

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Acting Chairman Rennert called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Follman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Terence M. Vogt, P.E., P.P., C.M.E. was sworn in.

4. PLAN REVIEW ITEMS

1. **SD 2122 Samuel Greenes**
Hope Chapel & Clear Stream Road Block 2, Lot 23.01
Minor Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 21, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for topography and contours. The waiver can be supported with the understanding that they are going to get necessary design information for purpose of the improvement plans prior to the public hearing.

Mr. Brian Flannery P.E., P.P. agreed.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt stated that variances are necessary including minimum lot area, width, front yard, rear yard and combined yard setbacks. Design waivers are required from providing curb, sidewalk, shade trees and utility easements along Hope Chapel Road.

Mr. Flannery said it is a very unique lot. At the public hearing they will provide supporting testimony for the variances. The new plans will show curb, sidewalks and shade trees.

Mr. Rennert asked why it is a unique lot.

Mr. Flannery said it is an 'L' shaped lot that has an existing dwelling on it.

Mr. Rennert wants to see a map of the area at the public hearing.

Mr. Herzl said Hope Chapel and Clear Stream are very busy roads. They just built new houses right on Hope Chapel.

Mr. Flannery said there is an existing house there and that's what makes it unique. Testimony supporting the requested variances will be given at the public hearing.

A motion was made and seconded to advance this application to the May 17, 2016 meeting.
Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Rennert
Abstain: Mr. Follman

2. SD 2125 Mark Properties, LLC

Providence Avenue Block 1051.09, Lot 4
Preliminary and Final Major Subdivision to create 5 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 21, 2016 was entered as an exhibit.

Mr. John Doyle, Esq. said Providence Avenue is a paper street and is part of the overall Oak Street improvement corridor so the construction will be deferred for some period of time while they await the development of that road.

Mr. Rennert asked why this was not part of the overall CAFRA permit.

Mr. Brian Flannery, P.E., P.P. said because the CAFRA permit was based on blocks that the DEP needed CAFRA if they tied into the sewer and this was not listed by the DEP. One submission waiver is being requested.

Mr. Vogt said a submission waiver is requested for an environmental impact statement. The waiver is supported with the understanding that if approval is granted the project is going to comply with the tree protection ordinance.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said variances include minimum front and rear yard setback.

Mr. Flannery said testimony will be provided at the public hearing.

Mr. Rennert said this property is in both the B-3 zone and R-12 zone. Duplexes are not permitted in the R-12 zone. He asked if the duplexes are in that zone.

Mr. Flannery said no. The application conforms with the use. They are requesting a minor front and rear yard setback variance on the single family home which will be explained further at the public hearing.

Mr. Rennert asked if that will conform to whatever else is in the area as far as the CAFRA permit.

Mr. Flannery said yes.

Mr. Rennert said these setbacks will be the same.

Mr. Flannery said yes. They will be the same as the duplexes that are approved in the R-10A zones. There is a little piece of R-12 that is mixed in with the B-3, R-10A and HD-7. Everything will be explained at the public hearing.

A motion was made and seconded to advance this application to the June 21, 2016 meeting.
All were in favor.

3. SP 2170 Ketan Mehta

Route 70

Block 1160.01, Lot 256.02

Preliminary and Final Major Site Plan for a hotel

A review letter prepared by Remington, Vernick & Vena Engineers dated March 30, 2016 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum front, side and aggregate side yard setback as well as a sign variance. Partial relief from the perimeter buffer is requested as well. The Zoning Board approved the minimum lot area variance a few months ago.

Mr. Ray Shea, Esq. said this lot is 1.84 acres whereas 2 acres are required but this lot does have an existing variance for minimum lot area. The other variances were correctly identified by Mr. Vogt. This application is for a proposed hotel along Route 70.

Mr. Rennert said he sees in the letter that motels are a permitted use. He asked if motels and hotels are treated the same.

Mr. Vogt said yes.

Mr. Ian Borden, P.E., P.P. said they are requesting a side yard setback. A side yard setback of 31 ft is proposed whereas 50 ft is required. As the board can see on the plans, there is an extension of the building that comes out for the indoor pool area.

Mr. Rennert asked what is behind that area.

Mr. Borden said it is adjacent to the back of an office building. There are no residential uses nearby. All of the uses are consistent with their appropriate zoning. The other two variances are a combined side yard setback and a front yard setback of 81 ft whereas 100 ft is required.

Mr. Shea said they need that front yard setback variance as it is measured to the porte-cochère, not the building.

Mr. Borden said the right-of-way is extremely wide here. It is more than 100 ft from the front line of the property to the edge of the highway and there are trees there. Subject to approval of the NJDOT, they are proposing the sign closer to the highway in the Route 70 right-of-way.

Mr. Shea said most of the signage along Route 70 is consistent with their proposal.

Mr. Borden said that is correct. If they put the sign on the property it would never be seen.

Mr. Rennert asked how many rooms are being proposed.

Mr. Borden said 88. They have provided sufficient parking for the rooms. Per ordinance, they are required to have 1 space per room and 91 spaces are provided.

Mr. Rennert asked if they have to take the staff into account.

Mr. Borden said no.

Mr. Shea said the anticipation of any vacancies would allow for the employees.

Mr. Borden said this hotel does not have any type of restaurant associated with it. If that were the case then the restaurant would be separately tabulated on top of the hotel

Mr. Rennert asked if there are any waivers associated with this application.

Mr. Vogt said a waiver of the tree protection plan is supported for completeness purposes only. If approved, the applicant must comply with the Township's tree protection ordinance.

A motion was made and seconded to advance this application to the May 17, 2016 meeting.
All were in favor.

4. SP 2171 Excel Corporate Park IA, LLC
Prospect Street Block 411, Lot 82
Preliminary and Final Major Site Plan for a proposed industrial building

A review letter prepared by Remington, Vernick & Vena Engineers dated March 30, 2016 was entered as an exhibit.

Mr. Vogt stated that waivers are requested for topography, contours and man-made features within 200 ft, location of wetlands buffer, natural or artificial water courses and wooded areas as well as shade trees, an environmental impact statement, tree protection management plan, landscaping, drainage calculations and a shade tree easement. Several of the waivers are supported, however, drainage calculations must be provided prior to the public hearing to confirm the adequacy of stormwater management measures. Tree protection can be addressed during compliance.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner.
All were in favor.

Mr. Vogt said a variance is requested for front yard setback. There is also an existing side yard setback condition for the existing building.

Mr. Adam Pfeffer, Esq. said they have reviewed the board engineer's review letter and have no objections. If approval is granted from the Lakewood Industrial Commission, they can reduce the front yard setback from 100 ft to 50 ft.

Mr. Rennert asked what is on this site.

Mr. _____ said there is already an existing building which has multiple uses and is located south of the proposed addition. This is going to be a separate, independent building which will front on Prospect Street.

Mr. Rennert said what uses are being proposed.

Mr. _____ said there will be multiple uses conforming to the M-1 industrial zone.

Mr. Rennert asked if additional parking is required.

Mr. _____ said 114 parking spaces are required, however, they have an agreement with the property owner to the west. They exceed parking requirements.

A motion was made and seconded to advance this application to the May 17, 2016 meeting.
All were in favor.

5. SD 2127 47 Linden, LLC

Linden Avenue

Block 189.02, Lot 170

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 24, 2016 was entered as an exhibit.

Mr. John Doyle, Esq. said this is a minor subdivision to create two slightly undersized lots but it would be consistent with the general neighborhood. The applicant could have knocked the existing house down and put up a duplex but he prefers to maintain the existing house which is in good shape. Sidewalks and curbs will be provided. In the review letter, it is suggested that Stirling Avenue is in poor condition and should be reconstructed as well as the gutter along Linden Avenue. Typically, as he understands, the rule to be is if they are in excess of 20% of the area then it is their responsibility to reconstruct the road but they are under that and hopefully there is an alternative they can review.

Mr. Vogt said he suggests they look at that later in the application. The Township is more conservative now than in the past concerning road restoration issues. Right-of-way dedications or easements are necessary along a portion of Stirling and Linden Avenues. If there are going to be dedications then they are going to affect variance conditions. Variance conditions currently proposed include minimum lot area, front, rear and side yard setbacks, and maximum building coverage. Design waivers are sought from providing sidewalk along Stirling Avenue and proposing street trees along the project frontages.

Mr. Doyle said they acknowledge current setbacks proposed and would not add to them. With respect to the coverage, he believes they can eliminate that variance. With respect to the road, they prefer an easement as opposed to a dedication.

Mr. Herzl asked if this area was recommended to be rezoned to R-7.5

Mr. Graham MacFarlane, P.E., P.P. said they would research that prior to the public hearing.

Mr. Rennert asked if variances would be needed if a duplex was built.

Mr. MacFarlane said he believes for a single duplex it could be done variance free.

Mr. Doyle said the board meets within certain time schedules and unfortunately the street vacation process is not calendared like that and is subject to the discretion of the governing body. There are other ways to limit them including not improving the vacant lot or not filing the map.

Mr. Follman said he doesn't see any reason for the board to look at an application before the vacation is made. It is a waste of the board's time.

Mr. Doyle said that is not their intent but if the vacation is not granted, there is no difference in how the subdivision would lay out other than the applicant would be required to remove the pool. The Wilson Avenue vacation is not sought to grab extra land but rather to make possible the keeping of the pool for the family in the back of the lot.

Mr. Graham MacFarlane, P.E., P.P. said the applicant will relocate the shed in order to eliminate that variance.

Mr. Franklin said the house is only a few feet away from the property line.

Mr. Doyle said it is 4.2 ft to the roadbed of this paper street that has no purpose to be developed for the public benefit.

Mr. MacFarlane said this isn't the standard application where the subdivision is contingent upon the vacation. They are not anticipating the area of that vacation in their variances that they are requesting. This is purely to rectify an existing condition.

Mr. Vogt said they wouldn't have a problem with the applicant getting input on the vacation. He recommends, if approval is given, that maps are not going to be filed until the vacation is resolved.

Mr. MacFarlane said if not, they would remove the pool.

Mrs. Morris said they are outside of the purview of the permit extension act at this point which means upon memorialization of any resolution for a minor subdivision, maps must be filed within 190 days.

Mr. Rennert said his point is that the governing body sees that the Planning Board is approving applications subject to a vacation so the Township thinks the Planning board is okay with it and then the Planning Board is screaming at the committee to stop vacating roads.

Mr. Doyle said clearly the board is not okaying it by whatever action the board may take. He asked that they be scheduled for the June meeting and they will make every effort to seek approval from the governing body.

Mr. Rennert said he is comfortable with that if the board is as well.

Mr. Franklin said the applicant should get approval from the governing body first then they can seek approval from this board.

Mr. Herzl said if they don't get the vacation then the only issue is the pool and the shed.

Mr. Doyle said yes and clearly getting the additional lot is of greater importance than the removal of the pool and shed.

Mr. Franklin said the existing house is only 4.5 ft from the property line.

Mr. Doyle said it is only 4.5 ft from the paper street.

Mr. Franklin said yes, the property line.

Mr. Rennert said if Wilson Avenue gets vacated there would be no variance.

Mr. MacFarlane said it is a 50 ft requirement in that zone. They would provide about 30 ft.

Mr. Doyle said the purpose of the side yard setback is to be comfortable with your neighbor, here there is no neighbor besides the cemetery.

Mr. Franklin and Mr. Follman do not want to advance this until the vacation is obtained.

Mr. Franklin made a motion, seconded by Mr. Follman to not advance this application until a vacation is either approved or denied by the township committee.

Mr. Doyle asked that they carry this application to the June meeting and if the street vacation isn't done he would advise the board engineer and secretary.

Mr. Jackson said the applicant has the right to have their application heard. This is a plan review to determine if it's ready to go to the public hearing. He asked if the applicant consents to getting the street vacation first and then coming back.

Mr. Doyle said he has no idea how he could consent to something he doesn't know the parameters of. He asked if the board is aware of a time frame for the street vacation to be approved.

Mr. Jackson said it is a political decision and there is no time frame.

Mrs. Morris said from what she understands , the committee is not entertaining any vacations as of right now until the Master Plan is adopted. There may be a few minor ones that get through but they are trying to avoid considering them at this time.

Mr. Doyle understands that street vacations could rile the waters and the neighborhood. As he has stressed, there are no neighbors.

Mr. Jackson said he would have to make that persuasive argument to the governing body. The board is advising that they are not comfortable with this application without some kind of knowledge of the street vacation. Without that, the board would have a strong case to deny the application on the basis that they don't want to grant the variances. He asked that this be held in abeyance and be granted any time waivers which are necessary. He suggested giving the applicant 60 days.

Mr. Doyle said that is why he asked for the June meeting. It would be more than 60 days.

Mr. Jackson said the board has time limits on which they have to act on an application. The board can't just say no, they are not going to hear it and that is what they would be doing if they asked the applicant not to come back until they get direction from the committee.

Mr. Doyle asked if this could be carried to a June meeting.

Mr. Vogt said to continue the tech review. It would not be a public hearing.

Mr. Rennert said the applicant would waive any time requirements. Even after the vacation, there are still a lot of big variances being requested.

Mr. Doyle said they will present this application as a tech item in June and would seek approval from the committee concerning the vacation.

Mr. Rennert does not want the message to the township to be that if they vacate the road then the subdivision will be approved.

Mr. Franklin said there is still a motion on the table to not continue this application until the applicant receives direction from the township committee.

Mr. Jackson said that is correct. He believes it would be better to hold this until June with the applicant's consent. He can certainly support the proposition that the application is not complete but they also said they can present the application without the vacation. He recommends to carry to June.

Mr. Franklin reiterated his motion, seconded by Mr. Follman to deem the application incomplete until a vacation is either approved or denied by the township committee.
All were in favor.

Mrs. Morris said the applicant will have to re-notice and will most likely be looking at June anyway.

Mr. Doyle said the application was deemed complete. They would just have to re-notice.

Mr. Jackson said the purpose of the technical review meeting is to determine if the application is ready to be advanced to a public hearing. Right now the application includes a street vacation which has not yet been granted. In his view, they are not complete.

Mr. Doyle said the map submitted to the board does not show the street vacation. It shows all the distances to the street as if the street existed. The only thing that is different about the map, if the street wasn't vacated, is the shed which has to be relocated and the pool which would need to be removed.

7. SD 2129 Miriam Klein

Miller Road

Block 12, Lot 201

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated March 28, 2016 was entered as an exhibit.

Mr. Grunberger arrived at the meeting.

Mr. Jackson said that the board secretary received a letter dated March 29, 2016 from an objector. It should be marked and made part of the file but it should not be shown to the board.

Mr. Vogt stated that lot area variances are required as well as design waivers from planting street trees and providing curb along the project's Forest Drive frontage.

Mr. Joe Kociuba, P.E., P.P. said this is a 20,000 sf lot and they are looking to subdivide it into two 10,000 sf lots requiring variances as noted. They will be prepared to provide testimony at the public hearing regarding existing lots in the area that are 10,000 sf, specifically two lots to the east.

A motion was made and seconded to advance the application to the May 17, 2016 meeting.
All were in favor.

8. SP 2172 Center 101, LLC

Clifton Avenue

Block 90, Lot 9

Preliminary and Final Major Site Plan for a five story office and retail building

A review letter prepared by Remington, Vernick & Vena Engineers dated March 30, 2016 was entered as an exhibit.

Mr. Follman stepped down.

Mr. Vogt stated with regards to submission waivers, they did not receive a complete checklist. He asked what the applicant is seeking relief from.

Mr. Graham MacFarlane, P.E., P.P. said topography within 200 ft, shade trees since there are existing shade trees along the frontage, an environmental impact statement since the site is already developed, a tree protection management plan as there are no trees on site as well as lighting and landscaping plans.

Mr. Vogt asked what the basis of the waiver is for EIS and the lighting/landscape plans.

Mr. MacFarlane said the site is already developed. This is an application for redevelopment of an existing property in the downtown area.

Mr. Vogt asked if there are any mature trees where the tree protection ordinance would come into play.

Mr. MacFarlane said no.

Mr. Rennert asked about lighting.

Mr. MacFarlane said there is existing street lighting within the public right-of-way along the site frontage. They are not proposing any lighting on site.

Mr. Vogt would recommend giving the waiver for submission purposes. They would look into it further during compliance.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner.
All were in favor.

Mr. Vogt said that they had identified, per the UDO, that a rear yard setback is necessary. He believes the applicant's professionals found a summary table of the UDO which has a different figure. The applicant can do as he pleases but he advised, out of caution, to seek that variance especially if there is an objector.

Mr. Adam Pfeffer, Esq. said this is their interpretation that they have a fully conforming application, however, based on the board engineer's recommendation he would lean on the side of caution. If the board deems that the board engineer's interpretation is correct then they will be seeking the variance.

Mr. Rennert asked about the variance.

Mr. Vogt said one part of the UDO refers to a 10 ft rear yard setback in the B-2 zone. In the summary he believes there is a dimension listed on the chart that says 5 ft. It is a conflict within the UDO.

Mr. MacFarlane said he wouldn't deem it a conflict. The schedule in the UDO has a footnote related to rear yard setbacks which specifically discusses rear yard setbacks for properties that abut municipally owned parking lots which this lot does. On a property that does not abut a municipally owned property, 10 ft is required. If it does, that setback can be reduced to 5 ft as long as that entire area is improved as a sidewalk. It's unique because it is not in the written portion of the bulk requirements of the ordinance. It is only a footnote in the schedule.

Mr. Herzl asked what is currently on this lot.

Mr. MacFarlane said the property is improved with a building which does have its own parking lot. Right now an existing parking lot does abut the Township owned parking lot.

Mr. Franklin asked how many parking spaces are required.

Mr. MacFarlane said there are none required by ordinance in the B-2 zone in the downtown.

Mr. Franklin would like to know how many parking spaces would be required if it was in a different zone.

Mr. MacFarlane said he would provide that at the public hearing.

Mr. Vogt said there should be testimony provided that the application is going to function under a shared parking scenario.

Mr. Rennert asked them to look into how many parking spaces would be required under the regular ordinance and how it would impact surrounding municipal parking lots.

Mr. Franklin said this may hurt the downtown. You can't park now.

Mr. Pfeffer said they will provide testimony at the public hearing. He does park regularly in the First Street parking and there is never an issue getting a spot.

Mr. Franklin said they just designated some of those parking spaces for the building on Fourth Street. The board would need to take that into consideration as well.

Mr. Rennert asked if their hands are tied as to the B-2 zone parking requirements.

Mr. Vogt said currently there is no parking requirement in the B-2 zone. This is standard for urban areas. There are places elsewhere in other municipalities where typically the applicant makes their case based upon a shared parking scenario.

Mr. Rennert asked if the board can deny an application if the applicant doesn't make their case.

Mr. Jackson said it is very difficult to sustain a denial of a fully conforming application. The governing body said through its ordinance that parking is not required in this zone. The board has to follow what the regulations are.

Mr. Franklin said it will be a very important argument when it comes in to see how many parking spaces the building is supposed to have. Even though it's not in the ordinance, how can the board in good faith allow something this big to be built knowing you can't park. It's not fair to the tenants either because they won't be able to come to the building.

Mr. Pfeffer said that would be considered a taking. It is their right to build. They are not asking for any variances.

Mr. Jackson said they will need to make their case. Mr. Franklin is going to vote the way he thinks is appropriate just like everyone else will.

Mr. Rennert said this abuts to a municipal parking lot. The board needs to know if there is there is sufficient parking there.

Mr. Pfeffer said they would have some counts at the public hearing.

Mr. Vogt said he was going to suggest that. They should be able to provide some rough numbers as to how many cars will be expected and within certain hours. That kind of information would help the board along.

A motion was made and seconded to advance this application to the May 17, 2016 meeting.
All were in favor.

Mr. Follman returned to the dais.

9. SP 2173 Congregation Birchas Yaakov

Ridge Avenue

Block 186.03, Lot 1.07, 1.09, & 1.10

Preliminary and Final Major Site Plan for a new school building

A review letter prepared by Remington, Vernick & Vena Engineers dated March 31, 2016 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. said they were originally seeking to be heard as both a tech and public hearing tonight but based on the board engineer's letter, they withdraw that request. They need time to answer some questions.

Mr. Vogt said submission waivers are requested for plans, profiles and utility layouts as well as an environmental impact statement. The waivers are supported as noted.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner.
All were in favor.

Mr. Vogt said variance relief is necessary with regard to parking. Partial relief is required from landscape buffer and a design waiver is also sought which will allow parking in the buffer.

Mr. Adam Pfeffer, Esq. said they have reviewed the board engineer's letter and would address any comments.

A review letter prepared by Remington, Vernick & Vena Engineers dated March 21, 2016 was entered as an exhibit.

The board was in agreement that they would hear this as a public item.

Mr. Glenn Lines, P.E., P.P. was sworn in. This is a minor subdivision to create two lots. He displayed a tax map showing lots that are equal to or smaller than the lots they are proposing as well as lots that do not meet the R-10 standards. Most of the lots in this general area are undersized and over 50% do not meet the zone requirements for the R-10 zone. The benefits outweigh the detriments and there will be no impact to the zone plan or zoning ordinance. Sidewalks will be provided along East County Line for both lots. They do need to get County approval for the subdivision and the new driveways on East County Line Road.

Mr. Rennert asked if they are able to give more to that 6,500 sf lot and increase the side yard setback.

Mr. Lines said they are really restricted on the setbacks because of the existing house. There will be 7 ft between the existing dwelling and the property line. On the new lot they are proposing R-7.5 standards which go along with the lot size. Most of the lots in this area comply with the R-7.5 zone.

Mr. Rennert opened to the public, seeing no one come forward, he closed to the public.

Mr. Vogt asked if there are any objections to the review letter.

Mr. Lines said they can satisfy all comments.

A motion was made and seconded to approve the application.
All were in favor.

12. SD 2027B ARM Realty & Construction

Ocean Avenue Block 246, Lots 25-28, 36-37, & 64
Amended Preliminary and Final Major Subdivision to create nineteen lots

Applicant is requesting a combined plan review and public hearing at this meeting.

A review letter prepared by Remington, Vernick & Vena Engineers dated March 24, 2016 was entered as an exhibit.

The board was in agreement that they would hear this as a public item.

Mr. Rennert stepped down. Mr. Herzl will chair this application.

Mr. Franklin asked if this is the application where they had a drainage pipe going through the property.

Mrs. Miriam Weinstein, Esq. said it is. This application has been before the board twice.

Mr. Vogt said they had looked at this application as a technical item only. If you look at the submission waivers, they have recommended granting several waivers, including drainage, which they do not have at this point until the public hearing.

Mrs. Weinstein said she believes the drainage is not changing from the last approval. This is the project that has to address the issue for Mr. Kristberg's property just a few doors down.

Mr. Vogt said that is why they are concerned.

Mr. Franklin said it is not just Mr. Kristberg's property. It is also the property on Dewey Avenue that drains onto Kristberg's, across the back and then out onto Ocean Avenue.

Mrs. Weinstein said that is correct.

Mr. Vogt said right now they do not have drainage calculations with this version.

Mrs. Weinstein said this is roughly the same application presented to the board the last time around with only one change. They are removing a unit and the reason they are doing that is because the previous plan contemplated a road vacation. The township committee indicated that they were not accepting any requests for vacations due to the Master Plan. The applicant decided rather to wait it out to see if the committee will grant the road vacation to come back to the board with a revised application that does not utilize the area of the road vacation. Instead of 10 duplex buildings, there will be 9 duplex buildings and 1 single family for a total of 19 units. Nothing else is really changing, therefore, their position is the drainage is not being affected.

Mr. Vogt said that really should have been part of this application.

Mrs. Weinstein believes it was just an oversight because the applicant thought that the board already had all of that information.

Mr. Vogt said the board doesn't do research on prior applications. They must present the application.

Mrs. Weinstein asked if it could be worked out during compliance.

Mr. Vogt said it is up to the board.

Mr. Franklin believes this should be kept as a tech meeting.

Mrs. Morris understands that this is a previous design that was approved and unfortunately it is coming to a head now but if the board wants to see fully designed stormwater as other applications do.

Mr. Vogt said it may be as simple as taking the old application and calculations and say this was previously designed and this is why it now works. They can't do the research for the applicant.

Mrs. Weinstein understands. It was a mistake as all they resubmitted is a new plan removing that one unit.

Mr. Vogt said if he had known that they were seeking public approval tonight, he would have advised them of this.

Mr. Aaron Mansour, ARM Construction, was sworn in. He said they have two projects in this neighborhood. The township engineer knows very well that he comes in very often to figure out this whole problem that wasn't caused by him but by someone before him. The township engineer wants to know every detail of how it gets designed. His engineer cannot do anything until he receives approval from the township engineer. This has

nothing to do with the drainage. This is basically to continue on with resolution compliance and remove that one unit. He will follow any direction given to him from the township and board engineer concerning drainage.

Mr. Vogt recommends not filing maps until stormwater is resolved.

Mr. Mansour has no issue with that.

Mrs. Weinstein said this project was originally approved for 8 duplexes along Ocean Avenue. Because the drainage issue was raised at the hearing, the developer took it upon himself to try to remedy the drainage problem for this area. So what he did is acquire some additional property and came back before the board with 10 duplexes.

Mr. Glenn Lines, P.E., P.P. was sworn in. He said they will have a conforming cul-de-sac going in. They had met with Public Works several months ago and received their approval. The old application had garbage cans lined up on Ocean Avenue. Now this is completely within their own development in that cul-de-sac. The original applications had 2 duplexes facing Bergen Avenue, one on the west and one on the east. They have replaced the duplex on the east side of Bergen Avenue with a single family home. The rest of the development is 8 duplexes on each side of the road which total 19 units. The property they have been discussing concerning drainage is one lot to the west. There is a low spot which is a lot that was filled in by a developer some 12 years ago which exacerbated a drainage problem that was always to the west. They are proposing an oversized recharge trench down the middle of the road which will leave a connection behind lot 25.11 so that when this lot gets redeveloped, there is a way to connect to the low spot or they may actually excavate down and find that pipe that was cut off. They haven't gone out and done any test pits but all of the historic documents he has looked at pretty much put it about 75 ft off the road in the backyard of the house next door.

Mr. Herzl asked who will be responsible for the drainage system.

Mr. Lines said the homeowner's association as it will be on private property. Then it will connect to the pipe that crosses Ocean Avenue which goes through another one of Mr. Monsour's projects that they have to rebuild because a pipe collapsed, there is a manhole that doesn't seem to go anywhere in the middle of someone's backyard so they are really providing a complete solution to this problem. Again, if they don't find the pipe, they are leaving a connection so when this house gets redeveloped, they would have to do it. They did redesign so they could provide decks for all of the houses. The initial design only left about 5 ft for a deck.

Mr. Herzl asked if there are any new variances on this application.

Mr. Lines said no.

Mr. Brian Flannery, P.E., P.P. was sworn in. His office was working on the lot next door, which is the lot that was filled in. They went out there and found the pipe. They have a DEP permit to open that up again so they will give the information to Mr. Lines.

Mr. Vogt said if the board acts favorably, the resolution of this pipe issue is going to be part of the approval.

Mrs. Weinstein understands.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

A motion was made and seconded to approve the application.

All were in favor.

Mr. Rennert returned to the dais.

5. PUBLIC HEARING ITEMS

1. SP 2150 Wawa Lakewood, LLC

Route 9 and Prospect Street Blocks 420; 420.01, Lots 16; 12, 14, & 23
Preliminary and Final Major Site Plan and Subdivision for a convenience store and gas station

Two review letters prepared by Remington, Vernick & Vena Engineers, both dated March 23, 2016 were entered as exhibits.

Mr. Jackson stepped down. Mr. Robert Ulacky, Esq. will serve as conflict attorney.

Mr. Follman left the meeting.

Mr. Michael Junghans, P.E., Lori Kiedaisch, P.E. and Douglas Paliniack, P.E. were sworn in.

Mr. Ray Shea, Esq. said they are here for a subdivision to create the parcel and a site plan for the construction of a Wawa on River Avenue. This is a result of different entities working together including Monmouth Medical center Southern campus, CVS, 500 River Avenue and Wawa. Everybody combined and provided the accesses that are necessary that brings about the application.

Mr. Junghans marked a coloring rendering of existing conditions as exhibit A-1, a map displaying a before and after rendering as exhibit A-2, a color version of the site plan as exhibit A-3 and a rendering of the proposed building as exhibit A-4. The proposed lot is within the existing medical office complex adjacent to the recently constructed CVS at the corner of River Avenue and Prospect Street. They are looking to keep the same number of lots and just reapportion the area to allow the creation of a larger lot for the proposed Wawa.

Mr. Shea said the exterior perimeter lines of all the lots don't change.

Mr. Junghans said that is correct.

Mr. Shea asked him to comment concerning the proposed lot, which is for parking only, be annexed to existing lot 20 in block 420 since the parking area is already being accessed from this property.

Mr. Junghans said in the original configuration they ended up with a non-conforming frontage. It was requested that it be added to lot 20 so it has a frontage via Prospect. They had to decline because those properties are owned by separate people.

Mr. Vogt said they don't control the parking area.

Mr. Junghans said that is correct.

Mr. Vogt understands.

Mr. Junghans said there was a question concerning parking for proposed lot 23. The parking calculations indicate an off-street parking space required for every 300 sf of gross floor area. However, medical offices which

comprise the majority of the building require an off-street parking space for every 150 sf of gross floor area. They did calculate and will provide that with an updated submission but it is not an issue either way. The identification sign will be included on the minor subdivision plans.

Mr. Vogt asked if a variance is required for that sign.

Mr. Junghans said the setback is estimated to be 15 ft.

Mr. Vogt said that is an important number because they have to determine whether they need a setback variance.

Mr. Shea said out of an abundance of caution, they are going to ask for the relief even if they don't know the exact setback.

Mr. Junghans said street trees will be provided along the project frontage. They will not be provided on the other properties as they do not have control over them. They were not sure if they meant the Wawa parcel or all the properties involved.

Mr. Vogt said just the Wawa property.

Mr. Shea said they recognize that the existing access driveway on proposed lot 23 encroaches onto new lot 12. They will rectify as that property owner agreed to the consent of the encroachment. The rest of the comments can be satisfied.

Mr. Junghans said variances requested include minimum lot area, lot frontage and minimum side yard setback. The accessory structure may require a variance for the bank drive through. They will investigate further as to the height of the structure. A setback variance is requested for the existing site identification sign.

Mr. Rennert said that waivers are no longer required from providing street trees and a variance is not required for parking.

Mr. Shea said that is correct.

Mr. Junghans said the site where the Wawa is proposed is currently a detention basin. That detention basin serves the entire center including the medical office as well as the CVS. They are proposing to fill a good portion of the basin in and to build a 4,700 sf building. In front of that they are proposing 8 pump locations with 16 fill locations. Access for the Wawa will be an entrance only driveway off of River Avenue and a shared right-in/right-out with the existing CVS by a cut through into the existing CVS drive.

Mr. Shea asked if this is a prototypical Wawa.

Mr. Junghans said yes. This is a prototypical building and canopy. A variance is requested for the canopy because the maximum height is 16 ft and the canopy is 25.3 ft because it goes up at an angle. Since they are proposing this in the area of the detention basin, they obviously have to offset all of the water that normally would have gone into that basin. They are proposing by adding into the adjacent parking for the medical office, underground detention which is an arch pipe system in addition to small detention basins on the south side of the Wawa site. The addition of all this underground detention and the addition of these open basins, they are able to, in accordance with DEP requirements, reduce the post peak flow below what the existing is. They are actually going to get better detention with this dual system than what they get with the big basin today. For this size

facility they are required to have 24 parking spaces and are providing 50 parking spaces. All new LED lighting is proposed. A lot of perimeter landscaping including a mix of shade, ornamental and shrubs is proposed.

Mr. Rennert asked about the canopy.

Mr. Shea said if the zone requires 16 ft then every Wawa has a variance. They are all the same height.

Mr. Junghans said looking at the cross section, it is the angle that it's set at. Underneath the frame work is at a typical height but the architectural rise in the frame work is what gives it the height. A number of variances are being requested for the signage.

Mr. Shea said if it is an office building, you'd only need one sign but because it is a retail building of this type, this is part of the prototypical package that has been approved elsewhere in Lakewood and other towns in Ocean and Monmouth counties.

Mr. Rennert asked if there are any additional waivers required with this site plan.

Mr. Vogt said there were submission waivers that were previously granted at the technical meeting.

Mr. Junghans said the letter lists a waiver from providing a tree protection management plan but they actually don't meet the threshold as they are only removing three trees and none of them are specimen.

Mr. Vogt said that is fine. He asked that they document that during resolution compliance. What happens a lot of times for argument sake, if the application changes during the hearing you could in theory fall back under that. Typically, if the board is going to act upon it and you are subject to the requirement they would address it at compliance.

Mr. Rennert asked about buffering along the residential property.

Mr. Shea said it is a residential property but it is commercial zoned.

Mr. Vogt said the way the ordinance is written is that it's either use or zone. It is written to be conservative. What is typically done in other applications, if the dimensional buffer cannot be provided, the board looks at fencing and/or evergreens.

Mr. Shea said they would provide any necessary screening.

Mr. Junghans said they have about 10 ft to work with so they can easily accommodate that.

Mr. Rennert opened to the public.

Ms. Ann Richardson, 1870 Lanes Mill Road, was sworn in. she asked if a traffic report was done.

Mr. Shea said yes, it was submitted to the board.

Ms. Richardson expressed her concern about traffic in that section during certain times of the day. She asked if a right and left turn is allowed onto route 9.

Mr. Paliniack, said it is a right turn in only. Out of the CVS driveway on Route 9, you are only allowed to make a right in and a right out. On Prospect, you can make full movements.

Ms. Richardson said it is almost impossible to make a left out onto Prospect.

Mr. Paliniack, doesn't disagree. Typically convenience stores during rush hours experience mostly right in/out traffic because of that.

Mr. Shea said they did an analysis and study and reduced it to writing, prepared a report and submitted it to the board.

Ms. Richardson said she wants the board to be aware of the traffic and of the difficulty it will be to make certain turns. They already have a Wawa on Route 70. She is not against it but she wants to make sure people are careful during certain hours of the day when the traffic is unbelievable.

Mr. Rennert asked them to go through the traffic report.

Mr. Paliniack said they did a traffic study and counts on River Avenue and Prospect Street as well as at the CVS driveways. Access to River Avenue will be right in only because of the high levels of congestion and that access is going to get approval from NJDOT. Traffic is projected for the Wawa based on the Institute of Transportation of Engineers trip generation for a convenience store with a gas station of this size. Basically, what the IT says is that during rush hours, convenience stores, markets, retail buildings and gas stations experience a high level of pass by traffic. What pass by traffic is are people on that south bound queue on River Avenue waiting for the light. Those cars are already going to be there on their way home from work. They are going to go into Wawa and come out another way. Very few people are going to leave their homes during rush hour to make a trip to Wawa. You are not going to see a large increase of new vehicles during rush hour. It's going to be people already on the roadway.

Ms. Richardson said they need to take another look at the left onto Prospect Street.

Mr. Vogt said Prospect is a County road. He asked if he is dealing with the County.

Mr. Shea said they do need County approval.

Mr. Vogt said the County is going to dictate movements. The Planning Board can certainly recommend but it's the County's jurisdiction.

Mr. Paliniack said that it is already an existing access.

Mr. Rennert said the volume will be increased at that left turn.

Mr. Paliniack said that is correct. They did a level service analysis for that driveway and were getting level service C for movements at the Prospect driveway which is a very acceptable level of service. He doesn't disagree that it is a busy location but the movement can be done.

Mr. Herzl asked what the current level of service is.

Mr. Paliniack said it is a B.

Mr. Vogt said since it is a County road, the County may or may not want further improvements including possibly widening the road, center, left turn lanes, etc.

Mr. Rennert said they are talking about a left turn coming out of a CVS on only a small portion on Prospect before the light where cars are already going to be backed up trying to make a left turn.

Mr. Paliniack said he had been out there two or three times and cars do queue back but they don't often exceed that CVS driveway. You may need to wait until the light turns green on Prospect but you will have the ability to make that left turn.

Mr. Rennert asked if there is a dedicated left turn lane out or is it one lane.

Mr. Paliniack said the CVS has one lane exiting.

Mr. Rennert said so that could cause a problem with backed up traffic in the CVS parking lot.

Mr. Paliniack said it will cause additional backups than there are today but he doesn't see it as a problem as people are backed up on the site. He would rather have people backed up on the site than the roadway.

Ms. Richardson said they have no idea what the traffic is like. The only other access coming out of that driveway would be to make a right and then a right on Williams, right on Pine to another light and then make the right onto Route 9.

Mr. Shea said no, there is another entrance on Prospect. They do know what is out there, they do know the traffic volumes and they are not strangers to the situation.

Mr. Herzl asked if they can seek County approval first.

Mr. Vogt said that is not typically the protocol. With an application like this, the County is going to be an outside agency approval that they have to secure. They may design offsite improvements if the County deems it necessary. If the County feels changes are necessary which are going to conflict with the site plan, they would have to come back to the board.

Mr. Hibberson said as a frequent traveler of Route 9 for many years, he shares the concerns of anyone here because that hospital area is always a congested area. This plan will only add to that congestion. He hopes they took into account the narrowness of Route 9.

Mr. Paliniack said the main aspect of this application is that the access off of Route 9, you can only make a right turn in. You're not going to have anyone making a north bound left turn and backing up Route 9 further to the south. No delay will be caused due to this project on Route 9 turning into the site.

Mr. Rennert said turning onto Prospect is going to be a mess. He thanked Ms. Richardson for her input.

Mr. Paliniack said a left turn onto Route 9 would be almost impossible so that is why it is a right turn only. He understands it will be difficult making a left turn onto Prospect as it gets backed up but it can be done. He has made that turn a number of times to test it. When the light turns green, you will be able to make that left if there's a queue.

Mr. Rennert said he personally makes that turn a lot as he frequents that CVS. He does have trouble during certain hours.

Mr. Shea said they acknowledge the traffic conditions as they exist today but the testimony was yes, they will add to that traffic but not significantly. No one will choose this Wawa as a destination during rush hour. It will be mostly pass by traffic. You can go to the Monmouth Medical Center lot to the more westerly exit and then come down to the light. There are two ways to go out, you don't need to use that exit.

Mr. Rennert asked how they can direct all the traffic from the Wawa to the second exit.

Mr. Shea said you can't force people to do that. There is a cross access easement into the CVS.

Mr. Paliniack said people will learn. No one wants to be inconvenienced to have a difficult left turn.

Mr. Herzl asked how many feet it is from the exit point on Prospect to Route 9.

Mr. Paliniack said it is probably in excess of 250 ft.

Mr. Herzl wants to make sure that when the cars turn onto Prospect that there is room where the cars are stacking up to turn onto Route 9 and not backed up on the property.

Mr. Paliniack said it will be easily 8 to 10 cars before you get to the exit.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He said this is a seriously congested area as it is only one lane on Route 9 going north and south. The intersection has been widened a little bit to allow for that right hand turn onto Prospect. When they put the CVS in, they made it a right turn only but there is no egress. If it has egress/ingress coming out to Route 9, he can't imagine that this wouldn't be snarled for miles back.

Mr. Paliniack said it is a right turn in only heading south bound on Route 9. The fuel pumps are the first thing you'll reach as you enter, the building is to the west of the fuel pumps and there is parking around the building.

Mr. Vogt said if you are exiting the site, you can go out to Prospect.

Mr. Palinack said that is correct. In order to exit the site you must use easements through the adjoining properties to get to Prospect Street.

Mr. Vogt said then you don't necessarily need to go in from Route 9 and go back out onto Route 9.

Mr. Rennert asked if the board is allowed to take traffic into consideration.

Mr. Ulacky said traffic isn't really something that the board could take into consideration in its decision.

Mr. Rennert thinks it will be a disaster coming out onto Prospect Street.

Mr. Shea said the law is very clear. The board does not have the right to use traffic as a reason to deny a site plan. The county may have certain recommendations for them to make improvements to the road. He doubts it based on the level of service but they could. If they do, they will come back before the board.

Mr. Rennert asked if they would consider making a dedicated left turn out from the CVS site onto Prospect.

Mr. Shea said no because they do not have control over that property nor does he have County approval to do that.

Mr. Joel Gruen was sworn in. He said there is a industrial park a little bit further west on the right side of Prospect Street. People who drive in this area know there are numerous eighteen wheeler trucks that go up Prospect Street daily. One eighteen wheel truck would equal about 3 or 4 car lengths. If there is one eighteen wheeler at the left turn on Prospect, he has no idea how anyone is going to be able to get out of the CVS parking lot.

Mr. Herzl said they would have to wait for the next light.

Mr. Vogt asked that testimony be provided regarding the circulation throughout the property based upon the largest truck.

Mr. Junghans said he thinks the question is not concerning circulation on site. He is concerned about a truck at the Prospect intersection. That is not presented on the plans as it is more of a queuing issue.

Mr. Paliniack said they do have queues at times regardless if it was whether a box truck, tractor trailer or a passenger vehicle but they clear upon the green signal.

Mr. Vogt asked if tractor trailers will be accessing the property.

Mr. Junghans said on-site circulation has been designed to accommodate fuel and delivery trucks.

Mr. Gruen asked if Route 9 south will be widened in order for cars to turn in.

Mr. Paliniack said not likely. This plan has to be submitted to NJDOT and they will review the right turn ingress. The driveway has been designed to meet NJDOT standards. The site is allowed to have access to the highway. DOT will likely approve it because there are no left turns proposed. As far as widening the highway to provide additional room, any widening is going to start impacting properties to the north and that is not going to happen.

Mr. Gruen is concerned about cars trying to get around traffic in order to get to the Wawa because it is so backed up.

Mr. Paliniack said there is not enough room to bypass south bound traffic on Route 9.

Mr. Gruen asked if the board could make it a requirement for people to use the second driveway out onto Prospect Street.

Mr. Shea said people will learn to use the second driveway if they continually have issues getting out the first.

Mr. Herzl asked if it is possible to have signage directing traffic to that second driveway.

Mr. Shea said they can do that.

Mr. Abe Auerbach, 51 Birch Street, was sworn in. He is concerned about cars making a right turn out and big trucks on Route 9 trying to make a turn and cars are going to make a right turn out.

Mr. Palinack said the site trucks are going to use the Wawa driveway.

Mr. Auerbach asked if that entrance will be only used for trucks.

Mr. Paliniack said yes. It will be right in only.

Mr. Portnoy, 10 Gila Place, was sworn in. He asked about the CVS ingress/egress.

Mr. Paliniack said the level of service at the CVS driveway will also be a level service C. There is a standing queue on south bound Route 9. Vehicles will be able to make a right from CVS onto Route 9 on a green light. The queues that do occur on the CVS property would have to reach somewhere along the lines of probably 5 vehicles before you reach the internal intersection with Wawa. That intersection will be have stop bars and stop signs to make sure there are no conflicting movements at that intersection.

Mr. Lebowitz, 210 East County Line Road, was sworn in. He said he drives down Route 9 all the time and there is no gas station nearby. He is in favor of this.

Mr. Rennert said instead of having a cross access easement to the CVS, somehow making the egress and the ingress from that one point on the Wawa and then having all the traffic go through the medical office parking lot to go out.

Mr. Shea said that would be too much for someone who wants to stop quickly for some gas or food.

Mr. Rennert said it wouldn't add much time.

Mr. Shea said this is a convenience store and it should be convenient to the public it serves.

Mr. Rennert said no one is going to use that second driveway and people are going to push to make that left turn onto Prospect Street and it is going to be dangerous.

Mr. Rennert closed to the public.

Mr. Shea said they acknowledge and recognize the traffic conditions that exist. As the traffic expert stated, much of the traffic that is passing by is already there. They are not creating new, additional traffic at peak hour times. This is creating a positive for the community by having a synergy between the drug and convenience store. They do not deny there are no traffic problems but it is doable without a great deal of effort.

Mr. Rennert said it is not the traffic that is bothering the board. It is the egress going north on Route 9.

Mr. Herzl asked if there is any way they can require people to use that second driveway on Prospect.

Mr. Vogt said he is not aware of any way of forcing them. Both attorneys told the board they feel it is not the board's purview as part of this application. The NJDOT is going to control the movements in and out of Route 9 and the County is going to control the movements in and out on Prospect Street. He likes the idea personally and believes the board's concerns are valid. Certainly with the County, he would put it in a form of a letter. The County has a master plan to deal with these roads long term. He does not know what their comments will be because they typically do not act upon an application until it goes through a local board.

Mrs. Miriam Weinstein, Esq. said this application is for the construction of a synagogue. The growth of the community has necessitated an expansion of this shul. Unfortunately there was no room on the existing site to expand the shul so they were forced to look for suitable land in the immediate proximity of the development to construct a new shul on. There will be a hall in the basement but it will be for member use only. Nobody from the outside will be permitted to use it.

Mr. Rennert asked if they would restrict use for just the Sabbath.

Mrs. Weinstein said they do not want to do that if there will be a bris.

Mr. Brian Flannery, P.E., P.P. was sworn in. The ordinance requires 24 parking spaces whereas 16 are being provided. Even if they provided 24, if everybody drove, it wouldn't be enough anyway. The ordinance doesn't provide enough. This isn't for additional people. This is just to make a proper shul that everybody will be comfortable in. As for the variances requested, this property is within the HD-7 zone which requires crazy setbacks. This is in a neighborhood and it is a neighborhood shul that will fit in. It is his testimony that the variances can be granted without any detriment to the zone plan or zoning ordinance and that the benefits outweigh the detriments.

Mr. Vogt asked if he has any objections with the comments in his review letter.

Mr. Flannery said they would respond to all the comments. One of the comments is a fence and they will be adding that. They want to be good neighbors.

Mr. Franklin asked where the garbage will be kept.

Mr. Flannery said it is shown behind some of the parking spaces. They will have to meet with Public Works. If they can't figure out something that works, they will have private trash pickup.

Mr. Rennert opened to the public, seeing no one come forward, he closed to the public.

Mr. Rennert would be more comfortable restricting the hall to Saturday use only.

Mrs. Weinstein doesn't have an issue with that but if there is going to be a bris on a weekday morning, they would like to use that hall.

Mr. Rennert said they will have to go somewhere else.

Mr. Herzl asked how many prayer services there will be.

Mrs. Weinstein said two. They can't park on Route 9 and there is limited street parking on Pine Boulevard. There will be 16 parking spaces and 16 people will get the parking spaces and the smart people are going to walk.

Mr. Flannery said they would appreciate the restrictions on the use of it to what some of the other neighborhoods ones are where it's only members and the times are limited.

Mr. Rennert said this application impacts a lot more people than just the immediate neighborhood.

Mrs. Weinstein said there aren't that many houses on Pine Boulevard.

Mr. Rennert said when you make a bris in the morning, the overflow is going to impact a lot more people than almost all community shuls.

Mr. _____ asked what is on the other side of this property.

Mr. Flannery said to the west is all wooded. There are a couple houses across the street and an office building.

Mr. Herzl asked if there are any streets with on-street parking available.

Mr. Flannery said there is and there is a path through the woods that is used to walk to the shul.

Mr. Gruen was sworn in. He prays at this synagogue. He said brises haven't been a problem in the past. Most people in the development do not drive, they walk. If people do come from the outside, there is parking on Pine Boulevard which is generally empty throughout the day.

Mr. Pinchas Brodt was sworn in. He said currently they have a shul with 10 parking spaces with a bris almost every morning and there are no concerns. There will be brises but it will be members only. It will be about the same distance as the existing shul as it is only a block further and people walk now.

Mr. Rennert is not concerned about the existing members from the development. He is more concerned about the guests that will come from outside for a bris. He asked where they would park.

Mr. Brodt said the same place they are parking now.

Mr. Rennert said until now the traffic was inside their development.

Mrs. Weinstein said there are a couple of halls along Route 9 and if they feel they are going to have a lot of people coming, they are not going to make the bris in the shul because there isn't going to be ample parking. They may have the bris in the shul but they would have to have the party elsewhere. She asked that the board not impose the restriction and let the shul deal with it on their own.

Mr. Yehuda Kleinbart was sworn in. He lives next door to Regency Estates. Most of his development prays at the synagogue and they do walk. You will see lights in the forest for people who walk from their homes to the shul.

Mr. Rennert closed to the public.

A motion was made and seconded to approve the application.
All were in favor.

- 5. SP 2174AA Congregation Ohr Yisroel**
Neiman Road Block 251.02, Lot 28
Change of Use/Site Plan Exemption to convert existing home into a school

A review letter prepared by Remington, Vernick & Vena Engineers dated March 24, 2016 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. said this application is a change of use to convert an existing residence to a boy's high school. This school is now in its third year and currently has 64 boys in the 9th, 10th and 11th grades. The projection is for 94 students next year in a full four year high school. This is really a temporary fix. This is a very

large property and the school certainly has plans to come back for a full site plan to construct a new school. The plan right now is to close the upstairs so as to not necessitate the need for a sprinkler system. There is actually no water available at this point in time. The stable will be converted into a Bais Medrash and one of the classes will operate in that Bais Medrash. There is a dirt path connecting the two buildings. There will be two buses serving the school. All students will be bused. There will be no pickups or drop offs besides the occasional student who misses the bus or has an appointment.

Mr. Brian Flannery, P.E., P.P. was sworn in. There will be 4 classrooms, offices and 6 parking spaces. It was a 4 bedroom house which is on septic and well. Next year when they expand, he is anticipating that sewer will be in the street. If not, they will have to either study the septic system a little better to ensure that it's good for the 94 students or update the septic system. There is a 5 acre lot and there is plenty of room for that. The applicant will be back with a full site plan in the future so they are asking for waivers for the sidewalk, curb, landscaping and lighting because they just want to use the existing house the way it is. All of those items will be provided when the applicant comes back for a full site plan approval.

Mr. Rennert asked about widening Neiman Road.

Mr. Vogt said this is a concept plan. He asked if he looked at the adequacy of Neiman Road with paving improvements.

Mr. Flannery said it is adequate. They will only need two buses for the school. If this is a permanent solution he would say to look at it with more detail but it is only temporary. This is a 5 acre lot and the applicant will be back with a site plan.

Mr. Franklin said gravel is proposed but they should at least pave where the buses are going to park in the front.

Mr. Vogt said that is one of his comments. This concept has to be engineered. It is not unusual to have site improvements to be part of a change of use. His concern is mostly with Neiman Road.

Mrs. Weinstein said the boys are not allowed to drive. On occasion, the parents will drop off their son.

Mr. Rennert asked about the circulation.

Mr. Flannery said the bus is dropping off the students out front. If the board insists on paving the area that is needed for the bus, they would provide that.

Mr. Rennert doesn't know what he is approving. He has never seen an application like this.

Mr. Flannery said the board is approving the existing house and this is something that isn't non-typical. The buses in front of a lot of these that are just converted as a site plan exemption, the bus stops in the street.

Mrs. Weinstein said the board approved a similar application across the street.

Mr. Flannery said they would agree to pave.

Mr. Rennert opened to the public.

Mr. Robert McKinley, 56 Drake Road, was sworn in. He is against this application as it does not fit this neighborhood. He wants to ensure there will be no parking on Neiman Road and no lights will be shining on his property or home. He asked that the students not walk through his property.

Mr. Rennert asked if they would agree to come back before the board in one year with a full site plan.

Mrs. Weinstein does not want to limit it to a year. They are willing to limit it to 4 classes.

Mr. Herzl suggested 3 years.

Mrs. Weinstein said the applicant does not want to be in this house in 3 years so they would agree with that. This is definitely a short term solution.

Mr. Rennert said he would rather do 1 year because the area is going to be developed within the next 3 years and they need Neiman Road widened.

Mrs. Weinstein said they don't know when the water and sewer will be coming in. She doesn't want to limit it to 1 year if it is not there yet.

Mr. Rennert said then they would come back before the board and they would extend the time.

Mr. Flannery said this area is not yet developed because of the lawsuit by Weinberger. The Township has decided to do a Master Plan update and that is going to take 18 months. He asked for a 3 year approval.

Mr. Hibberson asked what they will do about the students walking on the neighbor's property.

Mr. Flannery said the school hasn't moved in yet. They are not getting any closer to his property than they were before. His comments concerning the lights will be addressed. There are other schools in the area and the kids walk through the properties. When he lived there, they would walk through his property. He assured that the school would take his comments into consideration and that these students will respect his property.

Mrs. Weinstein said the comment about the lights is also a fair one.

Mr. Rennert asked what the neighbor would like as far as buffering.

Mr. McKinley said he would like at least a 20 ft buffer.

Mr. Rennert asked if the ordinances allows that.

Mr. Flannery said the ordinance requires a 20 ft undisturbed buffer. They will agree that they are not going to disturb 20 ft. To the driveway it is probably about 35 ft. On the plan submitted you can see there are trees on the neighbor's property up to his property line and then it's going to be exactly as it looks out there now. There are some trees. It's not a heavily planted buffer and we wouldn't want to do that because in 18 months they will be planning something different. He believes what is out there now conforms to the ordinance.

Mr. McKinley wants to make sure the buffer stays at least 20 ft. He doesn't want the building to get any higher. He said that Neiman Road is very narrow and people are parking on the corner of Neiman and Drake and it is very dangerous.

Mr. Flannery said they will certainly make that a condition of approval. The school will also ensure that no students are walking within that 20 ft buffer.

Mr. Rennert asked if the applicant agrees not to park on the road.

Mr. Flannery said yes. The only vehicular activity that is going to take place on the road is the paved area that they are going to put for the bus to stop and unload the kids. There will be two buses per day.

Mr. Rennert closed to the public.

A motion was made and seconded to approve the application with the following conditions: no students will walk on the neighbor's property (block 251.02 lot 29) or within the 20 ft buffer; A certificate of occupancy will be in effect for up to 3 years or if the school exceeds 4 classes with a total of 94 students, whatever comes first; No lights shall spill onto the neighbor's property or home; and no cars will be parked along Neiman Road.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Rennert

No: Mr. Hibberson

- 6. PUBLIC PORTION**
- 7. APPROVAL OF MINUTES**
- 8. APPROVAL OF BILLS**
- 9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary