

SPECIAL MEETING: 7:00 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS Jane Grabelle
PRESENT: Russell Malta
Eric Menell, Alt II
Henry Schepiga, V Ch
Sylvia Sylvia, Alt I
James Worrell, Alt III

MEMBERS Maureen Bonney, Alt IV
ABSENT: Leon Pflaster
Richard Van Wagner
Warren Goode

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
James Higgins, P.P. Board Planner
Bill Fitzgerald, P.E. Board Engineer
Marianne Wilensky, Planning Administrator
Rachel Goncharko, Board Secretary
Recording Secretary

Vice Chairman Henry Schepiga announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice was sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on April 9, 2013.

NEW CASE

Larchwood Minyan, Inc.
Block 8.02 Lots 3, 23
48 Larchwood Avenue
Oakhurst
Zone R-1

This is an application for a "d" variance, "c" variances and preliminary and final site plan approval in order to convert an existing one-story home into a House of Worship.

Attorney for the applicant: Peter S. Falvo, Jr., Esq.

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked into evidence B-1.

Ron Gasiorowski, Esquire said that he will be representing objectors to the application. He said that he reviewed the notice which stated the application was before the Planning Board rather than the Zoning Board. He submitted to the Board that the notice is inadequate. Board Attorney Mark Steinberg, Esquire said that he was made aware of this and reviewed the notice which contained all the correct information such as date, place and variances. He said that the notice is sufficient as it is likely that no one in the audience knows the difference between the Planning Board and the Zoning Board. Attorney for the applicant, Peter S. Falvo, Jr., Esquire said that he agrees with Mr. Steinberg's interpretation.

Board Planner, James Higgins, P.P. read his report and Board Engineer William Fitzgerald, P.E. summarized his report, noting that he had concerns with the amenities on the site and the lack of sidewalks and parking. He recommended removing the existing amenities and replacing them with greenbanked parking. He said that a detailed survey showing all the improvements should be submitted if the site plan is waived.

Attorney for the applicant, Peter S. Falvo, Jr., Esquire said that there will be testimony as to how the house of worship will function. He said that the amenities are not anticipated to be used. The House of Worship will only be used 1 ½ to 2 days per week for the Sabbath and the residential character will be maintained as much as possible.

Isaac D. Massry, 37 Larchwood Avenue, is the Vice President of Larchwood Minyan and on the Board of Trustees. He said that it will be a limited place of worship. There was a need for a closer synagogue as they were walking to synagogues in surrounding towns. They wanted to start one in their own neighborhood on Larchwood Avenue. He said that the concern for the safety of the residents walking in the streets is reduced by the new, closer location. There will be three services run by the Principal of the Hillel School, including one hour on Friday evening, 2 ½ hours on Saturday morning and 1 ½ hours on Saturday evening. There will be no cooking, only the service of food such as crackers and cheese. Mr. Massry said that there is no need for parking because all the parishioners live within walking distance. The pool is covered, the tennis court and basketball court are overgrown with weeds and they have no intention of using these amenities. He said that they currently rent the home but if they purchase it, they will remove them.

A compilation of multiple sheets of the tax map showing the location and the surrounding area prepared by Mr. Massry was marked into evidence A-1. The lots on which parishioners of the synagogue live were highlighted in yellow. He said that there may be some lots that are not highlighted with families that may join. He said that the furthest lot is less than ½ a mile from the site. He pointed out that some of the parishioners live on Saxony Drive where there are sidewalks and that sidewalks are proposed with the recently approved subdivision on Larchwood Avenue. Mr. Higgins said that it is not clear when the sidewalks will be constructed. Mr. Falvo said that until then, the parishioners will still be walking to the synagogues without sidewalks. Mr. Massry said that they have been using the house for the past nine months for Friday night services and walk to the Park Avenue Synagogue for Saturday services. He said that due to the distance, many parishioners would not go on Saturdays. The number in attendance depends on the weather. There are between 25 – 40 people on Friday nights and between 50 - 80 people on Saturdays. Ms. Grabelle asked if there would be large celebrations such as bar/bat mitzvahs and weddings. Mr. Massry said no. He said that there would be no food going to the basement, which will be addressed by the architect. The kitchen was existing, but they are prohibited from cooking during the Sabbath. Food will be brought in for snacks after prayers.

Architectural plans dated 1/16/13 revised through 4/19/13 were marked into evidence A-2. Mr. Massry referred to A-2 to describe how the rooms will be used. He said that the plans show 150 seats within 2 rooms. Only one room will be used at a time, depending on the number of people. The maximum seating will be used for high holidays such as Yom Kippur. The chairs are stackable and can be moved around. He said that the building will be empty during the week.

Mr. Massry said that they are pending a 10 year lease with a 5 year option and first right of refusal and right to purchase. The amenities will be removed if they purchase the property. Mr. Massry said that he will address the disrepair of the amenities with the property owner. There will be 2 cleaning staff to clean up and set up breakfast. He has contracts with landscapers and snow removal companies. A security system will be installed with new locks on the doors. Mr. Malta asked if the variance would be terminated if the lease is terminated. Mr. Steinberg said that the variance runs with the land but that a deed restriction could limit the property to only being used as a synagogue. Mr. Higgins said that there would need to be very specific testimony as to the hours of operation and conditions of approval would have to be specific so that only a congregation like the one proposed could use the property. Mr. Falvo said that the owner is willing to accept deed restrictions. Mr. Steinberg said that it would be part of resolution compliance. Mr. Falvo said that the applicants have no intention of running camps or hosting events.

Mr. Massry said that the basketball court can easily be removed and the pool is not being opened. The pool will be removed if they purchase the property. The tennis court is fenced in. Mr. Massry agreed to remove the fence as it is in disrepair. He said that their goal is to beautify the home. Planning Administrator Marianne Wilensky said that a violation notice for property maintenance issued to the property owner and

Larchwood Minyan, Inc. is included in the packet marked B-1. Mr. Falvo said that lighting can be added to the site for safety when walking at night.

Mr. Gasiorowski said that the applicant does not own the property and does not have a lease. Mr. Massry said that they have a short term lease with a long term lease pending. Mr. Gasiorowski said that the synagogue use appears to only be on Lot 23, which is only 1 acre when 2 acres are required for this type of use. He asked Mr. Massry how many lots were highlighted on A-1. Mr. Massry said approximately 49-50 lots. He said that A-1 is not reflective of the number of people living in each home which would be attending the synagogue. Mr. Massry said that not everyone attends every service. Mr. Gasiorowski asked about the 225 people seating capacity. Mr. Massry explained that that's the maximum capacity if every room was being used. He compared it to a movie theater, which has full occupancy some nights and reduced occupancy other nights. He said that there are always more people in attendance on Saturday mornings.

Mr. Gasiorowski asked if they submitted an application for a certificate of occupancy or permits. Mr. Falvo said that they have been using the property without the benefit of a permit and filed the Board application simultaneously. Ms. Wilensky said that the application was filed October 5, 2012. Mr. Gasiorowski asked about the amenities on the other lot. Mr. Massry said that the basketball court will be removed, the fence around the tennis court will be removed and the pool will remain closed. Mr. Falvo said that they will use that portion of the property for ingress and egress from Old Farm Road. Mr. Steinberg said that the applicant has agreed to make changes that have been requested from the professionals. Mr. Gasiorowski questioned the need for the use in the area. Mr. Falvo said that the applicant does not need to demonstrate need. Mr. Gasiorowski asked about the distance to surrounding synagogues, including one located on S. Lincoln Avenue which he said has been in operation for over 30 years. Mr. Steinberg stated that that synagogue did not have permits either. Mr. Gasiorowski questioned the safety of walking without sidewalks. Mr. Falvo said they will continue to walk on the roads without sidewalks even if the application is not approved. He emphasized that if the application is approved, they would be walking within their own neighborhood. Mr. Gasiorowski asked about the hours of operation and the activities of children. Mr. Massry said that children will go to another room with older students from the Hillel school while their parents are in prayer services on Saturday. Mr. Gasiorowski asked if the hours of operation could be limited. Mr. Massry said that some prayers are longer than others, and the time in between them depends on the sun, but that the hours could be limited if that is what the Board required. Mr. Gasiorowski asked if the westerly side of the property would be used by the children. Mr. Massry said that it will not be used.

The Board took a break at 9:15 PM and resumed at 9:20 PM.

The architect for the applicant, James J. Montiforte referred to A-2 to show the proposed changes to the home. The building must follow commercial code. A handicap accessible ramp will be added to the entranceway and a stairway is being added to the basement so the basement can be used for storage. He said that anything in the basement was done by the previous owner. The ceiling height is 7.6' which is considered habitable by building code. The floor plan shows maximum folding chair capacity at fewer than 230 people. With the change in use they also had to comply with handicap bathrooms and fixture counts in the bathrooms. Mr. Higgins said that a landscape plan must be on file. Mr. Falvo said that they can do a site visit with Mr. Higgins and then prepare a landscape plan. Mr. Fitzgerald said that a detailed survey should be submitted. He suggested removing the amenities and adding a walkway with plantings. Mr. Schepiga asked about the pool house. Mr. Massry said that the pool house has electric and a bathroom, but no kitchen. Mr. Fitzgerald said that they will look at the pool house during the site visit. He said that revised plans should be in 10 days before the next hearing. Mr. Malta asked if the owner of the property approves of substantial changes to the building. Mr. Massry said yes. Mr. Malta asked if they are opposed to filling in the pool. Mr. Massry said that they do not want to fill it in because it adds value to the home. Mr. Fitzgerald said that the home could be returned to a residential structure should this use not continue.

Mr. Gasiorowski asked how many additional seats resulted from the addition. Mr. Montiforte said that 50-60 additional seats were added. The existing driveway

accommodates three cars. Mr. Montiforte said that he did not account for parking as there will be no parking. The garage doors are still there, but the garage had been converted into a room by the previous owner. Mr. Massry said that he would not be opposed to blocking off the driveway to restrict parking. Mr. Schepiga said that it does not make sense to block the driveway because then it would eliminate spots where they'd otherwise park on the street. Mr. Monteforte said that occupancy is determined by the fire code and they have to comply with those requirements.

Mr. Gasiorowski asked if they would guarantee that there would be no parking on Larchwood Avenue. Mr. Massry said that he could not guarantee that, but that they have not had any issues with parking in the past nine months that they have been using the property.

The Board took a break at 9:50 PM and resumed at 10:05 PM.

Paul Phillips, P.P., of Phillips, Preiss, Grygiel, LLC in Hoboken, NJ, is the planner for the applicant. Mr. Phillips gave planning testimony as to the site and the operation of the use. He went through the requested variances, including several D-3 variances for conditional use standards that are not met and bulk variances. Mr. Phillips said that while 2 acres is required, the 1.6 acres is more than adequate. There is no need to provide a buffer area to the parking area as no parking is proposed. No recreational facilities are proposed. He said that the proposed use poses no substantial detriments to the public good or zone plan.

Mr. Falvo said that the two lots on the property are being used as one lot. Both lots are owned by the same person. Mr. Steinberg said that they will be deed restricted that they cannot sell the back lot. Mr. Higgins said that the size of the lot is a condition and they would have to come back to the Board if they wanted to reduce the size. Mr. Gasiorowski said that the Township Council changed the zoning from a 1 acre requirement to 2 acres, but the synagogue is only on the one lot. Mr. Phillips said that the rear lot is used for pedestrian access. They discussed parking, in which Mr. Phillips stated that no additional parking is proposed. Mr. Gasiorowski asked Mr. Phillips if he had reviewed applications for residential areas where there is no provision for offstreet parking. Mr. Phillips said that he recalled applications which requested reduced level of parking.

Mr. Schepiga requested that Mr. Phillips come back for the next hearing. He carried the application to the next regular meeting of June 13, 2013 in order to announce the date of the special meeting. Mr. Falvo said that he will arrange for an on-site meeting. Mr. Gasiorowski requested that one of his clients be present, to which Mr. Falvo agreed.

Meeting adjourned at 10:35 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary