

**PROPOSED CONDITIONS**  
**YESHIVA TIFERES BORUCH, INC.**  
**SPR-23-1**

1. All Conditions set forth in the Resolution of Approval of Application BA 07-02 of the North Plainfield Board of Adjustment shall remain in full force and effect, except as modified by this Resolution;

2. All construction shall be in compliance with the comments and requirements of the Historic Preservation Commission's approval. This condition shall supersede condition # 1 from Application BA 07-02;

3. The Applicant shall provide increased professional care and maintenance of all landscaping on the property, including but not limited to gardens, shrubbery, healthy trees and all other existing natural plantings, and shall not remove, alter or replace any such plantings without replacing them with similarly significant growths, subject to the approval of the Borough Engineer;

4. The basement of the historic building (referred to in the previous Resolution as the main building) shall be used for storage and mechanical equipment only and not for bedrooms, study rooms, meeting areas or living quarters; and the first floor of the historic building shall be used for meeting and study areas and not for bedrooms except for the rooms for health care as described in condition number 19;

5. The use of the buildings on the Property, and the entirety of the site, shall be limited to a private residential religious based school with no commuting or day students, as stipulated by the Applicant's witnesses. There shall be increased internal disciplinary controls, including but not limited to overnight on-site supervision of residents of the school in order to enforce the conditions herein relating to noise and outdoor activities. There shall be no change in the use, or expansion of the use, without further approval of the Board. Changes or expansions of use that are NOT permitted without a subsequent Board approval shall include, by way of example only, any of the following, or activities similar to the following:

A. Religious services or gatherings open to the general public. Services and programs shall be limited to the students, staff, and their immediate families. This is necessary due to the absence of parking for the public on the site;

B. Day school for students who are not residing on the Property (it being the representation of the Applicant that there are no commuting students);

C. Classes with, or inclusion in the Yeshiva of, girls or women, other than as day-time family visitors to the students residing at the Property or employees and relatives of the teachers and supervisors at the Property, unless adequate provision for separate bedrooms and facilities is made satisfactory to the Board pursuant to a separate application;

D. Classes or schooling for students who are not involved in the same religious program as the students of the Yeshiva, or conducting of another kind of educational program unrelated to the program of the Yeshiva;

E. Adult residents, other than teachers, rabbis and their immediate families residing on the Property solely in connection with the education, supervision and welfare of the students residing on the Property;

F. Additional numbers of students in excess of 100 students during any school cycle;

G. Any other use, or occupancy, on or of the Property, other than as specifically permitted by this Resolution;

6. There shall be no vehicles permitted to be stored or kept on the Property on a regular basis other than private vehicles (including passenger level vans) belonging to the faculty and their immediate family members who will reside on the Property. None of the students shall keep vehicles at the Property. To the extent possible, the vehicles shall be stored in garages or kept out of view near the buildings. No commercial vehicles shall be stored or kept on the Property on a regular basis;

7. The Applicant will make increased efforts to promote cultural understanding by the public of the practices and activities of the Yeshiva through public dissemination of information, in consultation with the Borough's Board of Education and Borough Administrator;

8. The age of students shall be between 13 and 24 (at the beginning of the school session). No younger students (unless such student is able to participate in the same course of studies as the older students) and no older students (other than supervisors or teachers) shall be permitted;

9. The Applicant shall cooperate with the Borough Fire Department with regard to practicing fire drills on a periodic basis and will permit inspections by Fire Department officials periodically as required by the Fire Department to ensure good fire prevention, and fire emergency, practices. The Applicant will also monitor dormitory rooms to eliminate the presence of electric cooking stoves or pots which are prohibited by fire code;

10. The Applicant shall have in place, prior to issuance of a certificate of occupancy for the new building, an emergency plan for handling natural disasters and other emergencies (such as, but not limited to, weather emergencies, fire, terroristic threats or activities and outbreaks of illness or environmental emergencies), including the method of educating occupants of the Property as to such plan and practicing such emergency plan, that is reasonably acceptable to the Borough's Chief of Police, which shall include provision of adequate supervisory personnel and emergency response practices to handle such situations;

11. All mechanical systems serving the buildings on the Property shall be covered by a maintenance contract with a professional entity that will ensure that all mechanical systems shall remain in good working order;

12. All outdoor activities on the Property shall be limited to between the hours of 9:00 a.m. and 9:00 p.m. All outdoor sporting activities during these hours shall be supervised by adults. No public address or other sound amplifying systems shall be used outside on the Property at any time. All music or other noise that extends off of the Property shall cease at 9 p.m. seven days a week. All gatherings, programs or other events involving persons who are not students, faculty or administration shall end by 9 p.m. The adult supervisors who are required by Condition #5 to be present on the property at all times shall be responsible for enforcing these requirements and limitations;

13. The Applicant shall have a policy in effect, which shall be enforced with the occupants of the Property and persons visiting the occupants, which will prevent the destruction or harm to any of the foliage and natural features on the site. If any such destruction or harm does occur, the Applicant will repair or replace such foliage or natural features as soon as possible, weather permitting;

14. The garden shed and storage shed on the Property shall continue to be used for their present storage purposes, and a new garden will be installed to replace the one that is being removed;

15. The apartments on the Property shall not be used for living quarters for students but only for faculty and their immediate families;

16. It is understood that in granting this approval, the Board relied upon the specific internal controls, including 24 hour on site internal supervision, 7 days a week, and the discipline inherent in the goals, teachings and methods of study of the Applicant Yeshiva, and that the Board would not have granted this approval, with these conditions, without these internal controls. Therefore, the Applicant shall comply with these supervisory and disciplinary methods described herein and in the testimony offered by the Applicant's witnesses, at a minimum;

17. The total number of students enrolled in the school shall not exceed 100 students. The only residential occupants on the property shall be administration and faculty and their immediate families;

18. The Applicant shall submit revised plans showing any changes required by these conditions prior to issuance of a building permit;

19. Two rooms shall be set aside for health care, including beds for students who should not be sleeping in their normal rooms due to illness;

20. In addition to the supervisory personnel required by Conditions #5 and 12 herein, at least one adult shall be present on the Property at all times who is designated as the responsible person for providing health care assistance and who is authorized by the students or their guardians to make emergency health care decisions for the students, and their telephone contact number is to be provided to the police department;

21. Provision shall be made for indoor recreation for the students and a common area shall be designated on the architectural plans for this dedicated purpose;

22. All deliveries for the Yeshiva shall be made during normal business hours, and such deliveries shall be made by small truck or van and not by tractor trailer truck;

23. The Applicant shall arrange for private trash removal and recycling through the County program and shall house its garbage and recycling bins inside the buildings until trash or recycling pickup days, or, if an outside container is used, it shall be enclosed from view as required by Borough ordinance;

24. A plan shall be submitted prior to issuance of a certificate of occupancy that delineates the parking and loading areas, including truck delivery location; area designated for trash pick-up; and delineated visitor, employee and resident parking spaces;

25. The driveway that empties onto the Rockview Avenue/Washington Avenue intersection shall continue to be closed off with a chain so that its use will be limited to emergency access;

26. The parking spaces along Linden Avenue shall be oriented so as not to face toward Linden Avenue and bushes shall be planted along the Linden Avenue lot line to protect the adjacent homes from headlight glare;

27. The Applicant shall provide for increased maintenance of the grounds of the Property, for both landscaping and debris cleanup, and shall provide private snow removal on a regular basis during snow events, both on the Property and adjacent sidewalks, if any, as required by Borough Ordinance;

28. The Applicant shall provide at its expense professional traffic personnel such as off duty or retired police officers to direct traffic to park in appropriate locations and to avoid traffic congestion in the neighborhood where the Applicant's property is located, during any events where persons other than faculty and students will be invited to congregate;

29. The provision of women's lavatories on the second floor of the new building shall not be construed as permission to admit women as students, or any regular activities for women, or services or events open to persons who are not part of students' and faculty's immediate families, it being understood that the Applicant has represented during the hearings that the school is only for males and no provision has been made for separate quarters or classes for female students or presence of women on a regular basis;

30. Construction will be coordinated with the Borough's construction department in order to reduce the impact on the neighborhood to the extent reasonably possible, including but not limited to limiting the parking of construction and contractor's vehicles off-site as opposed to on the Applicant's Property;

31. The Applicant shall comply with all recommendations set forth in the reports of the Board's consulting planner, Phillips Preiss, dated December 20, 2022 and revised March 28, 2023; and the Board's consulting engineer, Grotto Engineering, dated January 13, 2023 and revised April 17, 2023;

32. An operation and maintenance manual for the storm water drainage system shall be provided by the Applicant to the Borough Engineer and shall be subject to the Borough Engineer's approval;

33. The Applicant shall provide and maintain performance and maintenance bonds and/or guarantees required by Section 22-67 of the Borough's Land Development Ordinance as determined by the Borough Engineer. Prior to commencing construction of improvements, the Applicant's engineer shall submit to the Borough Engineer a construction cost estimate of site improvements. The Borough Engineer will review the estimate and prepare a determination of the required construction escrow and performance guarantee;

34. All construction and improvements shall comply with all applicable Borough building ordinances and codes and R.S.I.S. standards, including but not limited to setbacks, curbs, etc., except for those items for which waivers were specifically granted by the Board;

35. The Applicant shall schedule and participate in a pre-construction meeting with the Borough Engineer and Borough Historic Preservation Commission representative prior to

commencing construction on the site. The meeting shall be attended by the Applicant, its contractor, a representative of the Somerset County Soil Conservation District, and the Borough Engineer;

36. The Applicant shall pay all outstanding charges to its escrow account through the date of submission of the final site plans for signing by Borough officials prior to the execution of those plans;

37. The height of the new fencing shall not exceed five (5) feet in height with the gates not exceeding six (6) feet in height so long as that height does not disqualify the Applicant from receiving a grant for the fencing from the New Jersey Office of Homeland Security;

38. All conditions to this Resolution shall be satisfied prior to execution of the site plan by the requisite Borough officials, except those that in the opinion of the Borough Engineer are required to be satisfied prior to issuance of permits for any site improvements or that are conditions that may be satisfied after completion of construction;

39. Revised site plan drawings, in electronic format, digital, PDF and paper form, shall be submitted to the satisfaction of the Borough Engineer and evidenced by the Borough Engineer in writing before they are endorsed by the Board's chairperson and secretary. No construction of site improvements may commence until the Board secretary has the requisite number of endorsed drawings to the satisfaction of the Borough Engineer before they are endorsed by the Board's chairperson and secretary;

40. The Applicant shall obtain all necessary permits and approvals from all other municipal, county, regional, state and, if necessary, federal agencies as may be required by appropriate regulations, ordinances and statutes;

41. All utility wiring, including telephone, electric, cable, fiber, etc., shall be installed underground;

42. The site shall be fenced in during construction in a manner to protect against public entry onto the property. This requirement shall be added as a note on the plans;

43. No buses or other large vehicles which are picking up or dropping off people in connection with the Property shall be permitted at or adjacent to the Property between 9 p.m. and 7 a.m., seven days a week;

44. Trucks and heavy equipment and machinery used during or in connection with construction shall not be started or utilized at the site or in the neighborhood prior to 7:30 a.m. in the morning, nor be utilized later than 6:00 p.m. in the evening, Monday through Friday;

45. All new or replaced curbing on the site shall be granite block curbing. The Applicant shall install colored concrete curbing on the roadway frontage of the property on both Sycamore and Linden Avenue. The Applicant shall also repair or replace any and all sections of existing bluestone or concrete sidewalk fronting on the Property on Sycamore Avenue and Linden Avenue consistent with the Borough Engineer's report bearing revision date of April 17, 2023 ;

46. Construction shall comply with the engineering plans prepared by Charles J. Stewart, P.E., bearing latest revision date March 8, 2023\_ and the architectural plans prepared by B + F Design

dated May 18, 2023 and “For Zoning Permit Only” plans dated October 25, 2022, as amended by these conditions and any conditions to the Historic Commission approval;

47. The Applicant shall pay all fees required by the Borough’s Development Fee Ordinance, Section 22-132.4 and 133;

48. Revised plans shall be submitted showing all changes required by this Resolution;

49. Satisfaction of all conditions shall be subject to the approval of the Borough Engineer and the Borough Planning Consultant;

50. No Certificate of Occupancy shall be issued until all conditions have been satisfied.