

**Planning Board
Virtual Meeting
April 26, 2023**

Meeting started at 7:03pm.

Statement of compliance read by Chairman Fagan.

Roll Call

Present:

Mayor Lawrence La Ronde
Aimee Corzo
Chairman Tom Fagan
David Branan
Frank Kreder
Andre Mitchell
Michael Giordano
Cheryl McKeever

Absent:

Dave Hollod
Liz Appezzato
Mark Kruszczyński

Also present is Board Attorney Brian Schwartz, Borough Engineer Dave Testa, and Planning Consultant Paul Grygiel.

Pledge of allegiance.

Approval of Minutes

Michael Giordano made a motion to approve the May 11, 2022 minutes. Seconded by Frank Kreder.

All in favor.

None opposed.

Minutes approved.

Attorney Brian Schwartz submitted a letter requesting the position of Board Attorney for 2023.

There were no other nominations.

All in favor.

None opposed.

No abstentions.

Reorganization

David Branan nominated Tom Fagan for Chair of the Planning Board for 2023.

Seconded by Michael Giordano.

There were no other nominations.

All in favor.

None opposed.

No abstentions.

Michael Giordano nominated Frank Kreder for Vice Chair.

Seconded by David Branan.

There were no other nominations.

All in favor.

None opposed.

No abstentions.

Mayor La Ronde nominated Jennifer Bartholomew for Recording Secretary.

Seconded by Michael Giordano.

No other nominations.

All in favor.

None opposed.

No abstentions.

Mayor La Ronde nominated Dawn Gaebel for Clerk.

Seconded by Aimee Corzo.

No other nominations.

All in favor.

None opposed.

No abstentions.

Resolution

Resolution to retain Brian Schwartz as the Planning Board Attorney for 2023.

Roll Call Vote:

Mayor La Ronde – yes

Aimee Corzo – yes

Chairman Fagan – yes

David Branan – yes
Frank Kreder – yes
Andre Mitchell – yes
Michael Giordano – yes
Cheryl McKeever – yes

Reorganization closed at 7:15pm.

Old Business

None

New Business

SPR-22-001 Yeshiva Tiferes Boruch. The applicant is proposing a 2 story addition with a full basement.

Peter Wolfson of the law firm Day Pitney represents the applicant. Colleague, Attorney Terry Ford is also present. The application is for preliminary and final site plan approval for new construction on the applicant's property located at 21 Rockview Avenue. It's block 134, lot 1. The new building will modernize and enhance the applicant's use of the property as a religious based school for resident students. The new building will house a dining hall, study hall, lecture hall, kitchen, ancillary office, and storage space. The applicant is also proposing a new 6 ft black aluminum fence around the perimeter of the property. The new building and fence were approved by the Historic Preservation Commission by two separate certificates of appropriateness each dated March 20, 2023. The new building and the property have not and will not be used for religious services open to the general public. It has been used and will continue to be used for private residential religious education as described in the Zoning Board's December 6, 2007 Resolution, which was adopted when the Yeshiva was established at this location. By Resolution of the Zoning Board of August 17, 2022, the Zoning Board confirmed that this use is a permitted use under the ordinance. The proposal will result in no increase in the number of persons on site and no expansion of the types of uses to take place there. In connection with the site plan application, the applicant seeks two pieces of relief, a design waiver and a variance. The design waiver relates to the number of parking spaces under the ordinance. They don't meet that requirement. Students are not permitted to have vehicles and only a small number of faculty and staff commuters visit the property on a daily basis. This is only a waiver, not a variance and it meets the requirement that meeting it would exact an undue hardship on the applicant. The fence height variance results from extended dialogue with the Historic Preservation Commission as well as a concern by the applicant relative to security. The HPC in its certificate of appropriateness for the fence confirmed the applicant's proposal for a 6 ft high fence. Pursuant to the discussion with the HPC, there was an interest in having arches at certain points at the gates and that results in an additional foot at that point. The maximum fence height of 3 ft under the ordinance is permitted so they need relief for that. The 6 ft fence is based on advice that the applicant has received from the Department of Homeland Security which has advised that its standard for adequate security is 6 ft in order to achieve the desired level of security. There is an existing 6 ft unattractive chain link fence around a portion of the property

that is being removed. The new fence is aesthetically pleasing and has been approved by the HPC. These are the only points of relief they seek in connection with approval of the site plan. They ask that these two points of relief should be viewed through a lens of the fact that this is a permitted use, it is inherently beneficial, and it is as a religious use constitutionally protected.

They have received 2 Planning review memos from Mr. Grygiel, dated December 20, 2022 and March 28, 2023.

They also received two Engineering memos from Mr. Testa, dated January 13, 2023 and April 17, 2023.

They also received Mott McDonald's Sanitary Sewer review letter dated January 17, 2023.

They also have communication for Fire Chief Beattie by way of email and they will address that during testimony.

Witnesses for the applicant:

Kathy Hering is the Project Engineer from E2PM.

Barton Ross is an Architect that worked on the development of the plans for the project and led the applicant through the HPC process.

Lawrence Schreiber is the Project Architect from B&F Design.

Elizabeth Dolan from Dolan & Dean will provide a Traffic Study.

Rabbi Yochanan Cohen is the Executive Director of the Yeshiva.

Chairman Fagan asked if the number of people on the premise will not exceed the number from the 2007 Resolution. Mr. Wolfson stated they will not exceed the number that are currently there. Chairman Fagan asked how many are currently there. Mr. Wolfson will have the Rabbi answer that.

Witness:

Katherine Hering, Professional Engineer
2517 Route 35
Manasquan, NJ

Mr. Schwartz lost his connection and re-entered the meeting. He asked Mr. Wolfson why he considered the parking to be a waiver as opposed to a variance. The parking requirement is in the zoning ordinance. Mr. Wolfson deferred to his colleague Terry Ford because he prepared the notice as well as the application. Mr. Wolfson will research it and come back to it.

Mr. Schwartz swore in Katherine Hering.

She has been employed by E2 Project Management for 2 ½ years. She earned a Bachelor's Degree in Civil Engineering from Duke University. She earned a Master's Degree with Honors in Civil Engineering from Georgia Tech. She is a licensed Professional Engineer in NJ for 22

years. She is also a licensed Professional Planner in NJ for 20 years. She is a certified Municipal Engineer for 19 years. Her licenses are current and in good standing. She has been an adjunct Professor at Rutgers University for 3 semesters. She taught an undergraduate course in Construction Management. She has 14 years of experience as a Municipal Engineer and has been a Planning and Zoning Board Engineer for several municipalities in NJ.

She was accepted as an expert in the area of Professional Engineering.

Kathy Hering shared her screen showing plans prepared by E2PM dated March 8, 2023. She also will be referring to Mr. Testa's letter dated April 17, 2023 and addressing his comments.

Kathy Hering referred to the title sheet. The subject property is located in the R-4 Residential Zone. It is also in the H-2 Historic District Overlay. The property is block 134, lot 1 and is approximately 2.2 acres and is bordered by Rockview Avenue, Washington Avenue, Linden Avenue, and Sycamore Avenue. The project is focused on the southern corner at Linden and Sycamore. The surrounding area is primarily single family homes.

Kathy Hering referred to page 5 of Mr. Testa's letter under the heading of general. They agree to comply with his comments 1-4, 6, & 13. She will be focusing her testimony on engineering matters. Comment 5 addresses fire safety. The Borough fire official provided comments in his email dated January 16, 2023. Those comments were discussed prior to the hearing originally scheduled back in January. The Yeshiva has hired Mr. Rosenfeld as the Director of Maintenance and Operations to accommodate the property needs of the Yeshiva and to be in compliance with fire safety requirements. They agree to design and construct the building in accordance with recommendations provided by the fire official.

With respect to comment 10, regarding outdoor recreation, there are 2 portable basketball hoops in the parking lots on Linden and Washington where students play basketball. There is not another designated area for recreation.

With respect to comment 12, regarding duration of construction, they are anticipating a 2 year construction period.

With respect to comment 13, regarding a geothermal underground well on Linden Avenue, that is no longer being considered.

Kathy Hering next showed the demolition plan. The updated plan depicts the removal of 18 trees around the property for the installation of the storm sewer system along with construction of the proposed building and improvements. Per the Borough's Shade Tree Ordinance, 33 trees will need to be provided to replace the 18 being removed. Their landscaping plan currently provides for 46 trees, which is 13 more than required. Regarding the proposed fence, if additional trees need to come down, they will revise the landscaping to maintain compliance with the Shade Tree Replacement ordinance.

With respect to comment 2, they agree to restore any areas within the right of way that may be damaged during the course of construction.

They also agree to comply with comments C3 and C4.

The Site and Utility Plan was shown. Their application is requesting a variance from the Board to permit a 6 ft high fence around the entirety of the property whereas 3 ft is permitted by ordinance. Along Linden Avenue and Sycamore Avenue, there will be brick columns incorporated into the fence and the design was fully vetted with the HPC.

Regarding comments D2-D7, they agree to comply.

The Mott McDonald letter, page 2, comment 2B, comment 2, the sewer lateral invert of 97.00 be verified. The elevation is provided on drawings prepared by B&F Design Studio. E2PM's drawings propose an invert elevation of 95.6. They agree that they will coordinate their invert elevation between their drawings so it's consistent with their submission.

The Grading and Drainage Plan was shown. Referring to comment E4, the intersection of Sycamore and Rockview, they are connecting into the existing inlet and the pipe will be going under the existing stone wall. They anticipate this will likely need to be reconstructed as part of the installation of the storm drain. Considering the depth of the excavation, she doesn't believe they would be able to support the footing of the wall for the installation of the storm pipe.

Regarding comments E5-E7, they agree to those comments.

The Landscaping Plan was shown. 18 trees need to be removed for the project. 33 trees are required to be provided. Their current design proposes 16 October Glory Red Maples, 7 Dura-Heat River Birch, 5 Sourwood Sorrel Trees, 5 Greenspire Littleleaf Linden, and 13 Emerald Green Arborvitae. They also have provided additional foundation plantings around the building and Little Richards as plantings along the front of the fence. If additional trees need to be removed as part of the installation of the fence, they will re-evaluate the landscaping design accordingly.

The Lighting Plan was shown. This shows the photometrics of the post mounted lights. They were selected with the input of the HPC. They will be mounted on 8 foot poles around the new building. Mr. Testa asked in his report if there will be light mounted on the building itself. The double doors will have 2 lights wall mounted. The single doors will have 1 light mounted. They will provide the details, the photometrics and the drawings.

The next comment in the review letter is regarding soil erosion and sediment. They agree to add a designated area for the soil stockpiles to the plans. Sycamore Avenue would probably be the most likely area where soil can be stockpiled during construction.

The Fence Plan was shown. The proposed fence will be 6 ft high. The gates across the driveways have a curved feature will raise the fence to approximately 7 ft. That will only be for the driveways.

With respect to comment I5, it's her understanding that the gates will remain open during the day when students are on campus but will be closed in the evening and in between semesters. They will be locked when there are no students.

With respect to the comment regarding construction, they agree to comply with comments 1-5. With regard to comment 6, they are no longer proposing a wood fence. Comment 7 regarding proposed height was addressed.

Mr. Wolfson commented on the Mott McDonald letter and the foot infraction discrepancy between the architectural and their plans that will be reconciled and asked if otherwise they can comply with all of the contents of that letter. She stated yes, they can.

Mr. Wolfson asked if there are outside agency approvals needed for the project. She stated they will be applying to the Somerset County Planning Board and the Somerset Union Soil Conservation District. Based on certification from the Soil District, they will apply for a 5G3 permit to the DEP for the temporary construction storm water activity.

Mr. Wolfson stated Kathy Hering is a Professional Planner and if the Board wants to hear Planning testimony, she will be available for that as well.

Paul Grygiel prepared a letter March 28, 2023. Two items need minor clarifications with regard to the Site Plans. The first item is item 6 on page 6, regarding the label on the Site Plan sheet 103.00 referring to a wooden fence. He believes it's been removed in the revised plans but there is still a label shown. He just wanted to clarify that there is no longer a wooden fence proposed at that location. Kathy Hering stated the wooden fence is no longer being proposed. Mr. Grygiel asked that the label be removed. Item 8, regarding a discrepancy between Architectural and the Site Plan, the Site Plan indicates it's an interior stair well but the Architectural says it's exterior. Kathy Hering stated it is exterior and E2PM will update their plans to indicate it is an exterior stairwell.

Brian Schwartz asked if the 33 new trees are mainly shown on the perimeter of the property. Kathy Hering stated they are actually proposing a total of 46 trees that are all on site, primarily around the new building. They have more along Sycamore Avenue and a few along Rockview.

Dave Testa asked for clarification that the site is not considered a major development under DEP and Borough stormwater guidelines. Kathy Hering confirmed that is correct. Mr. Testa asked if they were still reducing post-construction stormwater runoff for the 2, 10, and 100 year storms. Kathy Hering stated yes, they are providing an underground infiltration system and it collects stormwater generated from the roof of the proposed building as well as the site in general. It will be managed within the underground system and will be discharged and connect to the existing inlet. They comply with section NJAC 7:8 of the DEP Stormwater Management Regulation. Mr. Testa asked if the proposed construction runoff is less than the pre-construction runoff. Kathy Hering said it is.

Mr. Schwartz asked Mr. Testa if he will need a manual to see how the underground system is going to work and how it will be maintained. Mr. Testa stated they have already supplied that but they will need to supply a maintenance manual. Kathy Hering stated they do agree to provide that.

Mr. Testa asked if the square footage on the cover sheet did not include the basement in the calculation of the parking required. Kathy Hering stated that is correct and it would be reconciled. They will update the 237 stalls to 275 stalls.

Mr. Schwartz asked what use the calculation for parking was based on. Kathy Hering deferred to the Traffic Engineer. Mr. Wolfson stated they believe they fall under ordinance section 22-177 2b15 which is unlisted uses, parking ratio. That language says one space for 200 square ft of gross floor area unless waived by the Planning Board. They saw that language and believed that indicates the ordinance is set up that waivers would be the appropriate relief relative to that standard. They are asking for a waiver from the applicability of the square foot requirement, not the deviation itself.

Mr. Schwartz stated if the Board were to deny the waiver, they could still apply for the variance. Mr. Wolfson stated they will abide by whatever level of relief the Board feels they need. They believe it's a waiver, which is a lower standard but they will provide detailed testimony and field experience from Ms. Dolan who has been to the site on numerous occasions in support of either level of relief.

Questions from the public:

Francine Gargano
57 Willow Avenue
North Plainfield, NJ

Ms. Gargano asked if Kathy Hering reviewed the original Resolution of the Board of Adjustment for this property. Kathy Hering stated she did. Ms. Gargano stated she did not address all of the things being violated by what is being proposed and asked if she was going to ignore that or is someone else going to address that. Mr. Wolfson stated they will have operational testimony available on various items. Ms. Gargano stated it is the Resolution of the Board of Adjustment BA 07-02 Yeshiva Tiferes Boruch Inc. She stated there were specific items in there that they were required to follow. Mr. Wolfson referenced the Resolution in his opening and is happy to answer questions. Ms. Gargano asked what the ages of the trees are that they are proposing to destroy. Kathy Hering can't answer that. Ms. Gargano asked what types of trees they are proposing to destroy. Kathy Hering stated from what she observed, most of them were maple trees but she doesn't have the information available at the moment. Ms. Gargano stated that part of the Historic Preservation is the requirement that all gardens be maintained and kept. She asked if this is being built on the gardens. Mr. Wolfson stated they are before the Board for the Site Plan. To the extent that it represents modifications from a prior Resolution and approval, so they see one, they would deal with any of those issues.

Mr. Schwartz stated it's not an amendment to the previous Site Plan approval. It's a new Site Plan approval. He thinks it's fair to ask about deviations from the previous approval to the extent that Ms. Hering can answer the question.

Ms. Hering zoomed in on existing conditions and demolition survey. She showed the area that will be cleared for the development and construction of the building. She stated there are

landscaping areas that will be removed as part of the construction. Ms. Gargano asked if she understood this is a historic district and the gardens are not supposed to be removed. Ms. Hering stated she does and respectfully asked that questions asked regarding the historic component be held.

Mr. Wolfson asked what Ms. Gargano was referring to in the Resolution. He sees one condition, number 2 that seems to be in the neighborhood but asked what she is referring to. Ms. Gargano stated she is referring to the Historic Preservation. She used to sit on the commission. The Historic Preservation requires the preservation of gardens. You cannot destroy gardens. In the Resolution it specifically says in number 2, the applicant shall provide for professional care and maintenance of all landscaping on property, including but not limited to gardens, shrubbery, healthy trees, etc and shall not remove, alter, or replace any such plantings without replacing them with similar significant growths subject to the approval of the Borough Engineer. Under Historic Preservation, you cannot take out gardens and they've never professionally maintained the property. That's why she's asking what type of trees are coming out. Under this, the same ones would have to be replaced. She doesn't think that issue is being addressed. Mr. Wolfson was looking at the right condition and it says the advice of the Historic Preservation Commission and having gone through multiple hearings and meetings with the HPC that that and everything else about this plan was thoroughly considered. It says advice but not consent. Despite no consent, they did go through the HPC process and received the certificates for the project.

Ms. Gargano asked if they discussed the trees with the HPC. Mr. Wolfson stated landscaping was part of the presentation. Mr. Wolfson believes they have satisfied this condition and if approved, they would continue to be in compliance with the condition.

Mr. Gargano asked Ms. Hering if they are suggesting North Plainfield is dangerous to the Yeshiva. Mr. Wolfson stated that is not the appropriate witness. Ms. Gargano asked if she was the one recommending the 6 ft fence. Mr. Wolfson stated she merely led us through the fence plan as it appears on the plans. Mr. Wolfson made a reference to Homeland Security advice that his client received. There have been security breaches and attacks at synagogues and other places of worship in the news. They can supplement his representation at the appropriate time. Ms. Gargano asked if there have been attacks in North Plainfield. Mr. Wolfson does not know that.

Ms. Gargano stated the expert did not discuss the Yooper wires that have been put up. She asked if the poles were approved. She said wires can't be over a street unless there is an easement. She asked if there is a proposal of an easement over the streets for the Yooper wires that are being put up for an all boys school. Mr. Wolfson stated that's not part of the application proposed. If there are issues regarding that, it can be dealt with in an administrative fashion.

Mr. Schwartz asked Mr. Wolfson if they had someone who could explain what this issue is. Mr. Schwartz agrees that it is not a Board issue, it's a Borough issue but it relates to the property. Mr. Wolfson will have the Rabbi address it.

Steven Romeo
16 Rockview Avenue
North Plainfield, NJ

He lives across the street from the Yeshiva. Mr. Romeo stated 22 Rockview Avenue is used for recreational use, in addition to the 2 basketball nets. In the 2007 agreement, it states in item 12 no active outdoor sporting activities would be used, and item 9 states they would not engage in basketball unless at the park. Mr. Romeo asked Ms. Hering to explain what she was talking about with the recreational activities. Mr. Wolfson asked Mr. Romeo if he is referencing condition 9. Number 9 in Mr. Wolfson's copy of the 2007 Resolution talks about cooperation with the Borough Fire Department with regard to practicing fire drills. Mr. Romeo stated no competitive recreational activities will take place on the property. Mr. Wolfson stated that's not in the condition section. Mr. Schwartz stated the condition is number 12, no outside activities shall be limited between 9am-9pm, no active outdoor sporting activities of more than 10 participants on the property, no public address, or other sound amplifying systems. Mr. Romeo stated they are playing basketball at 1 and 2 am. Mr. Wolfson stated if that's happening there are other ways to address that. Mr. Schwartz stated if that's happening, he needs to call the police or the code enforcement officer. Mr. Romeo stated he has called 3 times over the last month. Mr. Schwartz stated the Board does not have enforcement authority. Mr. Romeo stated if they are not adhering to the plan from 2007, why bother coming up with anything on this proposal. Mr. Schwartz stated they are obligated to hear them.

Frank D'Amore
North Plainfield, NJ

Mr. D'Amore wanted more information with regard to the Resolution from the Board of Adjustment BA 07-02. On page 5, item 2, it talks about the removal of shrubbery and plants as long as they are replaced in kind. Mr. D'Amore asked how they will replace the plants based on the footprint of the new building. The gardens will be gone. Ms. Hering explained the majority of the trees will be focused around the proposed building and also along Sycamore Avenue. Many of the trees along Sycamore Avenue are showing signs of disease. Mr. D'Amore asked how all of them will be replaced because there will not be enough room with the size of the new building. It says in the Resolution that it should all be replaced. He is wondering how that will be accomplished. Ms. Hering stated the ordinance has a formula for tree replacement based on the caliper of the tree being removed. They calculated 33 trees are required to be replaced. They are providing 46. They more than comply with the tree replacement requirements. They are also providing another 56 shrubs around the fence and around the foundation of the building. Mr. D'Amore asked if the replacements will be equal to what's being removed. Ms. Hering stated they are not an in kind replacement.

Mr. Wolfson stated a property has a right to come in with a proposal for a Site Plan with new construction. In this case, needing only 2 points of relief, being inherently beneficial and constitutionally protected. If that results in alternative vegetation to that which is historic, it's part of the process of the application review. The testimony bears out that they are more than complying with what the municipality anticipates where there's new construction.

Wendy Wright-Schaefer
110 Willow Avenue
North Plainfield, NJ

Ms. Wright-Schaefer asked if the fire escape was external and if only the basement is external. Ms. Hering stated she is not the architect to answer the question. She stated there is an exterior entrance to the basement level. There is an error on E2PM's drawings that showed it to be an internal stairwell where it's actually external to the basement level.

Katherine Miller
Chair of Historic Commission

She wanted to point out that there is a tree inventory list that can be provided to the Board. A Landscaping Plan was not actually approved by the Historic Commission. It was written in the COA for the building that once it was more known what was going to happen with the property, they would get a Landscape Plan later.

Mr. Wolfson recalled through many zoom meetings that there was discussion about landscaping. He accepts that when and if this is approved, including the Landscape Plan presented tonight, they will go back to the HPC and provide it to them.

Katherine Miller stated there were landscaping items requested as far as the arborvitaes around the bump out facing Washington but other than that there is no Landscaping Plan approved by the HPC because they were not provided that.

Mr. Wolfson stated this Board has approval rights for the landscape and they will share that with the HPC if they are fortunate enough to get an approval.

Francine Gargano
57 Willow Avenue
North Plainfield, NJ

She stated her question was answered. They are ignoring the fact that this is the historic district.

Witness:

Barton Ross
Barton Ross & Partners, LLC
184 South Livingston Avenue
Livingston, NJ

Barton Ross was sworn in by Brian Schwartz.

Barton Ross has a Bachelor's of Architecture from Virginia Tech. He has a Master's of Science in Construction Administration from Columbia University. He has a Master's of Science in Historic Preservation from the University of Pennsylvania. He is the past President of Preservation New Jersey. He is a past instructor at Kean University and Rutgers University on

Historic Preservation issues. He has worked for dozens of municipalities in the State of NJ and his firm was the co-author of the Somerset County Preservation Plan.

Mr. Ross was accepted as an expert in the area of Architecture with a specialty in Historic Preservation.

Mr. Ross shared his screen to show a 1910 Sanborn map of the McCutchen Mansion. It showed an old greenhouse built in 1900. There is a historic portion still remaining. The map showed another building that is no longer there. He also showed an aerial view above the site. It showed a portion of the historic greenhouse that remains on the site. It also showed 2 existing buildings on the site. There are no proposed changes to those 2 buildings that were built in 1956 and 1960's. There are also 2 buildings, a shed and a gazebo that are proposed to be demolished. This was explained to the Historic Preservation Commission. He also showed ground level photos of the site. He showed the McCutchen Mansion. There is a kitchen, cafeteria, and dining hall in the building and it is unsafe to have all of those uses under one roof. By removing them to the new building, they think it will be easier to rehabilitate and maintain the historic structure. He also showed the history of the property.

He showed drawings submitted to the Board by B&F Design. They first presented to the HPC on October 26, 2021. They worked with them to come up with a compatible design for a new building that would fit within the Washington Park Historic District. The basement plan is 7,669 square feet that holds the dining room. There are 2 means of egress. There is a 1,143 square foot kitchen in the basement. There are 2 stair cases on opposite sides of the building. There are restrooms and storage in the basement. There is a janitor closet and an elevator centrally located in the building. There is a storage space at the bottom of the stair. In order to access the kitchen and dining room for food service, you would access the Linden Avenue door.

The main vestibule and entry faces Linden Avenue. There is an office with its own restroom. There is a main lobby that enters the Bais Medrash, which is the study hall. This is one of the main uses of the building. It's 3,971 square feet. It's a 2 story high space. It also has an emergency exit to Linden Avenue. There is a coat room. The entry on the campus side will be used by the students. There are also restrooms on the first floor.

The second floor is open to the below study hall. When in the classrooms and multipurpose mezzanine area there are glass windows so you can look down to the study hall below. There is a janitor closet, restrooms, elevator, and 2 staircases. There is a small roof above the student entrance from the campus side.

Mr. Ross showed the elevations. There is a total above ground square footage of 11,208. It is 18,877 with the basement. The roof peak is 28 ft 10 inches, which is below the 35 ft allowed under zoning.

All materials are high end. The proposed building fronts Linden Avenue. It's a beige stucco and wood shingle sided building. It has slate roofing and a brick chimney. The study hall portion of the building will have a slope slate parapet roof to hide all the HVAC units. The campus entry door will have a parapet roof which matches the mansion details. Wood sided portions of the

building will flare out. They have roof gables facing Washington and Sycamore and three windows will have wood half timbering to match the mansion details. They tried to match as many details from the mansion as they could but they are not trying to exactly replicate the historic appearance. All the roof gables will have decorative brackets. It's a Tudor revival style building. All the leaders and downspouts will be copper. There will be a stone water table that goes around the base of the building. It will surround the building on 3 sides. There are 4 stained glass windows, 2 on Linden and 2 on Sycamore. All the windows are proposed to be Andersen Architectural series. The majority of the windows will be double hung. There are 2 casement windows. The color will be a beige or brown to coordinate with the mansion. They are adding stone window arches and crown moldings which will match the mansion. There will be a hanging light at the main Linden entry. All the doors will be Andersen African Mahogany Tudor series with custom hardware at the main entrance. There will be Tudor series double door with transom windows. They will try to match the stone arches to match the main Rockview facing entry door of the McCutchen Mansion. All of the doors will have period appropriate iron hardware. The lighting was proposed and approved by the HPC.

Mr. Ross showed pictures of the doors, door pulls, and windows. He also showed an image of the existing greenhouse that will be repaired in kind. There will be a new asphalt shingle roof and they will match the cedar siding and any windows and doors will be repaired.

Mr. Ross showed renderings of Sycamore Avenue with the existing stone wall, new stone pillars, new landscaping, and new 6 ft high wrought iron appearing aluminum fence.

Mr. Ross showed a rendering of the building on Sycamore looking towards the building. It showed new fencing, landscaping, and pedestrian gate. He described the details of the building.

Mr. Ross showed a rendering of the Linden Avenue side showing the building, the asphalt parking lot that will remain, a vehicular gate, and a pedestrian gate.

Mr. Ross showed a rendering further down Linden Avenue showing detail 3 of the fence, the parking lot and the building.

Mr. Ross showed a rendering of the 1956 building behind the fence and existing stone wall. The fence will go behind the stone wall.

Mr. Ross explained 3 details for the fencing that they got a separate certificate of appropriateness approval for. This was separate from the architectural building application. He showed a rendering of the site plan showing the 3 details of the fence. The first detail is the 2 ft high stone wall around the perimeter which has chain link fencing in many locations. The wall starts at Linden Avenue just east of the existing asphalt parking lot and continues counter clockwise around the site, terminating at Sycamore Avenue. Where the existing wall is located, a new fence will be installed approximately 2 ft behind the existing wall. The fence will be constructed at a continuous elevation along the perimeter to avoid any uneven stepping of the fence. Detail 2 is a new 2 ft square pillar that has a stone facing which matches the stone of the existing rock wall. The new pillars will be rock based and chiseled bluestone caps. The new pillars will be located on both sides of each driveway gate, excluding the parking lot area which is detail 3.

Detail 3 is at the existing parking lot. It is at grade, no pillars. Each driveway gate opening will be flanked by the stone pillars on each side with double arched gates. The fence is made by Vanguard Aluminum Fences and will be 6 ft high. It is Avant series C1. It's a 4 rail heavy gauge black aluminum fence with 2 ½ inch diameter posts, 1 inch x 1 ½ inch rails, ¾ inch square pickets, and imperial finials. The fencing is appropriate for historic areas. The stone wall is actually off the Yeshiva's property. With the new pillar it returns back to get on the property. They are giving the space back to the Borough and it will be nicely landscaped.

The existing chain link fence they are proposing to replace already exists at 6 ft high. Because of security concerns expressed in the guidelines distributed by the Department of Homeland Security that they are trying to meet and for obvious aesthetic enhancements, they think the new fencing as designed and approved by the HPC will be a major streetscape upgrade for the property and throughout the Borough.

Aimee Corzo asked if Mr. Ross could explain exactly what he is referring to when he says security guidelines. She is confused because the previous testimony said 5 ft, not 6 ft. Mr. Ross confirmed it is 6 ft. Each section is 8 ft wide so it's 16 ft wide and 6 ft high. It is 7 ft at the arched gates. He deferred the Homeland Security directives to Rabbi Cohen.

Mike Giordano asked why the interior square footage has to be so big and why there has to be a second floor. Mr. Wolfson stated the Rabbi will talk about operational issues and the student body. Mike Giordano stated the main classroom study hall is 3,900 square feet and if there are only 100 students, he doesn't think it has to be that big. Mr. Ross deferred to Rabbi Cohen.

Mr. Schwartz asked Mr. Ross if the plan for the new building was prepared by him or under his supervision. Mr. Ross stated the plans were prepared by B&F Design. Mr. Schwartz stated the plans have his name on it, Barton Ross & Partners. Mr. Wolfson stated they are going to call the Architect of record who is from B&F. Mr. Ross led them through the floor plans and elevations because he has worked on it for 2 years. Mr. Schreiber will be brought up to confirm that his plans are consistent with that testimony and that they reflect what Mr. Ross testified to as well as they're consistent with the HPC certificates. Mr. Schwartz needs to know why Mr. Ross presented plans under his company's name to the Board. Mr. Ross stated he was the Design Architect. Mr. Schreiber's company will be the Architect of record. Mr. Schwartz asked Mr. Ross if the information he put on his plan was from somebody else. Mr. Schwartz doesn't understand how a Licensed Architect puts his company's name on it unless his company prepared the plans. Mr. Ross stated he is the Design Architect. He did a design and B&F Design will be the Architect of record. The actual drawings were prepared by B&F. Mr. Schwartz asked if the plans Mr. Ross was testifying about were not prepared by his company. Mr. Ross stated he will not be signing and sealing any plans to the Borough. Mr. Schwartz asked if Mr. Ross presented 2022 Architectural Plans that were prepared by his company and were titled Architectural Plans and showed basically the same building. Mr. Ross stated that was correct. He prepared schematic drawings going back almost 2 years before B&F Design got involved to be the Architect of record. Mr. Ross stated B&F took his plan and worked off of that. Mr. Ross prepared the original and gave it to another Architect to do.

Mr. Schwartz stated he was looking at his plan of January 2022, and asked who decided the general layout of the building. Mr. Ross stated all the layouts are from the Yeshiva's programmatic requirements. The Yeshiva laid it out and his role was to make it historically appropriate and approvable through the Historic District. Mr. Schwartz asked if the Yeshiva told him they wanted a large open area with a mezzanine above it, looking down over it. Mr. Ross stated yes, all of the requirements for the interior spaces came from the Yeshiva. Mr. Schwartz asked who came up with the size of it. Mr. Ross stated the Yeshiva did. Mr. Schwartz asked if he was told to plan a space for a certain number of people or if they gave him the size they wanted. Mr. Ross stated they gave him the size and they could ask Rabbi Cohen about it.

Mr. Schwartz talked about the second floor which is now characterized as a mezzanine and was previously called an Ezras Nashim. He asked Mr. Ross if he knew what that meant. Mr. Ross deferred to Rabbi Cohen. Mr. Schwartz asked if the Yeshiva gave that name to the space. Mr. Ross stated yes. Mr. Schwartz stated the space is now called a mezzanine and not Ezras Nashim. Mr. Ross stated that's what it says on their drawings. Mr. Schwartz asked if other than names on certain parts of the space, if there are other changes in terms of layout or size for the floor plan. Mr. Ross stated there are probably numerous changes that have happened over 1 ½ - 2 years. His role was mostly on the exterior to make sure it conforms with the HPC's wishes. Mr. Schwartz asked if Mr. Ross had a recollection of what his January 2022 plan showed even though he doesn't have the plan in front of him. Mr. Ross stated he has a vague recollection. Mr. Schwartz asked if the size of the basement, main floor, and mezzanine were basically the same. Mr. Ross stated they would be basically the same. Mr. Schwartz asked if the restrooms on the second floor were designed to be men's rooms or women's rooms. Mr. Ross deferred to Mr. Schreiber or Rabbi Cohen. Mr. Ross does not recall if they were to be men's rooms or women's rooms and he was not told. Mr. Ross stated the Yeshiva established the programmatic requirements and the design. His role was to make it fit within the Historic District and be approvable through the Historic Preservation Commission.

Paul Grygiel stated there was mention regarding variance proofs and if that was the extent of the testimony regarding the fence variance. Mr. Wolfson stated Ms. Hering is a Licensed Professional Planner and to the extent the Board wants to hear support for the fence and the parking, after all the rest of the testimony they can bring her back as a Planner. Mr. Grygiel advised the Board that there are certain proofs that need to be addressed for any variance and he did not hear anything that speaks to that, only general testimony.

Chairman Fagan asked Mr. Ross if Mr. Schreiber was going to show plans that differed from what they just saw. Mr. Ross stated no.

Questions from the public:

Francine Gargano
57 Willow Avenue
North Plainfield, NJ

Ms. Gargano asked Mr. Ross if it was true that Historic Preservation includes the gardens. Mr. Ross stated it can. She asked if Historic Preservation also had to do with not only the gardens

but also trees, shrubbery, and flowers. Mr. Ross stated it can, depending on how you are trying to preserve the streetscape. Ms. Gargano asked on what basis would it be ok to destroy the historic element of a garden on the property and put in a building. Mr. Ross stated he is not a Landscape Architect and he can't speak to that. He said they did a very detailed tree inventory from a licensed Forester in NJ and from an architectural point of view, one of his roles was to try to get the applicant to save the remaining greenhouse on the property. That is what they presented and were approved to do by the Historic Preservation Commission. Ms. Gargano stated he came in as an expert in Historic Preservation and he is asking this Board to allow the destruction of gardens which is an important element of Historic Preservation. She is trying to understand his basis to do that since that violates everything about Historic Preservation. Mr. Ross stated he is an Architect, not a Landscape Architect and he is not an expert in Landscape Architecture.

Ms. Gargano asked how many people fit in the building that he designed. Mr. Ross deferred to Mr. Schreiber who will be the Architect of record.

Ms. Gargano asked Mr. Ross what his basis for saying it was dangerous to have all the uses in the historic building. Mr. Ross stated his years of experience working on many hundreds of buildings that are historic that it is always best practice to remove a kitchen or heat source out of buildings. Historic buildings are often at fire risk. That's what they are trying to avoid by moving it into another building. Ms. Gargano states Mr. D'Amore, Mr. Romeo, and herself all live in historic buildings and they all have kitchens. She doesn't believe that was a true statement on his part.

Ms. Gargano asked why the main building is facing Linden Avenue when it is allegedly for students and not for outside people to come in. Mr. Ross stated it was a good streetscape practice to bring the building closer to the actual intersection so it appears as if the building has always been there in that location. There's also the precedent of how the greenhouse was longitudinally laid out on the site and that's what they're trying to mimic. They didn't need an entry facing Linden Avenue but for Historic District streetscape purposes they added one that looked very appropriate. The HPC agreed. The actual entry where people will be coming and going is on the campus side which is appropriate. Ms. Gargano asked if the entry was there before the shed was discovered. Mr. Ross did not understand the question. Ms. Gargano asked how long ago the plans were made showing the entry on Linden Avenue. Mr. Ross stated they've been showing that ever since they started a year and a half ago.

Ms. Gargano asked when the shed or greenhouse was discovered. Mr. Ross said he didn't understand the question, it's always been there. Ms. Gargano asked if it was always part of the application with the HPC. Mr. Ross stated no, in the beginning the Yeshiva wanted to take it down. Through the process of working with the HPC, they decided it would be in the best interests of the Borough to retain it. Ms. Gargano stated his statement that the Linden Avenue entrance was put there because of the greenhouse is not true because the plan was made before he knew about maintaining the shed. Mr. Ross said he did not understand the question.

Ms. Gargano asked what the basement is going to be used for. Mr. Ross stated it is going to be a dining hall and kitchen for the students. Ms. Gargano asked if it was dangerous to put a kitchen in a basement in a building. Mr. Ross stated it's a new building and as far as protecting historic resources this is a better alternative.

Ms. Gargano asked if the brick wall around the perimeter is crumbling and has not been maintained. Mr. Ross stated the stone wall will be repointed as part of the work. Ms. Gargano asked if it was on anyone's plans that it will be repointed. Mr. Wolfson stated he testified that it will be repointed. Mr. Ross stated he testified it will be repointed and the details will be shown on the civil drawings.

Ms. Gargano asked if it is true that the existing chain link fence was there before the changes to the Historic Preservation ordinance. Mr. Ross said he had no idea about that and it wasn't part of what he had to do. They are proposing to remove the chain link fence which is the right thing to do.

Ms. Gargano stated the dumpsters have been an eyesore and are supposed to be enclosed. She asked if enclosed dumpsters are on the plans. Mr. Ross deferred to Rabbi Cohen about dumpsters. Ms. Gargano asked him if it was on his plans. Mr. Ross stated he doesn't have plans so she would have to ask Mr. Schreiber. Ms. Gargano asked if it was on what Mr. Ross showed. Mr. Ross stated there is no Site Plan drawing on what he just showed.

Wendy Wright-Schaefer
110 Willow Avenue
North Plainfield, NJ

Ms. Wright-Schaefer asked what kind of events will be held there. Mr. Ross deferred to Rabbi Cohen.

Ms. Wright-Schaefer asked if all of the HVAC will be enclosed. Mr. Ross stated it's not enclosed, it's open to the air above but it's hidden from sidewalk view by parapet walls.

Break at 9:10pm.

Back from break 9:20pm.

Roll Call:

Mayor La Ronde – yes
Aimee Corzo – yes
Chairman Fagan – yes
David Branan – yes
Frank Kreder – yes
Andre Mitchell – yes
Michael Giordano – yes
Cheryl McKeever – yes

Witness:

Elizabeth Dolan
Dolan & Dean Consulting Engineers
181 West High Street
Somerville, NJ

Elizabeth Dolan sworn in by Mr. Schwartz.

Ms. Dolan has a Bachelor's of Science in Civil Engineering from Rutgers. She is a Licensed Professional Engineer registered in NJ, NY, PA, and DE. She has focused in the area of Traffic and Transportation Engineering for 31-32 years and she's appeared in over 200 municipalities throughout NJ and has been accepted as an expert in Traffic Engineering and has had the benefit of reviewing traffic, parking, and DOT aspects of applications on behalf of Planning and Zoning Boards throughout NJ.

Mr. Schwartz stated Ms. Dolan has testified before this Board as an expert in Traffic Engineering.

Ms. Dolan prepared and submitted an October 20, 2022 letter that is part of the record that speaks to the parking activity at the site. There have been corrections since the issuance of that letter. She referenced an 11,267 square foot building but it's actually 18,877 square feet with the basement as had been testified to earlier this evening. With that building addition and basement, there is a required 275 spaces. She has been at the site multiple times in 2022. Since the issuance of the letter and in preparation for tonight's hearing, she has been back at the site on multiple occasions. She travels through the area and has visited the location routinely to look at the parking demand. She has come up with a maximum of 9 vehicles on site at any 1 time. The students do not have cars. Some of the staff walks to the school. There is no parking demand at the site and this application is not proposing anything that would change the parking characteristics at the site. Based on her extensive experience visiting the site, there is a very minimal parking demand. Whether it's a waiver or variance, there is no parking demand at the site. There is no requirement for anything other than a few occasional vehicles. In support of the parking variance, the Board should feel comfortable that they can waive this requirement.

Mr. Wolfson stated the language of the ordinance falls into the all-other category and that's the ratio they get dropped into. It's not specific to the use that they have at all. Ms. Dolan agreed. Mr. Wolfson asked her if her field observations on multiple occasions are the best indicator of parking demand on site combined with testimony relative to what's going to happen on site. Ms. Dolan stated she goes to the site all the time and there is no need for parking. The prohibition of student parking further supports the relief.

Aimee Corzo asked Ms. Dolan if she was there during student drop offs and pick ups of commuter students. Ms. Dolan was not aware that there were any commuter students. Ms. Corzo asked if she was there during breaks where students would be dropped off or picked up. Ms. Dolan stated it was her understanding that all of the students are within a local area and that there were minimal vehicular activities associated with the students. Mr. Wolfson stated the

Rabbi will testify that there are no commuter students. Ms. Corzo stated her question was not whether there are commuter students but if Ms. Dolan was there when students were being picked up and dropped off. Ms. Dolan has never seen students picked up and dropped off. She has seen students walking to and from the property.

Ms. Corzo asked if Ms. Dolan was there during formal events. Ms. Dolan stated she has not been there for those events.

Chairman Fagan asked what times Ms. Dolan visited the site. Ms. Dolan stated in the letter submitted to the Board she was there between 3-4 o'clock, 4-5:15, 7:30-8:30, 8:45-9:15, 11:30-1:30, 8:30-9 o'clock, 1-1:30, 9-9:15. She's been there at various times throughout the day. The letter submitted in October talked about different July and October dates she visited there but she's been there on a routine basis January-April to continuously observe the parking activity at the site. Chairman Fagan asked if was during the week as opposed to the weekend. Ms. Dolan stated yes. Chairman Fagan asked if she had been there on a weekend at all. She stated she has not been there on a weekend.

David Branan stated the original sale of the nursing home to the Yeshiva would have had some kind of hearing, Zoning or Planning Board. At that time if the same ordinance was in place, he would guess a waiver or variance would have had to been requested at that point in time for a slightly less number but still over the top of what the ordinance actually permits in terms of square footage given the size of the mansion itself along with the addition of the 1956 structure and the 1960 structure. If there had been a hearing then, he is assuming a waiver or variance was granted at that time for the same reason.

Mr. Schwartz stated every Board member should have a copy of the 2007 Resolution. That was a hearing for a use variance before the Board of Adjustment. There was no site plan approval because there were no exterior modifications proposed. The hearings talked about the number of students, how they were going to be housed, and the nature of the use. There was extensive testimony by a Rabbi about how many people there were going to be and the fact that they're going to be overnight. The Board needs the Resolutions because there were rather extensive findings of fact. The parking variance was incorporated into the use variance. It was based upon the use then. The Board needs to have the Resolution to compare the use then to the use now. The use is really just an expansion, he assumes there are more students than the 70 or so proposed then.

Cheryl McKeever stated with respect to parking, Ms. Dolan stated there wasn't a high demand for it but there will be events held there. She asked where would the parents of the students park for these events and would it fall on the burden of the surrounding residents. Ms. Dolan deferred to the Rabbi to testify about that activity. She doesn't know the anticipated parking load. She stated there is a lot of parking on site and also around the site on the streets. Mr. Wolfson stated there will be extensive testimony regarding activities on site.

Mayor La Ronde stated Ms. Dolan is asking for too little of a parking area. The last event there bottlenecked the neighborhood for half a day. He would like to see if they could make the building smaller and add more parking. He understands the students don't drive but he can't see

why they think 27 spots would be adequate when the code is asking for over 200. Ms. Dolan stated the expansion of the building is not anticipated to add more students or more staff so there should be no additional parking load on this application. From her perspective there is no additional parking demand with this application.

Mayor La Ronde stated looking at the Resolution 07-02, there is no variance for parking so with the site, including the mansion that is in place. He asked how many parking spaces should they have, not including what she is telling the Board now. Ms. Dolan stated the current total supply required is 275. 181 spaces are required for existing.

Mike Giordano asked why the residents should take the responsibility of the parking if there is nothing on site. Mr. Wolfson stated he is aware of 1 event where the former Rabbi had a funeral. It was a rare instance where the Yeshiva worked with the police department. The Rabbi will testify. Mike Giordano stated he was the mayor when that happened and he was getting the phone calls and they did not work with the police in the beginning. People were parking in other people's driveways, blocking driveways, and they had to have cars towed. They are trying to avoid this in the future. The area is a Historic District and the streets are narrow.

Mr. Schwartz asked Ms. Dolan what the proposed use is that she has based her opinions. Ms. Dolan stated it is her understanding that the proposed building improvements would be to modernize the school facility and provide better accommodations for the students. It is her understanding that there will not be additional room and board. It is proposed as a modernization and an enhancement to the school to better provide facilities for the student base.

Mr. Schwartz asked Ms. Dolan if she had an understanding of how many students will be at the school. Ms. Dolan stated she did not look into that. It was her understanding that it would be the same number of students and the same number of staff.

Mr. Schwartz asked if it was her understanding that there are no commuter students, they are all residential students. Ms. Dolan stated that is her understanding.

Mr. Schwartz asked if she was given an understanding of if there would be special events or gatherings from off-site. Ms. Dolan stated no.

Mr. Schwartz asked if she had understanding whether there would be worship services, including other people than the students on the site. Ms. Dolan stated it was her understanding that the school activity would be consistent with what's been happening and occurring at the site now.

Mr. Schwartz asked if this building was going to be used for worship services, including people from off-site if her opinions would change regarding the sufficiency of parking spaces on site. Ms. Dolan stated if there were worship services that would generate higher volumes, a 1 space for 3 person attendee parking demand might be required. That would be a different operation. That is standard in the industry. Ms. Dolan stated that is not her understanding that is being proposed or occurring.

Aimee Corzo asked Ms. Dolan as far as she knew, that there were no commuter students. She stated that is correct. Aimee Corzo asked Ms. Dolan if she saw the Yeshiva website and there

are different tuition rates and one says commuter, living with parents, commuter not living with parents. Ms. Dolan has not visited the website.

Questions from the public:

Francine Gargano
57 Willow Avenue
North Plainfield, NJ

Ms. Gargano asked Ms. Dolan if she saw the website and saw there was a different price for commuter students would that change her opinion and if she was to look at the website and see that they say there's a 3rd location where they house students, which means there are more students that they claim are there, if that would change her opinion. Ms. Dolan stated she can't speak to the website but she can speak to the multiple times she's been to the site and the area and has not seen a parking demand other than 9 or 10 vehicles. Ms. Gargano stated if she looked at the website and saw that there are commuter students or there potentially could be commuter students and there's a 3rd location where they are housing these students, which is not approved by the town, would that change her opinion. Ms. Dolan stated it may, she would have to look at it.

Wendy Wright-Schaefer
110 Willow Avenue
North Plainfield, NJ

Ms. Wright-Schaefer asked Ms. Dolan if she knew there was already a parking issue in that neighborhood. Ms. Dolan stated she didn't know what she meant by a parking issue. Ms. Wright-Schaefer stated there is a huge parking deficit in that neighborhood already and asked Ms. Dolan if she was aware of that. Ms. Dolan stated she has seen ample parking available on the street so she's not sure what she is speaking to. Ms. Wright-Shafer stated residents do have a problem with parking in that neighborhood.

Dan Battista
34 Regent Street
North Plainfield, NJ

Mr. Battista wanted to confirm that Ms. Dolan has been there Monday-Friday but never on Saturday or Sunday. Ms. Dolan stated she's been through there on Saturday or Sunday but she has not made a specific study of weekend activity. He asked if she would agree that parking would be more difficult to find with everyone home on a weekend. Ms. Dolan stated that may be true, there may be more parking demand on the weekends. Mr. Battista stated the events they've had have been on the weekends. His memory of that day was that you could go as far as ½ mile away and not find parking and there were close to 500-700 cars.

Mr. Schwartz doesn't think it's appropriate to testify at this point. Ms. Dolan can only answer if there were such a condition, would that affect her testimony. Mr. Battista believes he made his point that she didn't come much on Saturday or Sunday when more people are home and she

admitted it would be more of an issue on the weekends and that's when the events are being held.

Mr. Schwartz stated a new date has to be scheduled so it can be announced to the public and the applicant will not have to do a new notice. If for some reason they can't have a hearing that night, they can carry it.

The next scheduled meeting will be May 10, 2023 at 7:00pm with the same zoom information.

Mr. Schwartz stated because it's a Site Plan approval he will need an extension of time from Mr. Wolfson. He asks that he give an extension of time through May 24th in case they can't meet May 10th or make a decision. Mr. Wolfson is happy to grant it.

There will be no further notice.

Mayor La Ronde made a motion to adjourn the meeting.

Mike Giordano seconded the motion.

All in favor.

None opposed.

No abstentions.

Meeting adjourned at 9:55pm.