

## MANALAPAN ZONING BOARD OF ADJUSTMENT

### MINUTES OF THE REGULAR MEETING

Thursday, February 1, 2018  
TOWNSHIP OF MANALAPAN – Courtroom  
Manalapan, NJ 07726

The meeting was called to order with the reading of the Open Public Meetings by Chairman Stephen Leviton at 7:30 p.m. followed by the salute to the flag.

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Eric Nelson, Eve Strauss, Eliot Lilien, David Schertz, Adam Weiss, Steve Leviton

Absent from the meeting: Larry Cooper, Mary Anne Byan

Also present: John Miller, Esq., Zoning Board Attorney  
Nancy DeFalco, Zoning Board Officer  
Janice Moench, Recording Secretary  
Brian Boccantusco, Township Engineer  
Jennifer Beahm, Township Planner

Mr. Lilian was sworn in by Mr. John Miller, Board Attorney

#### MINUTES:

A Motion was made by Mr. Rosenthal, Seconded by Ms. Strauss to approve the Minutes of **January 18, 2018** as written.

Yes: Kamen, Rosenthal, Nelson, Strauss, Schertz, Weiss, Leviton  
No: None  
Abstain: None  
Absent: Cooper, Byan  
Not Eligible: Lilien

#### RESOLUTIONS:

Application No: ZBE1748

Applicant: Sandy Rath

Memorialization of Approval

Location: 15 Blenheim Rd ~ Block/Lot: 401/13

A Motion was made by Strauss, Seconded by Ms. Kamen to approve the Resolution of memorialization.

Yes: Kamen, Rosenthal, Nelson, Strauss, Leviton  
No: None  
Abstain: None  
Absent: Cooper  
Not Eligible: Lilien, Weiss, Schertz

**PUBLIC HEARINGS:**

• **Application No. ZBE1735**

Applicant: Katherine C. Smith & Katherine K. Smith  
Co-Trustees of the Katherine C. Smith Revocable Trust Agreement  
Proposal: Single Family Residential Home  
Request: Bulk Variances  
Location: 7 Mill Road  
Block/Lot: 82/4  
Zone: RAG 4

Mr. Miller addressed the Board and the public by stating Application ZBE1719, on the agenda, will be carried to March 15, 2018 with no further notice to the public.

Mr. Michael Steib, Esq. with an office at 16 Cherry Farm Road, Middletown Township was present to represent the applicant and Co-Trustees of the Revocable Trust. The Property is known as 7 Mill Road, also known on the tax map as block 82 lot 4. Mr. Steib noted the Manalapan Township Tax Assessor recommended that the number of the property be changed to 34 Mill Road, because there is another property near by that already assumed the 7 Mill Road address. Mr. Steib stated his client has no issue with this change. Mr. Steib explained the property is located in the RAG4 Zone where single family homes are permitted on four acre lots. The lot is an isolated undersized lot with unique characteristics. The characteristics of this property make it impossible to develop without variance relief. The lot area is 22,857 Sq. ft. where four acres are required. The immediate adjacent parcels are zoned RR. The lot is shaped like a triangle, which creates difficulty in terms of the setbacks. The lot is encumbered with a wetland buffer and steep slopes. The applicant had an appraisal of the property performed by Sockler Realty Services Group, Inc. The home appraised at a value of \$115,000.00. The appraisal was marked as Exhibit A5.

Mr. Steib explained letters were sent to the adjacent properties to either purchase surrounding properties to assemble and make the applicant's property larger or have the adjacent properties purchase the applicant's property to assemble with their property. The letters were sent Certified Return Receipt to Joseph and Nicole Leone, of Block 82 Lot 3.22 and to Sheri and Chhaya Bali, of Block 8201 Lot 8. Chair Leviton advised the letters were included with the submission so there was no need to mark as exhibits. Mr. Steib presented a letter to Ms. Ofelia Nascimento from Mr. Steib as Exhibit A6. After this letter was sent, it was determined Ms. Nascimento's property was not contiguous to the applicant's property.

Mr. Steib stated if the application is approved the applicant will have the architect prepared actual construction drawings with all applicable codes and regulations. Mr. Steib explained the variances required by the applicant. He stated the Engineer and Planner will go into further detail with regards to relief and criteria needed for this application.

Mr. Steib called his first witness Mr. John J. Ploskonka, Professional Engineer. Mr. Ploskonka is sworn in by Mr. Miller and the Board accepts is credentials. Mr. Steib confirmed that Mr. Ploskonka is appearing before the Board as a licensed Professional Engineer. Mr. Ploskonka explained he prepared the plans that are part of the record. He has been to the site and to the DEP (Department of Environmental Protection) and worked with CME. Mr. Ploskonka explained the applicant has a very small lot they are trying to utilize to build a modest home that fits in with the character of the neighborhood. Mr. Steib asked Mr. Ploskonka to describe the lot and how it fits in with the surrounding properties. Mr. Ploskonka began by marking exhibits A1 through A4 and describing them in further detail:

- A1: Tax Map of Manalapan showing lot number 4 as a triangular shape
- A2: Aerial View showing Lot 4 and the Manalapan Brook
- A3: Zoning Ordinance Map
- A4: Close up view of the proposed home

Mr. Ploskonka explained Manalapan Brook is close to the property and causes restraints in terms of wetlands and a flood plain. Mr. Ploskonka further describes the wetland buffers and the area that will be dedicated to a Conservation Easement. He explained where the proposed septic system would be located and already has Manalapan Board of Health approval subject to other testing. The home will be 2900 Sq. ft. placed in the center of the lot with a driveway coming in from Mill Road. The nearest home will be 120 ft away to the right. The constraint area is mostly off site. The subject site is part of the four acre zoning however, all areas to the right and left are zoned RR. Mr. Ploskonka states they have made application to the DEP for a Letter of Interpretation, Transition Area Waivers and a Hardship Waiver. The approval from the DEP is expected within six to eight weeks, subject to their conditions. If the home were to be built with a front setback of 100 ft and a side setback of 35 ft, there would be enough space for a 50 Sq ft home.

Mr. Steib asked Mr. Ploskonka, from an engineering standpoint, does the home fit with the other homes in the area. Mr. Ploskonka stated he feels the home would fit it. They have made this property work for this particular home.

Mr. Steib's next witness, Mr. James W. Higgins-Professional Planner is sworn in by Mr. Miller. Mr. Higgins stated he is President of James W. Higgins Associates located at 823 West Park Avenue in Ocean, New Jersey. The Board accepts his credentials. Mr. Steib asked Mr. Higgins to explain how he prepared for the hearing. Mr. Higgins explained he reviewed the plans, application, zoning ordinances, visited the site and reviewed the expert reports. Mr. Steib asked Mr. Higgins, from a planning perspective, to explain the application. The application is to construct a residence on a substantially undersized lot in the RAG4 zone. Mr. Higgins explains what is required in the zone. He further explains there is a number of Bulk Variances requested and one D variance. The D variance is for the floor area ratio. Mr. Higgins described the area surrounding the subject property. To the South of Mill Road is zoned RAG4. To the North of Mill Road there is a narrow corridor that also zoned RAG4. Mr. Higgins explained none of the properties within the corridor meet the requirements for development for the RAG4 zone. Mr. Steib asked Mr. Higgins to explain the variances requested to develop this property. Mr. Higgins stated there is a D Variance request for Floor Area Ratio. The ordinance permits a maximum six percent habitable Floor Area Ratio and the applicant is proposing seventeen percent. Mr. Higgins stated he took some pictures of homes that front on Mill Road in the immediate neighborhood to show the proposed home is consistent with the area. The proposed single family home is a two story home with one story facing Mill Road. The rear elevation facing a wooded area shows the two stories. Mr. Steib asked Mr. Higgins to describe the photos he took of the nearby properties. Mr. Higgins Described the four pictures and marked the exhibits as follows:

- A7: Picture of the home on block 82 lot 3.22
- A8: Picture of the home on block 82 lot 3.09
- A9: Picture of the home on block 82 lot 3.04
- A10: Picture of the home on block 82 Lot 2.05

Mr. Higgins explained in terms of design and construction, the proposed home will be consistent with what exists in the area. It will not be noticeable that the lot is undersized due to the area around the property that can not be developed.

Mr. Steib asked if the home will provide adequate light, air and open space around dwelling. Mr. Higgins stated the home is 120 ft from the closest house to the east. The ordinance requires a 35 ft side yard setback and a 50 ft rear yard setback as well as 85 ft between the two structures. There is more adequate space between the homes.

Mr. Steib asked Mr. Higgins to address the Board regarding the dimensional variances. Mr. Higgins explained the lot area is 22,856 Sq. ft and the ordinance requires four acres. The minimum lot depth required is 250 ft and 79.05 ft is proposed. The front setback requirement is 100 ft and 28.8 ft is proposed. The side setback requirement is 35 ft and 25 ft is proposed on the East side. The rear setback requirement is 50 ft and 32.1 ft is proposed.

Ms. Beahm states the side yard setback dimension and the rear yard setback dimension are off the same lot line according to the plan. Mr. Higgins states he agrees with Ms. Beahm and there really is no rear yard, it should be viewed as a side yard setback.

Mr. Higgins stated the minimum improvable area requirement is 20,000 Sq. ft. and the site is 23 Sq. ft. It is noted, this is not proposed by the applicant. This is what is currently exists. The minimum improvable diameter required is 100 ft and currently existing is 4.05 ft.

Mr. Steib asked Mr. Higgins to give his opinion on the positive and negative criteria. Mr. Higgins explained you can not develop this lot as currently zoned with the hardships that exist. Mr. Higgins stated he doesn't see any negative impact on this application. Mr. Higgins does not feel this application would be inconsistent with the zone plan and the architectural design of the proposed home is consistent with the surrounding neighborhood. Mr. Steib has no further questions for Mr. Higgins.

Ms. Kamen asked how many trees are anticipated to be removed. Mr. Higgins stated he has not done a tree removal analysis. Mr. Ploskonka explained after all of the grading and septic installation, it is anticipated that most of the trees will be removed. Mr. Ploskonka stated his office will work with Ms. Spero, the Township Arborist to make an effort to save trees. Ms. Kamen asked if the applicant has considered making the home any smaller. Mr. Ploskonka stated the plan was to stay consistent with the neighborhood.

Mr. Higgins explained to make the home smaller in order to save trees will leave a home that is completely out of character with the area.

Ms. Beahm explains if the proposed home were to be made smaller, some of the setback requirements could be met, bring the coverage closer to conformance and reduce the FAR (Floor Area Ratio). Ms. Beahm stated Mr. Ploskonka testified the home is close to 2000 Sq. ft. where the plans state 2900 Sq. ft.

Ms. Strauss asked for clarification on the front setback. Mr. Higgins clarified in more detail. Ms. Strauss asked Mr. Higgins if there is a reason the home can not be scaled back in size. Mr. Higgins explained from a planning perspective there is no reason. However, if you scale the home back to much it will be out of character with the area. Mr. Higgins and Mr. Ploskonka discussed the hardship of the property with regards to the size.

Chair Leviton and Ms. Beahm discussed the FAR in further detail and she recommends the applicant reducing the size of the home to come closer to conformance.

Mr. Weiss explained currently the applicant is at 12.89 percent building coverage where the maximum is ten percent. He asked what the square footage of the home would be at the ten percent. Mr. Higgins stated ten percent coverage would be 2285 Sq. ft.

Ms. Beahm and Mr. Boccanfuso discussed the floor area and the home calculations in further detail.

Chair Leviton stated he felt the location of the home being on a hard curve is a substantial detriment to the public good. Ms. Beahm stated the applicant is

entitled to develop their property. Mr. Ploskonka stated he would provide a report from a traffic engineer identifying the site distance and safety. Chair Leviton asked for clarification on what could be built in conformity. Ms. Beahm explains there really is nothing that can be built on this lot that would comply with the ordinance.

Mr. Steib acknowledged the Board would like to see a traffic study and some changes made to the proposed architectural design. He asked if the Board would be opposed to a two story frontage on Mill Road. Chair Leviton stated the Board would not necessitate a traffic study.

Mr. Boccanfuso stated this plan will also require variance relief from the township stream corridor buffer. Mr. Boccanfuso and Mr. Ploskonka discussed the variance further and Mr. Ploskonka agreed to comply with the variance relief for the stream corridor buffer.

Mr. Steib asked if it is possible to set the next meeting date on the record. Ms. Moench stated there are two dates available April 5, 2018 and April 19, 2018. It is agreed the application will be carried to the April 19, 2018 meeting date with no further notice to the public. Mr. Steib stated he will provide the Board with an extension for the Board to act.

Chairman Leviton opened the floor to public at 8:40pm, and seeing there were no public comments, Chair Leviton closed public.

The Board adjourned for a brief recess at 8:40pm and resumed at 8:45pm.

**Application No. ZBE1741**

**Applicant:** Battleground Country Club, LLC  
**Proposal:** Construct 16 Age-Restricted Townhomes  
**Request:** Use Variance  
**Location:** 1 Covenhoven Road  
**Block/Lot:** 6503/1 and 6504/1  
**Zone:** GCRC

Chair Leviton explained the Board proceedings to the public. He explained the public will have an opportunity to address the Board individually at the end of the proceedings.

Mr. Miller stated for the record Mr. Rosenthal has a conflict and asked to be recused from this hearing. Mr. Rosenthal will be required to leave the room during all testimony for the Battleground hearing. Mr. Rosenthal left the meeting at 8:50 PM before testimony began. Mr. Miller explained given the absence of two regular Board members and the recusal of Mr. Rosenthal, Mr. Schertz and Mr. Weiss (2<sup>nd</sup> and 3<sup>rd</sup> alternates) will be voting on this application. Mr. Miller advised the Board on a bifurcated D5 density variance.

Gerald Sonnenblick appeared on behalf of the applicant, Battleground Country Club, LLC for a bifurcated density application. Mr. Sonnenblick gave a brief history on the Battleground Country Club. Mr. Sonnenblick further explained a paved parking area located on the north side of Hedgerow Lane is currently vacant. The applicant is proposing to develop four townhome buildings with each building containing four units. Mr. Sonnenblick called his first witness Mr. William Wentzien.

William T. Wentzien, Professional Planner is sworn in by Mr. Miller. Mr. Wentzien is with Abbington Engineering and his credentials are accepted by the Board. Mr. Wentzien marked the following exhibits into evidence:

- A1- Concept Plan No. 2: - A colored aerial of the facility with a rendering of the proposed 16 townhomes dated January 31, 2018.

- A2- Concept Plan No. 2: - (with a larger scale of the sight) - Shows the existing parking lot with the proposed townhomes. Also has a red line showing the delineation of the limits of existing parking.
- A3- Aerial – A photo area of the existing site as it is today dated January 31, 2018.
- A4- Concept Plan No. 2: – A twin to exhibit A2 without the red line delineation of the parking lot.
- A5- Architectural rendering, prepared by Testa Architects, of a proposed townhome building.

Mr. Sonnenblick asked Mr. Wentzien how he came to determine the number of units and the square footage. Mr. Wentzien referred to Exhibit A3 and explained the current subject parking lot containing 178 spaces is not currently in use. His firm was asked to configure a townhouse configuration for this area. The main engineering goal was to fit into the perimeters of the existing impervious area. With the removal of the 178 parking spaces in the facility 421 parking spaces will remain. Mr. Wentzien referred to A4 and explained there are four building modules for 16 proposed townhomes. There are eight end units and eight interior units. Each home would be age restricted with three bedrooms. Keeping the proposed building within the perimeters of the parking lot avoids any detrimental sight improvements or grading disturbance. The existing cart path and the practice putting green adjacent to the site improvements will remain intact. He added the depth of the proposed townhomes range from 36 ft to 55 ft. Mr. Wentzien testified that the existing storm sewer site shall remain north of the subject area and will be maintained by the Battleground Country Club. The existing stormwater basin located to the north of the subject area will remain and be utilized for backup discharge to the basin. Mr. Wentzien stated there is a total of 72 parking spaces proposed and 40 spaces are required. He explained one car can be parked in the garage with two additional cars in every driveway. Ms. Beahm asked Mr. Wentzien to provide the Board with parking calculations without the use of the garage. She stated a resident may use a garage for storage as opposed to parking. Mr. Wentzien stated without the garage parking the application would still be in compliance with total of 48 spaces.

Mr. Sonnenblick explained the applicant is before the Board for a bifurcated application and if the use variance were granted the applicant would have to come back before the Board with a full engineered site plan. Mr. Wentzien stated he concurs with Mr. Boccanfuso's engineering report. Mr. Sonnenblick has no further questions for this witness.

Mr. Miller asked Mr. Wentzien to clarify his testimony on the number of bedrooms in the proposed units. Mr. Wentzien testified there are 16 age-restricted, three bedroom units.

Mr. Sonnenblick called his next witness Michael V. Testa, Owner of Michael V. Testa Architects located on Tennent Road in Manalapan. Mr. Testa was sworn in by Mr. Miller and his credentials were accepted by the Board. Mr. Sonnenblick states Mr. Testa was contracted by the applicant to produce a residential plan use for this zone. Mr. Testa testified he was asked to design an upscale, luxury, age-restricted townhome that would be complimentary to the existing homes in the community. Mr. Testa testifies he designed two end units slightly over 2600 Sq ft. and two center units that are slightly over 2500 Sq. ft. Mr. Testa referred to Exhibit A5, produced by Mr. Testa, and testified the four units will be multiplied a total of four times on the site area. All the units will consist of three bedrooms with a master bedroom suite on the first floor and two additional bedrooms on the second floor. The units will be built with nine foot ceilings and a loft area on the second floor. The exterior is designed with upscale treatments. Each unit will have a small concrete pad at the rear of the property. Mr. Sonnenblick had no further questions for the witness.

Mr. Sonnenblick called Mr. Miskovich as the next witness. Mr. Frank Miskovich of Miskovich Consulting Engineers was sworn in by Mr. Miller and his credentials were accepted by the Board. Mr. Miskovich testified there will be very little traffic generated. Hedgerow lane is a low volume cul-de-sac roadway which will generate an additional eight to ten vehicle peak trips. This will not create any traffic operation issues. The increase will be de minimis. Mr. Sonneblick asked Mr. Miskovich to give testimony on the traffic if the site were utilized with a commercial building with sufficient parking. Mr. Miskovich testified a commercial building would generate more traffic. He further explained the proposed 16 homes will not create a traffic issue coming in or out of the current development. The lower parking lot was not used for any Country Club events. He reviewed the number of events and the amount of people in attendance over the calendar year of 2017. It is estimated that a maximum of 320 people were using the golf facility on Saturday and Sunday, therefore the 421 remaining parking spaces are sufficient and no traffic problems would be created.

Mr. Sonnenblick stated he would like to introduce a "fly over" picture taken on Sunday, August 27, 2017 at 12:30pm at the Battleground. This picture was taken during an event at the Country Club and while the Golf Course was being used. Mr. Jordon Rosani, of 19 West Parsonage Way was sworn in by Mr. Miller. Mr. Miller asked Mr. Sonneblick if Mr. Rosani is a professional photographer. Mr. Rosani explained he has a Drone License. Mr. Miller and Mr. Sonneblick discussed the relevance of the drone pictures. Chair Leviton explained on Mr. Miller's advice the Board does not feel Mr. Rosani's drone picture or testimony is required.

Chair Leviton asked Mr. Miskovich to define the peak hour. Mr. Miskovich explained he relies on the Institute of Transportation Engineers publication called Trip Generation. Mr. Miskovich referred to that publication for the trip generation. Mr. Miskovich gave a brief definition of peak hours and trip generation. Mr. Sonnenblick stated he has no further questions for the witness.

Mr. Sonneblick called his next witness, Christine A. Nazzaro-Cafone, Professional Planner of Cofone Consulting. Ms. Cafone is sworn in and her credentials are accepted by the Board. Ms. Cafone testified the subject property permits townhomes as a permitted use. She explained the variance before the Board is a D5 variance for density. The zone sets forth a density of 1.1 units for the acre, where the proposed density is 1.12. Ms. Cafone gave a brief explanation to the newer Board members on a D5 variance. She explained the site can accommodate the excess density because there is no negative impact created to the parking or to the stormwater management. The application will still conform to the parking ordinance with the removal of the lower parking lot. The existing lower parking lot is currently an unattractive nuisance and the proposed townhomes will promote public health. Ms. Cafone stated it is her understanding the parking lot has become an attractive nuisance for the people that live there. She feels the townhomes would be better viewed than a vacant lot.

Ms. Beahm agrees with Ms. Cafone's testimony and explained the variance relief being sought is very de minimus. The eight trips during a peak hour that will be generated will not be a negative impact. The reduction in impervious coverage and eliminating an attractive nuisance are benefits to this application as well.

Mr. Boccanfuso stated being this is a density variance is more of a planning application then engineering application. He will review the full site plan when it is submitted, if the density variance is approved. Mr. Boccanfuso states the applicant's professionals thoroughly addressed the comments in the engineering report and can comply with all of the stormwater management regulations. He also stated the reduction in impervious coverage is a benefit to this application. Mr. Boccanfuso stated the current proposal depicts 16 driveways accessing Hedgerow Road which may require variance relief when it comes time for site plan. Mr. Boccanfuso encouraged the applicant to investigate an alternative design that would reduce the points of access on Hedgerow Road.

Mr. Sonnenblick has no further witnesses however; he reserves the right to recall witnesses for testimony if questions should arise.

Mr. Miller reminds the Board if the application for the density variance is approved; when the applicant returns for site plan approval, under the Municipal Land Use law, they would still be required to satisfy the negative criteria associated with the density variance.

Ms. Kamen asked if the units being constructed will be for sale or rent. Mr. Sonnenblick explained the units will be for sale.

Mr. Weiss asked for further clarification on what type of activities are currently taking place in the parking lot. Mr. Boccanfuso states he has been to the site many times and he had observed dumping at the site.

Chair Leviton opened the meeting to the public at 10:05 PM for cross examine of the expert witnesses that provided testimony.

Bradley Berger, 45 Hedgerow Lane was sworn in by Mr. Miller and asked for clarification on the use of the lower parking lot. Mr. Miskovich clarified his previous testimony regarding the use of the parking lot. Mr. Berger asked Ms. Cafone for clarification on her testimony relative to the increase in density. Ms. Cafone clarified her testimony.

Stuart Gallin, 18 Hedgerow Lane was sworn in by Mr. Miller and expressed concern that this is too great of an increase of housing stock in the area. Mr. Wentzien townhomes are permitted in the GCRC Zone. He added that Hedgerow Lane extends almost a mile north of the proposed townhomes.

Chair Leviton closed the public question portion and invited the public to address the Board with statement or concerns.

Adam Cutillo, 61 Hedgerow Lane is sworn in by Mr. Miller. Mr. Cutillo stated townhomes are "not the worse thing" but he was concerned that the townhomes would take away the beauty of the area and negatively impact the \$750,000 single family homes in the area.

Greg Galowitz, 39 Hedgerow Lane is sworn in by Mr. Miller. Mr. Galowitz stated his house is adjacent to the proposed townhomes and he thinks the townhomes do not fit with the area.

Steven Metz, 55 Hedgerow Lane is sworn in by Mr. Miller. Mr. Metz stated he is not opposed to building something on the parking lot, but he is opposed to townhomes. He would not object to the construction of single-family homes or a commercial use on the site. He stated the townhomes will reduce property values in the area.

Mr. Miller explained the Board's standard of review does not include any valuation or effects on property values.

Yingferi Xia, 20 Hedgerow Lane was sworn in by Mr. Miller. Mr. Xia stated he was not in favor of the application and is concerned another parking lot in the area may be converted into homes.

Michael Tartza, 4 East Sistine Court was sworn in Mr. Miller. Mr. Tartza stated he was in favor of the project.

Brian Boyle, 114 E. Parsonage Way was sworn in by Mr. Miller. Mr. Boyle stated he has been a member of the Battleground Golf Club for twenty 20 years and has lived in the area for one year. He is in favor of the project.



William Grundig, 12 Cornwallis Court is sworn in by Mr. Miller. Mr. Grundig stated the residents of the Battleground should give the owners of the club an opportunity to explain their plans for the community.

Haifeng Guan, 16 Hedgerow Lane was sworn in by Mr. Miller. Mr. Guan stated that he walks to the swimming pool with his children. He feels with this proposed application the walk would be dangerous for children.

Alexis Feder, 56 Hedgerow Lane was sworn in by Mr. Miller. She asked if there were any COAH requirements for the townhomes. Mr. Sonnenblick stated that no affordable housing units will be included in the sixteen (16) proposed townhome units. Ms. Beahm noted that the applicant would then be required to pay a development fee in accordance with the ordinance in lieu of constructing affordable housing units.

Joseph Pesce, 4 Hedgerow Lane was sworn in by Mr. Miller. Mr. Pesce stated he disagrees with the traffic issues. He is concerned about child safety regarding traffic.

Abram Haim, 60 Hedgerow Lane was sworn in by Mr. Miller. Mr. Haim stated ten traffic trips testified to by the Applicant's expert is misleading. He explained the application will add significant traffic to the area.

Mr. Bradley Berger, still under oath, explained the current use of the parking lot was misrepresented by the professionals during testimony. He further expressed concern for the traffic and safety for the children.

Chair Leviton closed public at 10:43 PM.

Mr. Sonnenblick summarizes the application.

Ms. Strauss stated she is in favor of this application and feels it is a good use of the property.

Mr. Weiss stated he is in favor of the application and expressed concern regarding the increased density. Mr. Beahm explained the density increase in more detail to Mr. Weiss.

Mr. Nelson asks for clarification as to the location of the townhomes on Hedgerow.

Chair Leviton thanked the public for coming out and expressing their concerns.

A Motion was made by Ms. Kamen, seconded by Mr. Lilien to approve the Density Variance.

Yes: Kamen, Nelson, Strauss, Lilien, Schertz, Weiss, Leviton  
No: None  
Abstain: None  
Absent: Cooper, Byan, Rosenthal

Chair Leviton opened the meeting to the public for further comment. Seeing there were no public comments, Chair Leviton closed public.

**Administration:**

**ADJOURNMENT:**

A Motion was offered by Mr. Weiss and agreed by all to adjourn the meeting at 11:00 PM.

Respectfully Submitted,

Janice Moench  
Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY APPOINTMENT.