianca, Vice Chairwoman

ALSO PRESENT: Sean Gertner, Attorney of GluckSnyder LLC, Bruce Jacobs, Engineer of Gravatt Consulting Group, Donna Miller, Planner of Geller Sive & Company, William Jensen Traffic Engineer of Geller Sive & Company, Jeffrey Purpuro, Zoning Officer and Steven McCrystal, McCrystal Reporting

APPROVAL OF RESOLUTIONS

Recording Secretary Janice Kisty announced the following resolution and those eligible to vote:

2008-11 – Yoon – Block 701, Lot 655 – Variance approval for pool filter and heater

Motion to approve the foregoing by COSTANZO/Maher. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

APPROVAL OF MINUTES OF FEBRUARY 6, 2008

Motion to approve by ESPOSITO/Maher. YES: Santos, Bowen, Costanzo, Burrows, Esposito, Maher, Sgro.

APPROVAL OF VOUCHER

Motion to approve the voucher in the amount of \$120.00 for the Recording Secretary for tonight's meeting by CALOGERO/Maher. YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

ANNOUNCEMENTS

Mr. Purpuro announced Megan's Associates requested to be carried to May 7, 2008. Mr. Gertner stated the applicant has waived time and this is their first adjournment so no further notice is needed.

MATTERS FOR DISCUSSION

The professionals were sworn and their affiliations were stated for the record.

APPLICATIONS

1. Anthony & Debra Rocco – 8 Churchill Court – Block 5102, Lot 25 – Zone R-3

Debra Rocco was sworn. She wants to construct an 8' x 12' shed against the fence; it would be near the pool otherwise and that is the hardship. It is the way her yard is set up. Mr. Burrows asked if she wanted to install it right up against the fence. Ms. Rocco said her neighbor was not present, so she assumed they had no objection but she said she could speak to her. Mr. Maher said it may be a safety issue. Ms. Rocco said she could maybe move the shed a foot in. She said she has no children. Ms. Miller said given the yard layout with its improvements, swinging the doors of the shed may be a problem if it is placed further in from the property line. Mr. Calogero stated he visited the site and it appeared the request would be ok. Mr. Gertner asked the height of the shed and Mr. Purpuro stated a 10' height requires no footings.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Motion to approve by CALOGERO/Bowen. YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

2. David & Monica Csatari – 7 Rodeo Drive – Block 1902, Lot 31 – Zone R-3

David Csatari was sworn. He has a similar fence, an open fence exceeding 48" in height, on his property and wishes to continue it in the front yard. It will be installed behind the pine trees. Mr. Calogero asked if he was extending the existing fence and Mr. Csatari said yes. Ms. Miller asked how far off the curb line and Mr. Csatari indicated 30'.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Motion to approve by SANTOS/Maher. YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

3. Joseph Lee – 693 Eltone Road – Block 701, Lot 50 – Zone R-3

Joseph & Theresa Lee were sworn. They want to construct a 30' by 40' garage. Mr. Calogero said the property is long and narrow, and he asked what the use of the garage would be. Mr. Lee said for personal storage. Mr. Calogero asked if he would continue the driveway, adding it is not a condition of the application and Mr. Lee said yes. Mr. Purpuro asked that the maximum height of the garage not exceed 25' and Mr. Lee agreed. Mr. Bowen asked if there will be electric and Mr. Lee said yes, eventually, and when Mr. Bowen asked if it will be heated, Mr. Lee said possibly, and he would answer yes. Mr. Jacobs asked if the shed would be moved. Mr. Lee said they will take it down; they just bought the home and it appears the property line runs through it. Mr. Jacobs asked if the neighbors were agreeable and was told yes. Mr. Calogero asked what the railroad ties in the yard were and Mr. Lee said it was a play area from the previous owners.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Mr. Gertner said the hardship is the shape of the property. Mr. Santos said upon agreement the applicant would remove the existing shed upon construction of the garage, he would **Motion to approve with that condition; SANTOS/Calogero**. YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

4. William Schmidt – 3 Pennsylvania Avenue – Block 5902, Lot 21 – Zone R-15

William Schmidt was sworn. He wishes to construct a 10' x 14' garage to his existing garage. Mr. Costanzo asked if it was his intention to attach the garage and Mr. Schmidt said yes; his current garage is 24' deep and his property is on an angle. If he places the new addition to the garage toward the back, he will have 10' off the property line. Mr. Bowen asked what the proposed use is and Mr. Schmidt said it will be for storage. Mr. Purpuro asked if there will be a garage door on the front and Mr. Schmidt said yes.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Mr. Jacobs looked at the pictures and asked if there will be any change to the pavement, and Mr. Schmidt said it will stay the way it is. Mr. Gertner clarified there will be no change to existing drainage. Mr. Maher asked if he will move the electric meter and was told no, this is behind the meter.

Motion to approve by MAHER/Costanzo. YES: Santos, Bowen, Calogero, Costanzo, Burrows, Maher, Sgro.

5. Beth Zion Synagogue – 206 West Veterans Highway – Block 11801, Lot 79 – Zone R-3

carried from February 6, 2008.

Ray Shea represented the applicant with Evan Hill, professional engineer of Innovative Engineering, and Jonathan Szap, traffic engineer of McDonough & Rea. Their credentials were accepted by the Board. This is an application for a house of worship (a synagogue) in the township. They received two review letters from Geller Sive and Gravatt Consulting. Ms. Miller wanted to clarify that her report is dated January 25 and the traffic analysis is dated February 28. Mr. Hill had all three reports. Mr. Hill marked the site plan A-1 dated 10-10-07, sheet 3 of 9. Exhibit A-2 is the grading and drainage plan of the same date, sheet 4 of 9. A-3 is the landscape and lighting plan, sheet 5 of 9 with the same date. Mr. Hill began testimony by stating the property is located at 206 W. Veterans Highway and contains over 7 acres. In the R-3 zone, churches and houses of worship are a conditional use. Mr. Shea said it is permitted, but conditioned on meeting certain criteria. Mr. Hill said there is currently a two-story dwelling, detached garage and shed. The rear of the property has an 11,000 square foot pole barn. Several bulk variances are required due to existing conditions for the house and accessories on the property. Surrounding properties are residential uses and there is a recreational use directly across the street. The pole barn is proposed to be a house of worship utilizing onsite septic and public water. 380 parking spaces are required. The site is predominately cleared due to prior construction of the pole barn. Their goal was to maximize the development and enhance the improvements. Minimal clearing is proposed and the rear of the property is wooded; they do not want to clear if they don't have to. Besides the conditional use, they are also applying for the preliminary and final site plan. The engineer's letter from Gravatt says the tree save plan was not submitted, and the applicant is asking for a waiver due to minimal clearing proposed. The bulk variances requested are for pre-existing conditions; no new variances are proposed. A "D" variance is required due to non-strict compliance with the conditions of the conditional use. The code requires a 50' landscape buffer for a non-residential located adjacent to the residential uses. They are not proposing to enhance the buffer and the building is 49' from the property line. Mr. Calogero said a proposed activities list was to be provided and it was not received. Mr. Hill said he agreed to comply with letters A through I in the letter; Mr. Calogero said H was for that list. Ms. Miller said one was submitted with the application; it just needs more detail. Mr. Sgro said they will come back to H. He wanted the engineer to respond to each point. Ms. Miller wanted to clarify about the trees, specifically the site clearing side to side and front to midway. They said they are not altering the tree line, but on sheet 3, site plan, there is a discrepancy in clearing limits. Mr. Hill referred to A-1, near the storm water basin, tree line to outfall, and Mr. Hill agreed to revise the plans accordingly. Mr. Jacobs questioned C(1)d; he thought it was an existing nonconformity and Mr. Hill said yes, the building already exists. Mr. Jacobs noted the pole barn will be a principal use. Mr. Maher asked when the pole barn was constructed and Mr. Hill was unsure; Mr. Purpuro said the building permit was issued in 2004. Mr. Hill asked for a waiver of perimeter landscape buffer. Mr. Shea said two principal uses are not proposed, and the Geller-Sive letter said the house is accessory to the principal use, which will be the synagogue. Mr. Hill said they are not asking for the height variance and will comply with providing the survey. It is the applicant's intention to follow up with a TWA application. Mr. Jacobs asked if they will need a NJDPDES permit and noted that can be addressed during resolution compliance. They stipulated to the dwelling being a parsonage or rectory, and an accessory use. They seek a waiver of obtaining a tree removal permit. Ms. Miller asked that the septic field be

relocated to an area other than the perimeter area. Mr. Shea said they use the grassy area for festivals and it may be a safety issue. Mr. Hill said he will verify turning radiuses are adequate. Additional overflow parking will be provided. Mr. Hill said they did soil borings trying to include improvements in existing cleared areas. Mr. Jacobs agreed with his infiltration comments and asked about winter; Mr. Hill said the basin is designed to 100-year storm requirements and if greater, overflow is in the street. Ms. Miller said they would have to sacrifice parking or side yard buffer and asked if exfiltration is suitable. Mr. Jacobs also felt that was a solution and the applicant agreed to that and all ten drainage comments. Mr. Shea said there were several pages of technical comments to which both engineers can interface unless there is any problem. Mr. Hill had questions on items 11 & 12 but agreed to all other technical comments. He said one is the safety island which in his opinion does not pertain to him because that is for a roadway. Mr. Jacobs had no problem with that. Mr. Santos did not hear what was agreed to and Mr. Hill clarified he and Mr. Jacobs felt #11 & #12 were not applicable. Mr. Gertner stated they agreed to eleven other conditions. Item 11 is a request for waiver from landscaping and lighting. Ms. Miller clarified the existing landscaping will remain. Everything else in the report is acceptable to the applicant. Mr. Santos reserved the right to ask questions in the future.

Donna Miller's January 25 report was reviewed. Pages 1 and 2 are informational. The list of proposed activities will be addressed by Rabbi Rosenberg. Ms. Miller asked if the traffic engineer would address the Board and was told yes. The questions on pages four and six will be worked out with Ms. Miller's office, per Mr. Shea, unless she had specific issues. Ms. Miller wanted to see if there is any public input for the adjoiners, such as fencing, no light spillage on their properties and clearing, most notably the septic within the existing limits of clearing, and relocate the refuse containers. Mr. Shea had no objection. Ms. Miller wanted the refuse containers kept away from the neighbors, but able to be accessed by a truck. Mr. Santos wanted to hear the options and so the public and Board understood. Mr. Calogero was uncomfortable deciding on both preliminary and final site plan because of the number of revisions. Mr. Shea said it is quite common to have the engineers work out those issues, but they are happy to address specific concerns right now. Mr. Calogero commented they are asking for preliminary and final and a lot is being left to the professionals. Mr. Santos said items need to be clarified before voting; this is a complicated application. Ms. Miller said she is asking these things of the applicant to bring them into conformance and she will ensure it is done, but needs Board input. Mr. Calogero wanted to vote for preliminary and final if he knows what they are proposing to do, exactly. Ms. Miller said there is not much use variance testimony; the Board could grant preliminary approval, view the revisions, and then the final would be more administrative. Mr. Shea said they are prepared to address the septic system now. Mr. Hill said soil borings were done north of the access road, and they are adequate for the septic system. It is proposed to be in a cleared area along the property line and the soils will support it. Mr. Jacobs said that was acceptable. The trash enclosure is located to the north of the building 5.5' off the property line; the septic is to be relocated and the dumpster will be put there. Mr. Hill noted the way the truck would come in along the western side of the building and have to do a 'k' turn to get out. The Board professionals asked for clarification if there would be room to do that and Mr. Bowen added that would take some maneuvering.

Jonathan Szap, traffic engineer of McDonough & Rea addressed the Board. He analyzed a more intensive use of the site, and William Jensen of Geller Sive reviewed his report on behalf of the Zoning Board. Mr. Szap said they used automatic traffic recorders and manual counts on a Saturday with an estimated 50% growth rate in Jackson, and took different events during the year into account. He estimated 57 cars in and 72 cars out during morning services. Traffic on W. Veterans Highway peaks during Saturday services. A 'B' range is a 10-15 second delay. Mr. Bowen noted the study was done in August and asked why then and not a busier time. School was not in session and recreational activity from the Justice Complex was not considered. Mr. Szap said that is when they were hired. Mr. Maher said the baseball fields are not in use at that time. Mr. Szap said this site has services only on Saturday and it provides a good level of service and good sight distance. He did not consider the recreational facilities or the schools in the area. Mr. Shea said an approval tonight could be subject to an updated traffic study. Mr. Costanzo said the increases in traffic would occur in April or May, and Mr. Shea agreed. Mr. Jensen stated the increase in traffic would not affect Mr. Szap's report and access to the site will not be significantly impacted. Most of the delays for entering the site will be for left turns depending on the volume westbound. 225-290 cars might be a 30% impact but not significant but perhaps during an event. Mr. Calogero said 57 in and 72 out represents 580 members. Mr. Szap said services are currently held at the Methodist Church. They have 80-100 attendees on a Saturday. The 580 is based on older plans; 334 is the newer number, 1 space for 4 seats, 84 required, 120 provided, and he is comfortable there is enough on site parking. Mr. Jensen asked if there is enough parking if the synagogue is full, with 80-100 congregants and 380 seats. Mr. Szap said there are 334 seats and parking is adequate. Mr. Santos asked for clarification of 480 seats and the covered deck/stage area. Mr. Hill said the 480 number relates to a septic requirement, and if that number is exceeded, they will need a NJDPDES permit. So the parking calculation is based on 480, and 480 congregants at 1 space per four people is 120 spaces. Parking is based on the number of seats inside the church. Mr. Santos was not disputing the parking calculation. He asked if the trips in or trips out max out, how will that affect the traffic around the Justice Complex when there are activities and the police station activity. Mr. Bowen said the synagogue will also have events certain times of the year. If there is a maximum amount of people and there is no parking left, where will they go; he did not want them parking along the road. Mr. Shea said both professionals, the Board's and the applicant's, endorsed the plan. Mr. Santos said some is common sense. We all reside here and participate in activities, including the library, and respectfully, they don't know the details of driving here. If all spaces are filled, will there be a problem exiting and how will that be handled? Mr. Szap saw no problem, they line up and wait their turn. It will not cause problems on W. Veterans. Mr. Santos asked if it will affect adjacent properties. Mr. Szap said will it will clear within 30 minutes, and will affect them somewhat. Mr. Shea added not adversely and Mr. Santos thought it would be adverse. Mr. Shea said it's the same at St. Al's during a holiday. Mr. Santos said it will impact the residents. Mr. Shea said if this was a shopping center it might be more contentions, but it is a church. Mr. Calogero and Mr. Santos questioned the other eight days of increased traffic through the year: the days of worship or those above and beyond.

Recess at 8:32 p.m.; reconvened at 8:38 p.m.

Rabbi Jan Rosenberg was sworn. He led the congregation for 15 years and they met at several facilities, among them Rova Farms, Jackson Baptist, the Methodist church, Jesus Harvest Time and of late, the Methodist Church for the past three to four years. Mr. Shea stated parking meets the ordinance and exceeds the ITE standards, and he asked Rabbi Rosenberg to comment about the concern of inadequate parking due to certain activities, and the agricultural connection. Rabbi Rosenberg said they meet on Saturday mornings and celebrate Jewish festivals where as many as 200 people and invitees may attend an outdoor celebration. Most festivals are celebrated around a cultural concept. Services are presented as a living visual aid with an agricultural theme and they use the harvest as an illustration. Mr. Sgro asked how many members, and Rabbi Rosenberg said there are 80-100 on a Saturday and up to 200 at a concert. At Rova Farm, their biggest event drew 350 people only once and that was the largest event. Mr. Sgro asked how any times per year. Rabbi Rosenberg said 200 people, about once a month. Mr. Maher asked if they are going on currently and the Rabbi answered they are at the Methodist Church now. They meet at the house on the subject site after the service for food and fellowship. Ms. Miller said 80-100 currently worship, and asked how many can be accommodated at the Methodist Church. Rabbi Rosenberg said probably 225. Ms. Miller asked if the Methodist Church and this facility are similarly sized and Rabbi said this is larger. Ms. Miller the increase is desirable then and they are proposing this size in anticipation of future growth. Rabbi Rosenberg said he did not want to build onto or add another building; they only wanted to build it once with room for growth beyond where they are. The proposed parking will accommodate that growth. Ms. Miller asked if there is an architect and the Rabbi said no. She asked if he anticipates 480 people can be accommodated and Rabbi Rosenberg said it is possible, but this is now used for an outdoor event. He also has permission to use the funeral home parking and never had to do that, but it was offered. Ms. Esposito asked how many tents are proposed for the Sukkoth festival and was told usually 3-4 and they will be on the grass area beyond the parking area and in front of the access drive. The septic will be on the other side of the access road. That was clarified; it won't be on the road. Ms. Esposito asked where they are growing things, and Rabbi Rosenberg said they originally spoke with the Department of Agriculture but were not counting on all the water use, so they will just grow some fruit and fig trees. Ms. Esposito said as far as using the funeral home parking, there is a concern for people walking along the busy road and even across the street at the Justice Complex. Rabbi Rosenberg said there are sidewalks outside the Goddard School. Rabbi Rosenberg said they offered the use to them but it was never used. Mr. Costanzo asked if any activities other than Saturday morning such as educational classes during the week are planned. Rabbi answered none are planned right now; they will be using the assembly rooms for their current needs. Mr. Shea said those needs are worship, study and gathering. Mr. Sgro asked when their main meeting is and was told Saturday and they may have Friday night service but it would be a smaller service. Mr. Bowen asked if there is any intent for other groups to use the facility, and Mr. Shea said it is not a community house and they would have to come back to the Board. Ms. Esposito asked if the house will be a house of worship and was told no. Rabbi Rosenberg said once they have moved, the house will be a residential place. The office will be in the synagogue facility. Mr. Maher noted they built this facility four years ago, which was a huge gamble in building and turning into a house of worship. Rabbi Rosenberg said he discussed his plans with Zoning and the Building Department to use this as an agricultural spot until they had enough funds to retrofit and use it as a place of worship. There is more of a need now than before; everyone has been wonderful working together. They need to be in their own facility. Mr. Shea said they exceed the number of parking spaces and asked the 480 number to be non-considered, only for septic purposes. Mr. Santos asked the Rabbi how long the congregation owned this and was told since 2001. Mr. Santos was not aware in 2004 they applied for the pole barn. Ms. Esposito said if the house is not to be a house of worship, then there are not going to be two main uses. Ms. Miller said the office is in the house and asked if he will live in the house. Rabbi said no one lives in the house. He lives in Howell now. Ms. Miller said it would become a supplemental use to the synagogue. Mr. Gertner asked that it not be rented to anyone, to which Mr. Shea stipulated. Mr. Hill testified he satisfied the negative criteria and the benefits outweigh the zoning criteria. Mr. Calogero asked Mr. Jacobs about the statement on the last page of his review letter that his recommendation is the submission is technically incomplete, and Mr. Jacobs agreed, but stated the reasons for that statement were minor enough to be deemed complete and heard at this meeting, and the applicant could comply with those issues. Mr. Costanzo noted there is no buffer and they are providing a roadway. Mr. Hill said this is a fire safety issue in an already cleared area of the site. Ms. Esposito asked if there is any proposed future use to the wooded area to the rear and Mr. Hill there is no intended use for this application. Mr. Santos asked if this will be made available to other congregations and was told no. Mr. Shea said it probably could be, in the spirit of unity.

PUBLIC SESSION OPENED

Tom Geoffroy, 379 E. Bird Village Road, was sworn. He has been here in Jackson since 1994, lived on Patterson Road, and his congregation met at Goetz School. He is a member of the clergy association as well. He encouraged the Board to approve this as soon as possible as it is an asset to the community. He drives from home to the Methodist church and has no traffic issues, year round. This congregation is asset as our town grows to accommodate those people who will come. He is friends with the Rabbi, they have done things together, and he considers it an asset to be a part of that. He supports this wholeheartedly.

Susan Breza, 9 Berkshire Drive, Howell was sworn. She has worked at Jackson Regional Day School 21 years, has worshipped here since 1999 would like their own facility. She asked the Board approve this.

Ruth Settles, 770 Hyson Road, Jackson was sworn. She moved here in 1978 and sees a need for this synagogue. It is a warm and friendly place. She has seen many changes and gave a history of what she has done in Jackson. Jackson is getting known and Beth Zion will be a jewel in Jackson.

Richard Kaltz, 9 Pebble Beach Court, Toms River was sworn. He has long time relatives in Jackson and it will be great to have a synagogue in Jackson. He is one of the earliest members and he said it is like family, like

an oasis. People need this. Synagogue means gathering, all different backgrounds. A lot of Spanish Jews belong there. It is really great. He has seen unbelievable changes in Jackson.

Edna Addison, 63 Holyoke Lane, Willingboro was sworn. She would love to be in a place of their own and not wandering from one building to another.

Aybars Uckun, 1727 W. McGalliard Avenue, Hamilton was sworn. He is coming here 10 years and is the youth leader. He loves this congregation and needs a meeting place for teens.

Michael Boyce, 218 W. Veterans Highway was sworn. He lives next door and sees no problem with this. He is a New York commuter living in Jackson for 30 years, and 12 years at this house. The town needs diversity; he is an Irish-American Catholic. Mr. Shea noted he owns Lot 80. Ms. Miller asked Mr. Boyce his location, and he lives to the west of the site. She asked if he looked at the plan at the parking and drive aisle around the building. She asked if he had any concerns along the property line, and he said no; his horses are corralled, at last 100 feet from the parking. Ms. Miller said she must work with the applicant and wanted to know his concerns. He said his house is up by the road, and just the horses are there.

Elizabeth Lykes, 184 W. Veterans Highway was sworn and also saw no problem with this application. Ms. Miller asked if she understood they will build a basin and drain water across her front yard. Ms. Miller asked if she was aware of this. Mr. Jacobs said an emergency overflow is proposed but they will install underground recharge. Mr. Hill said currently that corner is the low spot and the soils are granular in nature. There is no water in that spot. Water will channel to the basin, and anything beyond a 100-year storm will overflow. There is a swale they will manage by installing inlets with are being discussed by the county. He felt they are not exasperating drainage issues; the spillway will spill onto W. Veterans Highway into the county's drainage system. Mr. Jacobs said he did not see the county drainage system on the plan. Mr. Hill said all the runoff on W. Veterans Highway flows east to the Justice Complex, part of the county drainage system. Mr. Hill said post development runoff would be less than pre-development runoff.

Mr. Shea asked those in favor of this application and almost every hand in the room went up.

PUBLIC PORTION CLOSED

Mr. Shea gave his closing remarks, noting the neighbors did not object, parking meets the ordinance, Mr. Jensen's traffic analysis reached the same conclusion, and he asked approval of this application for conditional use and site plan. Mr. Maher asked if there was anything in place to buy the neighboring properties. Rabbi Rosenberg said no.

Mr. Santos asked Mr. Shea if the concerns in the letter from Traffic Safety Officer Mackin were addressed. Mr. Hill agreed to comply with all comments except the last one, two parking spaces to relocate, because they would have to clear trees. Mr. Hill offered to work that out with Officer Mackin. Mr. Purpuro asked if they will comply with the forester review letter of 12/27/07. Mr. Hill said while a tree save plan should be submitted, there is minimal clearing, and there is a cost involved so they asked for a waiver. Mr. Purpuro said the forester noted additional plantings as well. Mr. Hill said they will provide buffering and five additional trees along W. Veterans Highway and will comply with all other comments.

Mr. Santos asked about the exemption under affordable housing, and Mr. Shea said this is excluded because it is a house of worship. They are exempt under the 2004 affordable housing rules and the current proposed pending rules as well. Mr. Santos asked if they will comply if that changes, and Mr. Shea said if appendix D is modified to impose affordable housing obligations on houses of worship, irrespective of the appendix number. Mr. Santos noted the Environmental Commission requested information for their meeting of March 18. Mr. Hill did not receive the letter dated January 15. Mr. Gertner said it was received March 5 in his office and was date stamped March 4 in the Planning and Zoning office. Mr. Shea said they will attend the Environmental Commission meeting and comply with their wishes at that meeting. Mr. Santos was unclear they spoke to the negative impact as this is a use variance, and he was not clear the necessary proofs were provided.

Mr. Shea said no use variance is being asked for; this is a conditional use and they have some deviations to which Mr. Hill has testified. Mr. Hill said his professional planner opinion is that this fills a need in the community. As a whole they meet the conditions of the ordinance for site development for houses of worship. They cannot meet the landscape buffer along the sides and will have to clear additional trees. Ms. Esposito said her question about the rear of the lot was unanswered. Mr. Hill said there are no plans to do anything to that portion of the lot with this application. Ms. Esposito asked about the future. Mr. Burrows had questions for Mr. Shea who briefly left the room. Mr. Gertner asked if his testimony meets all the conditions and Mr. Hill replied no, they can't meet the condition, so a variance is indeed required.

Mr. Burrows was curious why they applied for a pole barn and then four years later is asking for site plan approval. He asked why this was not done in the first place. Rabbi Rosenberg said it was cleared originally for a Sukkoth festival. It seemed this was a start to use a barn to illustrate the agricultural aspect of the festivals. He spoke with the Zoning and Building Departments and found it would be a long term process because of the use questions, and he could not answer when that would happen. He knew when the congregation could afford to do it, they would follow up. The fire at Rova Farms created a new problem for a meeting place and accelerated the need for their own place.

Mr. Calogero asked about sign on the site which looks old. Rabbi Rosenberg acknowledged it has been there awhile. Mr. Sgro asked the professionals' opinion on this application. Mr. Jacobs said they addressed all his concerns, Ms. Miller said there were a number of technical issues at the beginning which the applicant has

agreed to address. The applicant made attempts to attain compliance but she is concerned about what is left. In her January 25 report, she is still concerned with adequacy of parking and drainage concerns. She said engineering issues can be addressed. While the neighbors don't seem to mind screening issues, she is not comfortable with that. A 50' landscape buffer is needed and the drive aisle is in that buffer. This is a consideration for the Board. She asked the fuel source to heat the building and Mr. Shea said electric or propane. The Rabbi said they have natural gas, so this is now resolved. Ms. Miller also asked if the intensity of the use change the residential uses in the neighborhood. She did not hear testimony on why this site is chosen. Mr. Shea said he does not have to prove this is a great place; it is not his position and has no burden to prove it. He agrees with and spoke at length of pages 3-4 of her report, and a-e. The neighbors approve this use as is. This is a permitted conditional use in this zone.

Mr. Gertner told the Board it would be helpful read from Cox, 2006, Page 443, basically whether this use will impact the neighboring properties and meets negative criteria. If the application is bifurcated, page 395 states no notice of the final application is needed if the plans are based on the preliminary approval.

Mr. Calogero said personally he thought this was a fantastic presentation and he fully supports Beth Zion. His concern is technical completeness. Many changes are proposed and they are relying on the professionals, but he wants to have final review. He recommended they come back with a complete revised application and give the opportunity to vote on a complete plan. He wants to see the changes. The applicant's obligation is to have a technically complete application before a vote. Mr. Sgro thought the professionals could handle that. Mr. Shea said he did not want to lose the applicant due to bifurcation. He requested conditional use and preliminary and will come back for final. Mr. Calogero's understanding was once preliminary is granted, there is no chance at final. Mr. Gertner said of the record they are asking for certain changes with the expectation of what the final plan would look like. Mr. Santos had concerns about screening and buffering, and while the neighbors should be commended, the Board has to look at the future, ensure screening, buffering and lighting, as this will have an effect on the Justice Complex and the Police Station, and needs to be addressed. He was not sure the positive outweighs the negative. Mr. Maher asked if the issues could be addressed at final. Mr. Calogero said there will be additional cost but not much. There will be no buffer. Mr. Shea said the building is already there and some things like a fence could be done at final. Mr. Calogero said upon final with changes, all concerns must be met satisfactorily to the Board.

Mr. Gertner said if the motion is to approve preliminary, they must be able to prove. Mr. Gertner said the waiver of buffer requirements probably should not be granted so it can be worked out. If the waivers are granted, there is nothing to be worked out. **Mr. Calogero made a motion to grant the conditional use subject to review of final completeness which includes an agreement between the professionals with the still open questions such as lighting, drainage and screening.** Mr. Santos said sometimes professionals' recommendations are not agreeable to the Board. Ms. Miller added the approval is for a conditional use with preliminary site plan approval along with the variances and/or waivers for setback, and buffer width, provided it is supplemented, and including compliance with the engineer's letter, mitigate the buffer width and drainage and lighting issues. **Motion seconded by Maher.** YES: Bowen, Calogero, Costanzo, Burrows, Maher, Sgro. Mr. Santos voted yes last after passing as the first called Board member to vote. Mr. Bowen and Mr. Costanzo voted yes with the stipulations mentioned and Mr. Calogero said this was good for the town.

Recess at 10:27 p.m.; reconvened at 10:33 p.m.

6. Megan's Associates – County Line Road – Block 5601, Lots 61 & 74 – Zone HC & MF
applicant was previously carried to May 2, 2008

Mr. Sgro excused himself from the next application as he is a neighbor. Mr. Maher was named acting Chairman as Vice Chairman Diana LaBianca was absent due to hospitalization.

Noting the time, Mr. Maher asked for a straw vote on whether to continue. Mr. Santos was in favor of adjourning since the rules were set to have no new testimony after 10:30 p.m. He said if we set the rules, we should follow them. The applicant has cancelled three times. Mr. Shea said there are two matters on for April 16 and Mr. Santos said those applications may have a large turnout as the adjoin Winding Ways. Mr. Bowen said a resident has waited here four times. Mr. Gertner said the applicant adjourned three times. The resident was understanding. Mr. Calogero agreed with Mr. Santos; Mr. Costanzo wanted to hear it. Ms. Esposito had no opinion. Mr. Bowen said a full house is here and he will abide by the rules but the schedule is backed up. Mr. Maher said no applications after 10:30. Mr. Shea requested May 7 with Megan's as it is the next available date. Mr. Gertner said with two use variances on that date, he will work with Dawn on the balance of the May 7 agenda. Mr. Shea noted no further notice and waived time constraints until May 7.

7. Stephen Martorano – 610 Reed Road – Block 10305, Lot 60 – Zone R-3
carried to May 7, 2008 with waiver of time constraints and no further notice.

Motion to adjourn at 10:43 p.m. by SANTOS/Esposito. Yes, by affirmation.

Respectfully submitted,

Janice Kisty
Zoning Board Recording Secretary