

**Planning Board  
Virtual Meeting  
May 10, 2023**

Meeting started at 7:00pm.

Statement of compliance read by Chairman Fagan.

**Roll Call**

Present:

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

Absent:

Dave Hollod  
Aimee Corzo  
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**

Mayor La Ronde made a motion to approve the April 26, 2023 minutes. Seconded by Michael Giordano.

All in favor.

None opposed.

No abstentions.

Minutes approved.

**Resolution**

The Board memorialized the Resolution to retain Brian Schwartz as the Planning Board Attorney at the last meeting.

**New Business**

None

**Old 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. This is a continuation of the April 26<sup>th</sup> public hearing on the application seeking 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 applicant is a religious educational institution. The new building will 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. At the April 26<sup>th</sup> hearing, the applicant presented testimony from its Civil Engineer, Kathy Hering, its Historic Design Consultant and Architect, Barton Ross, and its Traffic Engineer, Betsy Dolan. These witnesses were questioned by the Board and the Public. Ms. Hering and Mr. Ross included their direct testimony. Tonight Yochanan Cohen, Executive Director of the Yeshiva will testify as to the operations of the Yeshiva. Lawrence Schreiber, the Architect of record will testify, confirming the consistency of his architectural plans with the details testified to by Barton Ross and approved by the HPC. They will also bring back Betsy Dolan, Traffic Engineer for testimony confirming her observations of the site and the parking conditions on the weekend. The applicant's Professional Planner, John McDonough will testify in support of the two items of relief that are sought.

Mr. Schwartz talked about the procedure that will be followed tonight that was previously discussed with Chairman Fagan and Attorney Peter Wolfson. Attorney Brian Schwartz stated they will hear testimony from the witnesses and have questions from the Board and the public. If those are complete in time, they will go on to public comment and testimony. They would then close the meeting for tonight but leave the hearing open for another night that would be limited to Attorney Peter Wolfson's summation, comments from the Board's professionals, and deliberation and decision. Since Chairman Fagan and Borough Engineer, Dave Testa will be unavailable for the next meeting, May 24<sup>th</sup>, they agreed to have a special meeting on May 31<sup>st</sup>. Mr. Schwartz made an announcement to the public that there will be a further hearing on this application on May 31<sup>st</sup> at 7:00pm using the same zoom meeting information and there will be no further notice on this application. Mr. Wolfson agreed to an extension of time through May 31<sup>st</sup>.

Witness:

Rabbi Yochanan Cohen, Executive Director of the Yeshiva

Rabbi Cohen was sworn in by Brian Schwartz.

Rabbi Cohen has served as the Executive Director of the Yeshiva since 2018. He is responsible for administrative management, the finances, and the fundraising. Rabbi Cohen was a student at the Yeshiva. Rabbi Cohen is familiar with North Plainfield, the neighborhood, and the history of the property. The use of the property before the Yeshiva was a nursing home. The Yeshiva is making this application because they seek to improve the educational experience of the students with a state of the art building to dine, study, and gather. Rabbi Cohen thanked the Board and all of the Professionals for giving their time to hear the application. Rabbi Cohen is going to testify

as to how the property is currently used and how the use of the new building would comply with the 2007 Board of Adjustment Resolution and not intensify the existing use. The Yeshiva purchased the property in 2007 and approval was obtained to permit the establishment of the religious education use, the Yeshiva. The Yeshiva has been successful since opening. Students come from around the country to practice their faith and many students go on to become religious teachers and Rabbis. Rabbi Cohen was a student at the Yeshiva. Concerning the Board of Adjustment approval in 2007, the Board found the Yeshiva is a use particularly suited to the property and appropriate for the site. The Yeshiva would keep the unique features of the property, which the Board preferred to have a break up of the buildings and grounds.

Mr. Schwartz asked if the Rabbi was reading from something. He should be giving testimony, not reading something. Mr. Schwartz didn't want to get into the technicalities of having to produce what he is reading from. He would rather he give actual testimony.

Mr. Wolfson stated he believes the Rabbi is referring to notes and asked if there is an objection to the manner of his testimony.

Mr. Schwartz wanted to know what he is reading off of and when it was prepared.

Mr. Wolfson stated it was prepared in conjunction with him in anticipation of his testimony.

Mr. Schwartz stated he has had professionals who have had a report but he didn't think he ever had a fact witness who didn't testify but rather testified from something previously prepared by someone other than himself.

Mr. Wolfson didn't say it was prepared by someone other than himself. He has been sworn in and this is his testimony.

Mr. Schwartz asked if Mr. Wolfson would have a problem with him testifying live as opposed to relying on a script.

Mr. Wolfson asked what the objection was to using his notes.

Mr. Schwartz stated he didn't know who prepared it and Mr. Wolfson said it was done in conjunction with him. Mr. Schwartz said he thinks they should get his actual live testimony as opposed to relying on something. It isn't a court of law and the rules are somewhat relaxed but that more has to do with hearsay and form of questions and answers. If they were in court, he wouldn't be able to testify off something unless they could explain how it was prepared and that they are referring to it to refresh your memory. They would have to lay a foundation to a document you are relying on.

Mr. Wolfson asked if Mr. Schwartz would like Rabbi Cohen to confirm he prepared this based on his knowledge and this is his testimony.

Mr. Schwartz stated testimony given without relying on a script is always more credible and impressive to the fact finders. To that extent, Mr. Wolfson and Rabbi can decide whether they

want to read off a script that was pre-prepared. If he has to rely on it to refresh his memory he should look at it and then testify live, otherwise he may as well submit the script and not have him testify.

Mr. Wolfson stated the script would not be available for cross examination and he doesn't agree at all with Mr. Schwartz's comments.

Mr. Schwartz stated if the script isn't available for cross examination he shouldn't be able to use it.

Mr. Wolfson disagreed. He should be able to refer to the notes before him that he is confirming is his testimony.

Mr. Schwartz doesn't know if it's notes, a prepared speech, or what it is. All he knows is that it was prepared in conjunction with Mr. Wolfson so it's not even his testimony. It's something prepared in conjunction with his attorney.

Mr. Wolfson is positive that Mr. Schwartz prepares his witnesses in advance.

Mr. Schwartz stated he has never had a witness who didn't testify from their own memory as opposed to with a script. He has never seen a fact witness anywhere who testified off of a script as opposed to testifying live.

Mr. Wolfson thought Mr. Schwartz indicated that preparing a witness is improper.

Mr. Schwartz didn't say that.

Mr. Wolfson stated since Mr. Schwartz has an objection and he disagrees with it, let him ask the questions and they will have the Rabbi answer in any way appropriate. If he needs to refresh his recollection, he will look at his notes.

Mr. Schwartz believes the Rabbi will do fine and it's a semantical objection but he just thinks it's inappropriate because he's never seen a fact witness in a hearing testify from a pre-prepared speech.

Mr. Wolfson respectfully disagrees but wanted to continue with the questions in hopes that Mr. Schwartz would be satisfied.

Mr. Wolfson asked if this application went through the HPC both as to the building and the fence and if certificates were issued of appropriateness. Rabbi Cohen stated yes. In 2007, there was a finding that the project and the use would protect the uniqueness of the property.

Mr. Wolfson asked the Rabbi to talk about how the new building design was arrived at. Rabbi Cohen stated the Yeshiva originally consulted with BF Design. BF Design has extensive knowledge and information regarding Yeshiva's having built and designed close to 200 of them. After consulting with BF Design, they went to Barton Ross because they were dealing with the

Historic Preservation Commission, and they used his guidance to incorporate his ideas into the plans. Once they got a certificate of appropriateness, they went back to BF Designs and they prepared the plans and are the Architect of record. BF Designs is familiar with how Yeshiva operates and what kinds of spaces are necessary in order to function and that's why they consulted with them.

Mr. Wolfson asked what the Rabbi's direction was to BF Design in the consultation phase. Rabbi Cohen stated an exhibit was on the public documents in North Plainfield. Terry Ford shared his screen to show the main Bais Medrash. It showed how it will be laid out with tables and the it also showed second story classroom. The new building will facilitate the excellent operation of their functions within the Yeshiva.

Mr. Wolfson asked if the new building was intended to hold large events such as the former Rabbi's funeral. Rabbi Cohen stated they do not intend to change any of the use that they been permitted since 2007. They intend to have ample space to study and hear religious classes.

Mr. Wolfson stated reference was made to the fence at the first hearing that they had applied for a grant from Homeland Security and they had an exchange with them relative to the ordinance requirement of the maximum height for the fence. Their advice was that a security fence would not serve its function at that height. Rabbi Cohen stated he believed that was also in the public documents on the town website. The Yeshiva applied for a Homeland Security grant and it was approved. The documentation of that is public. Rabbi Cohen went to a Homeland Security class where they stated a fence needs to be 6 feet. Rabbi Cohen reached out to him via email to confirm that he doesn't have jurisdiction over it but in his opinion, a 3 foot fence does not suffice for security purposes. Typically unless it was 5 or 6 feet, he wouldn't approve it. They feel that having dealt with the Historic Preservation Commission on the design extensively that this fence is appropriate. They currently have a 6 foot high chain link fence on the property that they are proposing to remove. This was installed prior to them moving onto the property. There were extensive discussions with the HPC about the type of fence and they wanted an archway at the gates, which brought that part of the fence up to 7 feet.

Mr. Wolfson asked how the property is used. Rabbi Cohen stated the Yeshiva is a school, not a synagogue. They don't have events open to the public. It is only for their students to study. They study most of the day and hear classes. When the Rabbi passed away 2 ½ years ago, they anticipated their regular Yeshiva family coming. They did not anticipate the outpouring of love and the amount of the people that came. Rabbi Cohen stated he personally interrupted the services more than once to notify people that if they are parked illegally they need to move their cars. Rabbi Cohen apologized for that and stated it was not something they intended to happen, it was a funeral. Rabbi Cohen stated he reached out to the police prior to the event and there were 4 police officers hired and stationed at each corner. The illegal parking was not something they thought would happen and Rabbi Cohen apologizes for that. Rabbi Cohen understands the Yeshiva is not supposed to have events of that size.

Mr. Wolfson asked Rabbi Cohen if the Yeshiva is a boys only school because of the questions about the female restroom in the new building. Rabbi Cohen stated yes. On the second floor next to the classroom, there is a restroom intended to be used by women. It is stated clearly in

the Resolution multiple times that they are allowed to have females on the property as long as it is females of the faculty and family members. The main priority of the room is for classrooms but for the few times a year, high holidays, etc., the bathrooms would be there to accommodate the women that would be there. The females would only be from the direct Yeshiva community as anticipated in 2007. They don't intend to change that with the current building.

As to parking, the ordinance does not have a specific parking ratio for their use, religious or school, so they are in the all other category with a ratio not specifically tailored to this. Mr. Wolfson asked Rabbi Cohen to confirm his experience of many years at the Yeshiva that he has not had a parking concern. Rabbi Cohen stated there are no commuter students, they never did. Students are not allowed to bring vehicles on site at any point. At the end of each semester they would have 1 or 2 buses. The students would come and go, occasionally they would carpool or friends or family would pick them up. On their website it stated they had a price for tuition for students that live with their parents. For clarification, there is a 3<sup>rd</sup> party place that makes a website for Yeshivas and they take care of the template and put in all necessary information. It is typical for Yeshivas to have the option but they were not aware that due to the 2007 Resolution, they don't have commuters. They have updated their website and only currently list the price of tuition for students that reside on campus because those are the only ones they have and intend to have.

Rabbi Cohen stated he didn't believe anything would change relative to parking after the new building is constructed and as long as he has been there, there has never been an issue with parking on the property. The number of students will not increase and they don't intend to change any of the uses that were permitted.

Mr. Wolfson asked Rabbi Cohen how they deal with trash and recycling. Rabbi Cohen stated they have 2 dumpsters in the Washington Avenue parking lot. Trash pickup is 3 times a week by a private hauler.

Rabbi Cohen stated typically they have 3-4 deliveries a week for paper goods, foods, and other typical things a Yeshiva or school would need. They usually are delivered by box trucks and they have not had issues with them pulling into the parking lot or anything. The Washington parking lot is used for deliveries. He isn't aware of the box trucks having difficulties maneuvering on the property.

Mr. Wolfson wanted to confirm that the application before the Board will not intensify the existing use of the property, it won't result in any increase in students or faculty, it will not increase the number of events held for the Yeshiva community, and it will not facilitate events open to the general public, outside of the direct Yeshiva community. Rabbi Cohen stated that is correct.

David Branan asked if there was a reason the first drawing submitted to the Historical Society had the mezzanine labeled Ezras Nashim but is now labeled the mezzanine. Rabbi Cohen stated it is a mischaracterization and the intent of the room is not to be strictly Ezras Nashim. The main intent is to be a classroom and a partial use for the events they already do to be slightly used as Ezras Nashim. That's why they felt it appropriate to refer to it as that.

Chairman Fagan asked if they filed for the Homeland Security grant. Rabbi Cohen stated the grant is recurring and was from 2019. It expired. They are in the process of reapplying. They can apply every three years. They did not end up using the money for the fence because they were tied up with the HPC and they needed a variance. They used the money for cameras and other security. Based on the guidance of Homeland Security, they deemed it a threat and they awarded it with permission to put up a fence. They are just going with their guidance.

Chairman asked how many cameras were on the facility now and where they are located. Rabbi Cohen stated he doesn't have the number but there are various cameras throughout the facility. Chairman asked if the cameras record and if the recordings are held. Rabbi Cohen stated they have a server and it typically records data for however much space there is then writes it over.

Chairman Fagan asked if they are any students that attend the Yeshiva that live in North Plainfield but not at the facility itself but rather at houses or homes. Rabbi Cohen stated not that he is aware of. Rabbi Cohen stated it was correct that all the students of the Yeshiva reside on the property.

Mayor La Ronde asked how many students are currently attending. Rabbi Cohen stated there are 77 students enrolled.

Mayor La Ronde referred to the drawings sent over this week. The first floor has enough space for 98 students. Rabbi Cohen stated that would include faculty and people learning with the students and a 1 on 1 partnership. The second floor would be a classroom for 75 students.

Mayor La Ronde asked if there was a reason the second floor was open to the first floor. Rabbi Cohen stated it was also there to be used by women in the few times they are there so they could see the services below. It will serve a dual function.

Mayor La Ronde asked what kind of functions they are looking to have that women would be attending. Rabbi Cohen stated they have always had the local women from the faculty come for the high holidays and occasionally on the weekends to pray.

Chairman Fagan asked how many women typically come to an event like that. Rabbi Cohen stated 10-15.

Mayor La Ronde asked who determined the size of the rooms. It seems to be a lot of space for what they are looking for. Rabbi Cohen stated he contacted BF Design and he gave them the information and this is what they proposed.

Mike Giordano stated there is 3900 square feet on the 1<sup>st</sup> floor classroom and if the tables were removeable. Rabbi Cohen didn't believe they were permanent. They were just showing how a typical use would be constructed. Mike Giordano asked why they need this big building for 100 kids and parents. Rabbi Cohen stated BF Design could clarify that because they've designed close to 200 Yeshivas and it could be that people are not familiar with the type of buildings many Yeshivas have. He believes it is standard. Mike Giordano confirmed that the Rabbi gave BF Designs the information there would be 100 students there. Rabbi Cohen stated yes and this is

the design they came up with based on that information. Mike Giordano stated for 3971 square feet there are 2 tables that could be used from the fire code. With tables and chairs they could have 500 kids and that one space. If it is set up with pews, you could have 278 kids. If they are only going to have 100 kids, it's too big of a building in his opinion.

Mr. Wolfson reminded the Board that they need no relief from the ordinance for anything directly related to bulk standards. They need parking relief and they requested a waiver as the ordinance anticipates and they've provided testimony that because of the unique nature of the use and the history, except for the funeral, there is no parking problem there. They meet the ordinance requirements in all ways and he thinks that is the standard they should be held to.

Mr. Schwartz does not agree with that. He believes parking has a relation to the size of the building. They are creating a large building in addition to what they already have. They have to look at the size of the building and how many people can come in here in relation to the parking. He thinks it has a bearing on that. He stated the Rabbi is impressive and seems very credible but he could leave tomorrow or 10 years from now and if there is a building that is designed and ready to be used for a greatly expanded purpose that would put a tremendous burden on parking, they have to look at that also.

Mr. Wolfson respectfully disagrees. The direct testimony and history of operation at the site as well as the testimony of the Rabbi in terms of the lack of an intention to intensify the use at the site should not be ignored.

Dave Testa asked if the second floor had just a women's room. Rabbi Cohen stated the bathrooms can be both but are intended to accommodate women while they are there. Mr. Testa asked if it was a women's room because it can't be both. Rabbi Cohen said he wasn't familiar with code but if that is the case it would be a women's room. Dave Testa asked if there were only men's rooms in the basement and the first floor. Rabbi Cohen believes that's the case. Dave Testa asked if students in the mezzanine would have to go to the first floor to use the bathroom. Rabbi Cohen stated that is correct.

Dave Testa asked how many staff members are at the facility currently. Rabbi Cohen stated there are faculty that reside at the facility and there are 20 employees, including administrative staff. Typically there are not more than 10 at the site at the same time. Dave Testa asked how many faculty live on the Yeshiva property on a daily basis. Rabbi Cohen stated the widow of the late Rabbi and a faculty member and his wife live in the apartments regularly. Rabbi Cohen stated approximately 6-8 faculty members live on surrounding properties on Rockview and Sycamore.

Dave Testa asked if there are currently outdoor activities happening after 9pm. Rabbi Cohen stated not that he is aware of, they instruct their students not to be outside late at night. Rabbi Cohen stated there is constant supervision on the property.

Dave Testa asked what events Rabbi Cohen was referring to when he mentioned they had events earlier. Rabbi Cohen stated he was referring to high holidays in reference to why women would be on the property. There are 3-5 high holidays throughout the year.



Dave Testa asked if they have a landscaping company that comes. Rabbi Cohen stated he believes so. He is not currently the Director of Operations but he could find out if necessary. Mr. Testa is curious if they have a landscaper and how often they come to the site to maintain the property. Rabbi Cohen stated he was previously involved in it. Previously they would come April to November. They were supposed to come weekly to mow the lawn and once a month for pruning and other work on site.

Dave Testa asked if someone does snow removal on the sidewalks. Rabbi Cohen says he believes so.

Dave Testa asked what the cost of the new building would be.

Mr. Wolfson doesn't understand the relevance to the application before the Board.

Mr. Schwartz doesn't think it hurts to ask the question, it's not a land use issue but the rules of evidence are broader for a Board hearing than in court.

Mr. Wolfson stated that's what they were discussing earlier in terms of the rules of evidence but told the Rabbi if he knew to answer the question. Rabbi Cohen stated when they consulted with the contractor 2 years ago, he believes it was 4 million but doesn't know what it would be based on current costs.

Paul Grygiel had no questions and had to go to another meeting but he will be available on May 31<sup>st</sup> and he will read the transcript in the interim.

Andre Mitchell stated there were some concerns with recreational activities late at night and the Rabbi mentioned the students are told not to be outside late at night. He asked the Rabbi if the students are given a specific time not to have outdoor recreational activities. Rabbi Cohen stated they are consistent with the 2007 Resolution which states 9pm.

Brian Schwartz asked if Rabbi Cohen is familiar with the 2007 Resolutions. Rabbi Cohen stated in recent days, yes. Mr. Schwartz asked if he is familiar with the conditions the Yeshiva was required to abide by. Rabbi Cohen stated yes. Mr. Schwartz asked if there are any of those conditions he is asking not to be enforceable. Rabbi Cohen stated no. Mr. Schwartz stated there was discussion about letting the public in to look at the historic facilities and asked if that has happened at all. Rabbi Cohen stated not that he was aware of.

Mr. Schwartz asked if the Rabbi told the Architect how many students they had and they came back with the design. Rabbi Cohen stated yes. Mr. Schwartz asked if he personally or anyone at the Yeshiva had any input as to the size of the building or the design of the building. Rabbi Cohen stated the design was dealt with the Historic Preservation Commission. They had a different design that they amended to accommodate the HPC. Mr. Schwartz asked if he had input on the interior design and its layout. Rabbi Cohen told the Architects they wanted a study hall, a dining room with a kitchen, and a classroom upstairs. They needed a double size kitchen.

Mr. Schwartz asked if it was the Architect's idea to design the second floor for use by women. Rabbi Cohen stated part of the study hall, it is common to have a 2 story ceiling. They figured they would put the classroom there and to accommodate women in the few times they would be there.

Mr. Schwartz asked when women would be coming to the property and using the second floor. Rabbi Cohen stated it would be during prayers for their Yeshiva, not open to the public and high holidays 3-5 times a year.

Mr. Schwartz asked how that would be different from conducting services like a Chabad would or another synagogue would. Rabbi Cohen stated the Resolution says that as long as it's related to their school, they study and they pray. It is a regular Yeshiva function. They don't attend every day but during the high holidays and when they have religious events, it makes sense for the women who live in the neighborhood to be able to pray at the Yeshiva because there are no other synagogues that he's aware of in North Plainfield.

Mr. Wolfson stated the approval specifically anticipated religious services and gatherings so long as they are not open to the general public. It would be the Yeshiva community and relatives, including women.

Mr. Schwartz stated that's not what the Rabbi just said. He said he's not aware of any other synagogue in North Plainfield so Jewish women living in North Plainfield would come and pray here. Rabbi Cohen stated he is referring to the faculty members, wives, and daughters. It is within the use that they were approved for in 2007 and what they intend to continue doing.

Mr. Schwartz explained that the approvals run with the land and its good forever. If Rabbi Cohen leaves and someone else comes in, they have to make sure the approval will still work for them. When Mr. Schwartz stated when he is asking questions about the use, it is nothing personal. He believes him but when he looks at the building and he sees a second floor that only has a women's room and a layout that could easily have 50 people there, and the original plan had an expression that's used for the women's section in an orthodox Schule, it makes him concerned that it can be something that becomes more open. He is concerned that if someone else comes in they might not have the same level of honesty and feel constrained the same way. Mr. Schwartz is concerned about what changes could be made to address his concerns that it is less likely to be turned into a synagogue with open services. Rabbi Cohen can only testify to what the Yeshiva has done for the last 16 years and what it intends to do. If the property is sold, he doesn't think it is something he can comment on. Mr. Schwartz stated it sounds like the number of women using the second floor would be minimal because it's only relatives of the faculty. He asked what if the women's room was made into a men's room and the women's room was put in the dining area. Rabbi Cohen stated there is actually a bathroom in the basement that is separate. Mr. Schwartz is trying to make it less likely that the service part will be expanded beyond what's consistent with the Yeshiva. Rabbi Cohen asked if someone could change the classification back and forth from men's to women's. Mr. Schwartz stated he wanted assurances it was less likely. Mr. Schwartz googled Bais Medrash and he came up with 5 or 6 places that had that in their name. Two or three of them were Yeshivas and the other two or three were synagogues. They want to make sure it doesn't evolve over time into something other

than a Yeshiva. Mr. Schwartz would appreciate if the Rabbi and his team could talk about what could be done inside the building that would make the Planning Board comfortable with approving the application knowing that in the future the Yeshiva will stay as it is.

Mr. Wolfson noted that this is a constitutionally protected use, that the Rabbi has thoughtfully confirmed by his testimony the use, explained why there is a women's bathroom, totally consistent with past approvals and he is concerned with the Board and its professionals line of questioning relative to his testimony.

Mr. Schwartz stated neither he or anyone on the Board is saying he shouldn't be able to run his Yeshiva the way he says he wants to but they are concerned with a creeping change in use in the future and that's what he is addressing.

Mr. Schwartz asked what the maximum number of students there will be in the future. Rabbi Cohen stated there are 77 and he's not in charge of enrollment but they intend to be consistent with the 2007 Resolution. Mr. Schwartz asked if they are creating more living space for the students. Rabbi Cohen stated the intent of the new building is not to create any new dormitory space. It is their intent to have the same dorm space and the same number of students. Mr. Schwartz asked what the maximum number of students they anticipate at this time. Rabbi Cohen stated usually they range in the 70s and the Board can rely on that plus or minus 5.

Mr. Schwartz asked if there's a stage on the first floor. Rabbi Cohen stated there is a bema in the middle and they intend to put in bookcases. Rabbis typically are in the front of the room during prayers but can move around during studying. The bema is in the middle of the room and the Torah scrolls is put there when they read from it. There will be tables similar to what is on the drawing.

Mr. Schwartz asked if there will be weddings or funerals at that location. Rabbi Cohen stated no.

Chairman Fagan asked for clarification on item 10 of the 2007 Resolution and how many students are typically in a room. Rabbi Cohen stated 3-4 and they have no electronic equipment. They have alarms clocks in the bedrooms. There are no cooking utensils or coffee pots in the bedrooms, only in the dining room.

Mr. Schwartz pointed out that in the 2007 hearings, there was testimony that even if people came from the outside for a service that they would be walking because of religious prohibition from driving holidays. He asked if that would remain true. Rabbi Cohen stated yes.

Break at 8:20pm.

Back from Break 8:30pm.

### **Roll Call**

Present:

Mayor Lawrence La Ronde

Absent:

Aimee Corzo

Dave Hollod (Entered at 8:17pm)

Chairman Tom Fagan

David Branam

Frank Kreder

Andre Mitchell

Michael Giordano

Cheryl McKeever

Liz Appezzato

Mark Kruszczyński

Questions from the public:

Francine Gargano

57 Willow Avenue

North Plainfield, NJ

Ms. Gargano asked Rabbi Cohen if he was aware that they are in the Historic District. Rabbi Cohen stated yes. Ms. Gargano asked Rabbi Cohen if he was aware of the rules being in the Historic District. Rabbi Cohen stated yes. Ms. Gargano asked if he was aware that the district does not allow 6 foot fences. Rabbi Cohen stated yes. Ms. Gargano stated even though they have a fence that was put up prior to the change in the law, they are not allowed to put something back up that is not in the new law. Ms. Gargano asked if they are entitled to have a fence that no one else is entitled to have. Rabbi Cohen stated the Homeland Security approving them for a fence stands for itself. Ms. Gargano stated Homeland Security does not run North Plainfield. Rabbi Cohen stated in the email, Homeland Security stated they have no jurisdiction, they are using that as reference as to why they should have such a fence. They are using guidance from Homeland Security.

Mr. Wolfson pointed out that anyone in the Historic District or anywhere else in North Plainfield that wants relief from any ordinance is free to request it. He wanted to set the context that they are applying for a variance which is available to anyone else in North Plainfield.

Ms. Gargano asked what the name of the grant was that they applied for. Rabbi Cohen stated it was a 2019 grant, he didn't have the information in front of him that was publicized. Ms. Gargano stated in order to get those grants you have to state there is some type of a danger and she asked if he was indicating there was a danger to the Yeshiva in North Plainfield. Rabbi Cohen stated Yeshivas in general and religious institutions have been under attack and he thinks it's well documented in the media. In order to apply for a grant, you have to have a critical assessment done by a security firm. This was done and they pointed out that not having a fence and cameras is a critical issue. That's what Homeland Security approved and they did buy cameras.

Ms. Gargano asked Rabbi Cohen how many years they've been here and how many times they've been attacked. Rabbi Cohen stated close to 16 years and there have been a few incidents. It's logical to understand as a religious school they are putting up a 6 foot fence for security which was approved by the Historic Commission. They approved the design. Ms. Gargano stated they approved the design but they cannot approve the fence because it's in a Historic District. Ms. Gargano asked if every religious institution should put up a 6 foot fence

because they're all in danger. Rabbi Cohen stated he was just talking about their institution. Mr. Schwartz stated he can only talk about his Yeshiva. Ms. Gargano stated Homeland Security says all these religious places are under attack and that means all religious places. That would imply churches in North Plainfield should get 6 foot fences. Rabbi Cohen stated if they applied to Homeland Security, they are entitled to like anyone else is.

Ms. Gargano asked what Yeshiva Gedolah Tiferes Boruch Inc was. Rabbi Cohen stated it is the name of their school. Ms. Gargano stated according to records she has the name is Yeshiva Tiferes Boruch Inc. Rabbi Cohen explained Gedolah means large and it refers to specifically the older division. They refer to it both ways. Legally the property is owned by Yeshiva Tiferes Boruch. Ms. Gargano asked if there is more than one corporation operating out of 21 Rockview Avenue. Rabbi Cohen stated it's one Yeshiva. Ms. Gargano asked if it was more than one corporation.

Mr. Wolfson doesn't understand the relevance.

Ms. Gargano is stating there is more than one corporation in that building. Rabbi Cohen said as stated in the 2007 Resolution, the student age is typically between 13-24. It was mentioned in the Resolution that they were not accredited. Since then the older part has been accredited so anytime it's referring to Gedolah, it's referring to the older division within their institution, which is accredited.

Ms. Gargano referred to a dataset for a system for award management of US General Services Administration. Ms. Gargano stated the Yeshiva was a part of that and she didn't know if they were doing something other than a school there because it's another corporation that's being run out of there. Rabbi Cohen isn't sure what she is talking about but they have 2 divisions, 13-24 so it's understood that there's a high school and a post high school. The high school is typically referred to as Yeshiva Tiferes Boruch who owns the property and there's also a Yeshiva Gedolah division which is accredited. If you see the name Gedolah, it's referring to the older division of their current school.

Ms. Gargano asked how many students are in the older division. Rabbi Cohen is not familiar with the breakdown.

Ms. Gargano stated in the 2007 approval, the gardens were supposed to be protected by the school and asked what the Yeshiva did to protect the gardens. Rabbi Cohen stated he believes they maintained them. Ms. Gargano asked if they are asking to have the gardens destroyed by the building. Rabbi Cohen stated it was approved by the Historic Preservation Commission, they had several meetings and there was no objection. The building is in the location where the gardens were so if they approved the building, by default they are approving a building where the current garden is. Ms. Gargano accused the Yeshiva of saying they were going to maintain the building and gardens to get in and now their intention is not to abide by the Historic Preservation rules. Rabbi Cohen stated their intent is to abide by it which is why they went to the Historic Preservation Commission twice. This process took a lot longer because they went to them first. They went to Historic Preservation once and had several meetings. Before they were scheduled to go in January, being that there were tweaks in site plans when the professionals

looked at it, they went back to them and obtained approval. Ms. Gargano asked if they knew they were doing something they agreed not to do. Rabbi Cohen stated they agreed to consult the Historic Preservation Commission, which they did.

Ms. Gargano asked why the wall, fence, and landscaping has not been maintained all these years. Rabbi Cohen stated the wall, which was mentioned in the HPC certificate of appropriateness will be fixed when the new fence is installed. They did not fix the wall all these years because they did not hear complaints and it was minimal but they intend to fix it now.

Ms. Gargano stated they are asking to be allowed to have another building when they didn't maintain the first building. Rabbi Cohen believed they maintained the building properly.

Ms. Gargano stated there was no landscaping until recently.

Ms. Gargano stated by law the dumpsters are supposed to be enclosed and asked when they were planning on enclosing them after 16 years. Rabbi Cohen asked which law states that. Ms. Gargano stated their ordinance. Rabbi Cohen stated he wasn't aware of that. Rabbi Cohen stated if that's within the law they plan on complying. Ms. Gargano stated it's not on the plans.

Ms. Gargano asked Rabbi Cohen to describe one project they did to beautify the grounds on the property. Rabbi Cohen stated he is not sure what she is referring to.

Mr. Wolfson objected in terms of relevance as are most of the maintenance questions to the application before the Board.

Ms. Gargano thinks the public has a right to know and if the Board has to consider if what they are saying is true and are they going to maintain another building if they have not maintained the first one. Rabbi Cohen stated they are planning to maintain the building. They also hired a Director of Operations in the beginning of this year to help with the maintenance of the property.

Ms. Gargano stated she doesn't know if the public realizes they now own 6 buildings. Rabbi Cohen stated that is inaccurate. Ms. Gargano stated according to the North Plainfield Tax Dept they own 6 buildings, 49 Rockview Avenue, 32 Rockview Avenue, 30 Rockview Avenue, 26-28 Rockview Avenue, 21 Rockview Avenue, and 22-24 Rockview Avenue. Rabbi Cohen stated 22-24 Rockview Avenue is an empty lot that was bought together with 21 Rockview Avenue. It was part of the original approval in 2007. There are 5 houses.

Ms. Gargano asked who is living in the houses. Rabbi Cohen stated it is mainly staff but there are some outsiders that rent some of the apartments. Ms. Gargano asked why they would buy houses to bring in outsiders. Rabbi Cohen stated they were there when the property was purchased and it could be a multi-family home. Ms. Gargano asked if there was an agreement with the staff that they have to purchase properties for them. Rabbi Cohen stated no but they try to accommodate them.

Ms. Gargano asked Rabbi Cohen to explain the eruv wires. Rabbi asked if this has to do with the building.

Mr. Schwartz asked if the Rabbi could explain what they are. It's not part of the application but he thinks it would be interesting background. Rabbi Cohen stated eruv is a pole with a small string going across. The intent is if you're within the boundaries on Shabbos or on a holiday, you can carry or else the Jewish law does not permit you to carry. The eruv she is referring to was installed by members of their faculty which are their own residents.

Ms. Gargano asked if they had permission from the town to put them up. Rabbi Cohen believes they reached out to the appropriate officials but the Yeshiva is not the ones behind it.

Mr. Schwartz stated the Borough is aware of it and if there is any enforcement it will not be done by this Board because they don't have enforcement powers.

Ms. Gargano stated it's indicative of what the use of the building really is for. There wouldn't be eruv wires unless they are crossing the street to go pray and it's not supposed to be a synagogue. Rabbi Cohen stated the people she is referring to are the families. They do come to the property and they acknowledge that and it's part of their permitted use. The residents put the wires up, not the Yeshiva.

Ms. Gargano asked if it said they are permitted to hold synagogue like ceremonies there. Rabbi Cohen stated a Yeshiva does religious studies and prayers. Members of the faculty and their families that were allowed by the 2007 Resolution are the ones coming to the property.

Ms. Gargano asked what the beginning date was when they come to school. Rabbi Cohen stated he wasn't sure why that's relevant. Ms. Gargano stated she's never seen a time when the students are gone. Rabbi Cohen stated they are off one month in the summer and during fall and spring they have a 2-3 week break. She may see people on the property because the late Rabbi's widow and a few other people live there but the students would not be there at those times. During Passover the students go home. High Holidays are Rosh Hashana and Yom Kippur. Ms. Gargano asked if on the high holidays, people would be outsiders in the building eating. Rabbi Cohen stated the students eat by themselves, not together with the families of the faculty.

Ms. Gargano asked if the building the Rabbi was in was fine when he was a student. Rabbi Cohen stated it was fine but the new building would reflect the typical modern Yeshiva's needs much more. Ms. Gargano asked why they wouldn't move to a place that's not in a Historic District if they want a modern building and why would they do it here in a Historic District. Rabbi Cohen states it was a plan they thought of for a while. They went to the HPC in 2015 and they did not like the idea at all. They went back to them, worked with them, made changes to the building and they approved it.

Ms. Gargano asked what they were going to do with the kitchen in the old building. Rabbi Cohen stated it would be storage or a classroom. She stated they haven't seen anything about what would happen to the old building and what they would do with it. Rabbi Cohen stated they could have additional room for classes and additional space. They do not intend to convert existing space being replaced in the new building with dorm rooms.

Ms. Gargano stated on the website it says there is a third location for people to sleep and asked what the third location is. Rabbi Cohen stated he isn't sure what she is referring to but they do classify the property into 3 parts, the mansion, the nursing home wing, and the apartments. It says the 3<sup>rd</sup> section of the campus contains housing for the Yeshiva as well as other administrative offices. That's referring to the strip of apartments currently on the property. Ms. Gargano asked if the other houses they are buying are not housing any new students. Rabbi Cohen stated that's correct.

Steven Romeo  
16 Rockview Avenue  
North Plainfield, NJ

Mr. Romeo asked if the Yeshiva hosted a wedding 5-6 years ago with a DJ. Rabbi Cohen stated not that he was aware of. He has been working for the Yeshiva since 2018. He said there has never been a wedding on site. Mr. Romeo stated there is a police report that says otherwise and there was a lot of parking on Linden during the event.

Mr. Romeo said there is a large tent that is put on the property for Rosh Hashana and he asked what time the service starts. Rabbi Cohen stated the tent is for eating, the service is inside. Rabbi Cohen stated he wasn't familiar with the schedule and what time it starts. Mr. Romeo stated it was after 10pm.

Mr. Romeo asked if part of the wall was removed and the driveway on Washington was expanded to get trucks in. Rabbi Cohen stated not that he was aware of.

Mr. Wolfson stated he was getting no support in keeping questions relevant and for not having questioners testify. He respectfully requested they exercise some control.

Mr. Romeo asked if they pay property tax on the Yeshiva building and the nursing home part of the property now. Mr. Schwartz stated he does not think that's appropriate and any kind of financial questions are not appropriate. Mr. Schwartz thinks the other questions asked are appropriate to the extent that he is asking questions regarding compliance with either his testimony or the previous Resolution.

Mr. Romeo asked why he had to call the town every year to complain about snow removal if they have a company to do snow removal. Rabbi Cohen stated as far as he's concerned, they maintain them properly.

Mr. Wolfson said these are all maintenance questions and are irrelevant to the application before the Board.

Rabbi Cohen stated he mentioned a landscaping company and snow removal is done on their own. He said he never mentioned they hired a snow removal company.



Mr. Schwartz stated any Resolution of approval will reiterate the requirements of landscaping and snow removal because it will be continued from the first Resolution. That's as much as the Board can do as far as enforcement.

Mr. Romeo asked what they have done with the fire department as far as drills and inspections. Rabbi Cohen stated they have an annual inspection, they offered for the fire department to talk to the students about proper fire codes, fire safety, and precautions. They maintain records of what they do and they believe they are in compliance with all fire safety and code.

Christine Holman  
21 Myrtle Avenue  
North Plainfield, NJ

Ms. Holman asked if the 6 ft fence was going to be on top of the stone wall. Rabbi Cohen stated the fence will be behind the stone wall, not on top of it.

Ms. Holman asked if there will be an increase in dumpsters since there will be a larger building. Rabbi Cohen doesn't anticipate a larger amount of garbage that they typically produce.

Ms. Holman asked what the inconvenience would be to the neighborhood with the construction. Rabbi Cohen stated they would work with construction officials as not to cause any issues more than typical construction.

Ms. Holman asked what would happen with the students and faculty during this time. Rabbi Cohen stated they would close off the area and it wouldn't affect their day to day operations during construction.

Ms. Holman started to talk about living in North Plainfield and the Historic District.

Mr. Wolfson respectfully asked for questions, not testimony.

Mr. Schwartz asked Ms. Holman to limit it to questions right now.

Ms. Holman asked what part of the gardens will remain once construction is finished. Rabbi Cohen stated the building will be in place of the gardens with new trees. This was discussed at the previous hearing. Trees will be removed and replaced.

Ms. Holman asked how much of the original gardens, plants, and trees will remain. Rabbi Cohen deferred to the Engineer for the specifics.

Frank D'Amore  
40 Willow Avenue  
North Plainfield, NJ

Mr. D'Amore asked how the women are currently accommodated when they attend services. Rabbi Cohen stated they are in a separate room. There is enough room but it is tight.

Mr. D'Amore asked if the Torah will be kept in the new building. Rabbi Cohen stated yes.

Mr. D'Amore said the property is designed so students can go from building to building but there are entrances from the streets. He asked if there is a specific reason for those. Rabbi Cohen stated Barton Ross mentioned in the previous hearing that the main function for the entrance is to accommodate partially the HPC and you don't want to construct a building with no entrances. The main use would be the campus side entrance.

Katherine Miller  
Chairman of Historic Preservation Commission

Ms. Miller clarified that 6 foot fences are allowed in the district. In this case, it's a zoning issue because every part of the property is considered a front yard so it's limited to 3 ft.

Mr. Schwartz asked if the garden is going to be removed because of new construction. Rabbi Cohen stated it will be in place of the main garden on the property. Mr. Schwartz asked Rabbi Cohen to look into another area on the property where a garden could be installed. Rabbi Cohen stated they can and he believes it states in the Resolution that they would consult with the HPC, which they did. They approved the building.

Mr. Wolfson stated they would consider it.

Ms. Miller stated the gardens aren't necessarily historic. The gardens were maintained by the nursing home and if they want to change the gardens, they can't stop someone from changing gardens. They might be in a different place and they have to be maintained but you are allowed to change your garden if you want to.

Wendy Wright-Schaefer  
110 Willow Avenue  
North Plainfield, NJ

Ms. Wright-Schaefer asked if the HPC just approves the look of the building but the Board of Adjustment or Planning Board approves the location of the building. Rabbi Cohen stated that would be addressed with the HPC but his understanding is if they don't like the way the building is they would not approve it. He isn't familiar with who has jurisdiction over that. Ms. Wright-Schaefer stated it was her understanding the HPC was concerned with the outside of the building. Ms. Miller stated the HPC is only worried about the outside of the building and they approved the way it looks.

Witness:

Lawrence Schreiber, Architect  
922 East Kennedy Boulevard  
Lakewood, NJ 08701

Mr. Schreiber sworn in by Brian Schwartz.

Mr. Schreiber has a Bachelor of Architecture, a 5 year professional degree from NJIT in 1983. He has been a member since 1987. He is a NJ registered Architect and a member of the American Institute of Architects. He's NCORP certified which is National Registration Board of Architects and Licensed currently in 9 states. He is a partner in B&F Design. He has testified before numerous land use boards in NJ and has been accepted as an expert in Architecture.

Mr. Schreiber was accepted as an expert in the area of Architecture.

Mr. Schreiber prepared the drawing Z1 dated March 8, 2023, which is on his firm's letterhead. Mr. Schreiber stated his firm was retained to design a new Yeshiva. They started with a concept design and after consulting with the HPC they got Barton Ross involved. There was a collaboration to come up with the final concept designs.

Mr. Schreiber stated the size of the Yeshiva is typical of the use. This is a lifestyle and not just used as a study hall. It is also used for praying. There are various holidays where they may need to dance and move the tables and chairs. They may also need to make a circuit around the room sometimes. Having family members such as wives and daughters is typical. A synagogue use is inherently part of a Yeshiva for their own students' lifestyle. They are not trying to make this for the outside community. Orthodox facilities both for Sabbath and religious holidays, don't have people driving there.

Mr. Schreiber stated his firm has done over 200 Yeshiva types facilities and synagogues and this is typical for this size. The mezzanine is meant to be a classroom/lecture room and that's why it needs that much space, not for more women for a synagogue use. It accommodates the women by having the bathrooms for when they do come. The windows function so that the women can see the services.

Mr. Schreiber did not receive direction from the Yeshiva to design this in such a fashion to foster large, public synagogue functions.

Mr. Schreiber stated it was common for Yeshivas to have female restrooms.

Mr. Schwartz asked Mr. Schreiber if the Yeshiva told them how many students there were going to be when they requested the plans. Mr. Schreiber stated they told the office but he wasn't involved personally in that meeting. Mr. Schwartz asked if he knew how many students this was designed for. Mr. Schreiber stated it was his understanding that the building was designed for a total of 100 students and staff. Mr. Schwartz asked if the building would have been a different size if the students and staff would be no more than 50. Mr. Schreiber stated the building could have been smaller. Mr. Schwartz asked how they came up with 3900 sq. ft of floor space. Mr. Schreiber stated they came up with that because of the different functions needed for the holidays, learning, dancing, and how they use the space. Mr. Schwartz asked if there is an architectural standard used for determining floor area for a certain number of students. Mr. Schreiber stated no. Mr. Schreiber stated for a school classroom, there is a minimum for occupancy. Mr. Schreiber referred to what was said before about tables and chairs, pew seating, or chairs only, different assembly uses, that's for the maximum allowed for the occupancy and exits, not the minimum. Mr. Schwartz asked what the architectural standards are for how much

square footage is required for a gymnasium. Mr. Schreiber stated for a gym, there is a minimum space needed, it's a function of the use, not necessarily a function of how many students are using it at one time. That's a function of how many exits you have that meets the fire code and building code.

Mr. Schwartz stated from what Mr. Schreiber is saying, there is no objective standard that can be used for how big the floor area should be per student for this kind of use. Mr. Schreiber stated it's based on experience of how much space is needed to be a quality learning environment and to meet the Orthodox Jewish student lifestyle. It's not simple.

Mr. Schwartz stated for the last 16 years the Yeshiva has been using a much, much smaller space for 77 students and he asked Mr. Schreiber if he would say they were not providing a quality educational environment. Mr. Schreiber stated they may have provided a quality education but the space they had wasn't conducive to maximize the happiness and welfare of the students to learn under the best circumstances. It was what they had to work with.

Mr. Schwartz asked if the Yeshiva would be able to conduct its educational and religious activities if the floor space were 20% less. Mr. Schreiber stated this is based on their experience of what other Yeshiva's are doing. This is comparable and this is why they designed it that size. Mr. Schwartz asked for another Yeshiva they designed that was this size. Mr. Schreiber stated he didn't know the exact same square footage and number of students but one is Mayan Hatorah and the other is Bais Medrash Mayan Hatorah in Lakewood. They are both Yeshivas. He didn't know how many square feet those buildings are. One of the two buildings has a separate dorm building and a separate gym on the site, the other one has a wing for the dorm that is connected.

Mr. Wolfson stated in light of the fact that the only relief needed is a fence variance and a parking waiver and the testimony has been consistent that the students do not cars and the limitations that are being followed and will be followed going forward and the unrefuted testimony is that there are no parking problems, he thinks the line of questioning is not relevant.

Mr. Schwartz stated he has gotten no testimony why a building this size, which is comparable to a high school auditorium or a high school gymnasium is necessary for 77 students. Considering as a site plan you deal with mass of buildings, size of buildings, impervious area, as well as how many people are going to be using this, he thinks they are fair questions. He is surprised Mr. Schreiber can't give some rule of thumb as to what he employs to determine how big of a building is needed for 77 students.

Mr. Wolfson stated he would imagine it would depend on the budget of the Yeshiva. Yeshivas that have the capability to raise more money would want a bigger and better facility. He respectfully suggests that the line of questioning in light of the parking issue, which is the issue in this application because they comply with the ordinance in all other ways, is not relevant.

Mr. Schwartz thinks the issue is how much area in this building does the Yeshiva need to conduct its religious education. It would have been helpful if someone could have testified about a rule of thumb for these situations and why it's necessary instead of getting nebulous testimony.

Mr. Wolfson doesn't believe Mr. Schreiber's testimony about dancing during certain holidays and other activities in that space is nebulous at all. The pattern of questions in terms of suspicion that this building, which has been testified to, is not going to increase the intensity of the operation is disturbing.

Mr. Schwartz has no problem with the Rabbi's testimony but it's an approval that runs with the land and he can't vouch for the next people that will take over.

Mr. Schreiber stated the plan doesn't show everything in the room, such as 14 inch bookcases all around the walls both on the upper floor and the main floor. There may be a class in the lecture room, other grades on the main level, and in the smaller classroom.

Mr. Schwartz asked where the multipurpose room is. Mr. Schreiber said the multipurpose is the mezzanine on the 2<sup>nd</sup> floor which will be used by the students as a lecture room. Mr. Schwartz stated there is a bathroom showing 4 stalls, which would be enough for 60 or 70 people. He asked if it's primarily a multipurpose room, wouldn't it be appropriate to make it a men's bathroom. Mr. Schreiber stated for the majority of time, other than when women are there, those bathrooms will be used for men. The women can't go 2 floors down to a bathroom by code and the 1<sup>st</sup> floor is not meant for ladies use. Mr. Schwartz asked if they could make both men's and women's rooms on both the 1<sup>st</sup> and 2<sup>nd</sup> floors. Mr. Schreiber stated you could but it would be primarily used by men. Mr. Schwartz asked why they chose to have a bathroom with 4 stalls. Mr. Schreiber stated for the primary function for the boys, they would use it. Women would only use it on the holidays and the Sabbath. Mr. Schwartz asked what the architectural standard or construction code is for how many stalls for a certain number of employees, customers, or patrons. Mr. Schreiber stated it depends on the use. Mr. Schwartz stated for secondary students the standard is 1 toilet for 40 people, elementary 1 toilet for 30 people. Mr. Schreiber stated that's minimum. Mr. Schwartz stated 4 stalls would be adequate for 100 or 140 people.

Mr. Wolfson stated the pattern of questions and the suspicion that's evidence through all of these questions is inappropriate and he stated that is a minimum.

Questions from the public:

Barbara Habeeb  
73 Mountain Avenue  
North Plainfield, NJ

Ms. Habeeb asked what kind of events would involve dancing? Rabbi Cohen stated women are not part of the dancing. The women would be upstairs and dancing would be for the students. Ms. Habeeb wanted to confirm that the use upstairs wouldn't be used for any other functions. Rabbi Cohen stated correct. Ms. Habeeb asked if it was mainly for the student's use and the families of the students. Rabbi Cohen stated yes. Ms. Habeeb asked if women are using the bathrooms in the building right now and why there will be extra bathrooms if there are only a few women. Rabbi Cohen stated the number of stalls came from the primary use of a lecture room. Ms. Habeeb asked if this was just for the teachers and students. Rabbi Cohen stated yes. Ms. Habeeb asked what guarantee North Plainfield has that it won't be used for other purposes in

the future. Rabbi Cohen stated he believes they intend to guarantee that. They do not intend to change any of the uses consistent with the Resolution. Ms. Habeeb stated this should not affect the parking at all for residents in the area. Rabbi Cohen stated that was correct and they don't anticipate any issues with the construction of the new building.

Steven Romeo  
16 Rockview Avenue  
North Plainfield, NJ

Mr. Romeo asked if the slate roof was a requirement from the HPC. Mr. Schreiber doesn't know because the under the purview of the historic architect consultant, Barton Ross. Barton Ross said the slate roof was a requirement of approval with the HPC. Mr. Romeo stated he was a part of those meetings and he doesn't remember hearing that it was. He doesn't know of any structures built with a slate roof and that's why he's asking.

Mr. Romeo stated the nursing home portion of the building had its own dining room and asked if it was still be used or if they are dining in the mansion. Rabbi Cohen said currently the dining room is on the 1<sup>st</sup> floor of the mansion.

Francine Gargano  
57 Willow Avenue  
North Plainfield, NJ

Ms. Gargano asked if they took into consideration the amount of space they have in the mansion and the nursing home when they designed the new building. Mr. Schreiber stated yes. Ms. Gargano asked if all other Yeshivas have all of that space. Mr. Schreiber stated those are existing uses, one nursing home wing is used as a dormitory and the mansion is used for some classrooms, study hall, and praying. Ms. Gargano asked if he looked at all the other buildings. Mr. Schreiber stated he was involved with some minor work in 2019 with his previous firm. He was in the nursing home wing, not the apartments. Ms. Gargano stated there is a functioning kitchen and dining room that is inside that building for 16 years without a problem. She asked why they had to have another one in a new building if the issue is they need more space for studying. Mr. Schreiber stated the kitchen is not a kosher, modern kitchen for separate dairy and meat function. They made use of the space. It was not ideal. To have the students leave in bad weather to go to the other facility to eat wouldn't make sense because they have classes all day and it's more convenient. The dining room in the 1<sup>st</sup> floor of the mansion is not ideal, they were trying to make do. The new building will match their high caliber of scholastic success.

Ms. Gargano stated the Rabbi testified that they haven't expanded and now Mr. Schreiber said they needed this because they expanded. Mr. Schreiber stated he didn't say that. He said the standard for this type of school would be what they would have in the new building and they have the right if they have room on their property to expand.

Ms. Gargano asked why the plan says Springfield and if they were designed to be built in Springfield. Rabbi Cohen stated the Yeshiva was in Springfield before North Plainfield and they sometimes refer to themselves as that.

Ms. Gargano stated the new buildings being built now are predominantly new buildings for Yeshivas not for Yeshivas with existing buildings in the Historic District. Mr. Schreiber stated there is less of an occurrence. It doesn't mean it's not fitting for the site.

Witness:

Elizabeth Dolan

Mr. Wolfson asked if Ms. Dolan had occasion subsequent to the first weekend to go out to the site on a weekend. Ms. Dolan stated she was at the site this past Saturday and Sunday. She observed minimal parking demand on site, a little heavier activity over by the apartments on the Sycamore side of the site but consistent with what she had testified to a few weeks ago with a maximum of 7 vehicles observed on site over the weekend.

Andre Mitchell asked what hours Ms. Dolan observed the facility. Ms. Dolan stated on Saturday between 9:30-10:00, 1:00-1:30 and on Sunday 12:30-1:30.

Mike Giordano asked if she was on the site only and not on surrounding streets. Ms. Dolan stated she circled the block several times. He asked if the residents in the houses were home when she was there because when he went by at night the side streets are always crowded. Ms. Dolan stated there were 2 cars on Washington, none on Rockview, 3 or 4 on Sycamore and there are always 3 or 4 parked on Linden.

No questions from the public.

The next meeting will be May 31<sup>st</sup> at 7:00pm and the zoom information will be the same. There will be no further notice.

For the record, Aimee Corzo entered the meeting at 9:33pm.

Dave Hollod reviewed the recording for the 1<sup>st</sup> meeting and he do the same for the portion of this meeting that he missed.

Mr. Schwartz told Mr. Wolfson if he could get a transcript to him it would be helpful.

David Branan made a motion to adjourn the meeting. Seconded by Mike Giordano.

All in favor.

Meeting adjourned at 10:05pm.