

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl 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. Garfield, Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Ms. Zografos, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

Mr. Terrance Vogt, P.E., P.P., C.M.E. was sworn.

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SD 2324 Mordechai Finkelstein**
138 & 142 North Oakland Street Block 189, Lots 136 & 186
Minor Subdivision to create five lots

A motion was made and seconded to approve the resolution.

- 2. SD 2325 Moshe Ginsberg**
134 Thorndike Avenue Block 267, Lots 7.01 & 7.02
Minor Subdivision to adjust lot line

A motion was made and seconded to approve the resolution.

- 3. SP 2282 Noam Hatalmud**
1501 Lanes Mill Road Block 187, Lot 73
Preliminary and Final Major Site Plan for a school

A motion was made and seconded to approve the resolution.

- 4. SD 2266 Claire Drive LLC**
Claire Drive Block 430, Lots 13-16
Extension of Minor Subdivision to create five lots

A motion was made and seconded to approve the resolution.

5. PUBLIC HEARING

1. **SD 2314 David Herzog**
1052 West County Line Road Block 25, Lot 62
Preliminary and Final Major Subdivision to create eight lots

A review letter prepared by Remington & Vernick Engineers dated May 10, 2018 was entered as an exhibit.

Mr. Alan Weiss, Esq. said this is a continued application. They were before the board previously and they had agreed to come back because there were requests to submit a traffic report and a stormwater management report which they have done.

Discussion ensued as to whether or not the applicant should start the application from scratch or continue as certain board members were not present at the last meeting.

Mr. Jackson said any board members who are not present tonight can listen to the audio.

Mr. Michael York, Esq. objected as he had already cross examined witnesses at the previous meeting and he feels it would create an opportunity to correct any previous testimony made by the applicant's professionals.

Mr. Herzl doesn't feel it is fair to continue the application as there isn't a quorum.

Mr. Jackson said there is a quorum for the testimony tonight. The applicant can conduct his testimony and then the board can vote when either the members who were not at the previous meeting listen to the tape or the members who are not here tonight listen to tonight's tape. He agrees with Mr. York and believes the board should continue the application and vote on it at a future meeting.

Mr. Rennert would like to start from scratch as he doesn't remember the testimony.

Mr. Weiss said it is certainly within their purview and would be fair to everyone if they gave a very brief summary.

Mr. Jackson said to continue the application.

Mr. Vogt said submission waivers were addressed at the previous meeting. Variances are required for minimum lot width for several of the lots. A design waiver is required from proposing sidewalk along the west side of the cul-de-sac.

Mr. Weiss said this is an eight lot subdivision for single family residences on an approximate 3 acre piece of land which currently has one existing home along County Line Road. The applicant proposes to build a cul-de-sac to service these eight new homes. One variance is requested for lot width at the previous meeting, the board granted submission waivers as listed in the engineer's report. At the previous meeting, the applicant agreed to construct a fence along the westerly side line of the new road which adjoins an existing residential neighborhood where the houses would be at the rear.

Mr. Brian Flannery, P.E., P.P. was sworn.

Mr. Jackson asked who the objecting attorney is representing.

Mr. York said he is representing Ralph Laks and a number of other neighbors.

Mr. Isaacson arrived at the meeting.

Mr. Flannery said at the previous meeting, a tax map was marked as exhibit A-1 which shows the subject property as well as lots which do not comply with the ordinance. Exhibit A-2 shows the eight lots and cul-de-sac requested and at that time there were questions regarding the sight triangle easement so they had marked up where an AASHTO sight triangle and a County sight triangle might be. Since that, an AASHTO sight triangle was added to the plans as well as a fence along the western property line and the pavement was widened from 30 ft to 32 ft consistent with what the board typically asks for. Exhibit A-3 is the revised site plan which looks very similar to exhibit A-2 but with minor tweaks that were brought out in the engineer's report. Exhibit A-4 is a Google map aerial image of the area. At the last meeting there were questions concerning Cedar Row and Parkside Drive and if any of the buildings were near the property line. The aerial shows that most of the buildings are close to the road and there are a few pools in the backyards. At the prior meeting, they went through the proofs as to why they should be entitled to the variances requested. All of the lots conform with area, one of the lots conforms completely, six of them are 86 ft wide whereas 90 ft is required. One of the lots near the road, after the 5.2 ft dedication to the County, is 78 ft wide. His testimony at that time the relief being requested, especially when looking at exhibit A-1, is consistent with what the norm of this neighborhood is and that it is de minimis in nature and when looking at the negative criteria, the impact on the neighbors was negligible. They did have a conversation at the previous meeting with respect to the particular hardship of this lot as the width they have of 200 ft, in order to develop R-12 lots, they are either going to have a road on the west side or a road on the east side. If the road is on the west side then the people on the west side won't be happy and if it is on the east side, the people on the east side won't be happy. They did at that time look at other permitted uses for the R-12 zone including single family houses which is what this application proposes. The question is whether it is seven lots, by right completely conforming and the lots would all be more than 12,000 sf with no variances or eight lots. He believes if someone thinks this was going to be developed as one or two houses then that is delusional. Other permitted uses include places of worship, which a 3 acre lot is probably larger than needed, but also public and private schools which would be perfect for this property. It is similar to every other application in town where everyone likes schools but not in their neighborhood and then they come in with residential but they don't want variances granted and then they come back with a school where all the neighbors come out and say the school impacts them more than the single family homes. In addition to schools, campuses and child care centers are permitted. Buffer requirements for public and private schools to a non-residential district is 20 ft so the neighbors would get a 20 ft buffer of leaving the existing trees.

Mr. Jackson is having a hard time understanding what the relevance of this testimony is.

Mr. Flannery said to show what other permitted uses could be built on this property so they can compare the impact of having 86 ft wide lots as opposed to other uses. Campuses are permitted in the R-12 zone and buffers for a campus in this zone requires a 25 ft buffer, the buffer increases to 50 ft where it is adjacent to a residential single family zone. The residential component of it would be required to provide at least 30 ft which can be reduced to 15 ft if a fence is provided. Child care centers are permitted in all zoning districts, the board may remember the one on County Line Road where it was on a piece of property which was narrow and deep and not well suited for residential development. It is his testimony that this is an appropriate use, it does impact the neighbors but they are providing a fence so that it mitigates the impact but they are talking about predominately 86 ft wide lots where 90 ft is required and they are meeting the area. In their block alone, 25 of the lots do not meet the area.

Mr. Jackson asked that he highlight any differences in the revised plans.

Mr. Flannery said it is the same eight lots and cul-de-sac. There were some tweaks here and there to get the lots at 86 ft. The road was widened to 32 ft at the direction of the board, a fence was provided along the property line, and a sight triangle easement was added. Additionally, the objector claimed the stormwater and lighting weren't complete which have since been submitted.

Ms. Morris said an updated traffic report was also provided.

Mr. Flannery confirmed, the traffic engineer is here to testify.

Mr. Herzl asked if the properties marked in blue are all undersized.

Mr. Flannery said they are all properties with variances.

Mr. Herzl asked what the widths are.

Mr. Flannery said there many lots between Tanglewood and Canterbury which are 75 ft, on the other side of Canterbury they are 75 ft.

Mr. ____ asked how old the lots are.

Mr. Flannery said they have been there a long time.

Mr. ____ said there are more lots conforming than non-conforming.

Mr. Flannery said he previously gave testimony there were 45% but if you look at just their block, 25 of the lots don't have the required area. All of their lots have the required area and the relief comes down to mostly 86 ft wide lots rather than 90 ft wide lots. They could do seven lots by right and someone had asked if the applicant can do one less lot but it would be the same impact. Whether there are seven houses in his backyard or eight houses, there are still houses in his backyard.

Mr. Rennert questioned why the applicant can't just build without any variances.

Mr. Flannery said they justified the variances at the previous meeting. It is a C-2 variance which they have to balance the positive and negative criteria and they have to show that the benefits substantially outweigh any detriments. It was his opinion that there were virtually no detriments to having eight lots rather than seven lots for the general public.

Mr. ____ asked if there was talk about a reverse frontage issue.

Mr. Flannery said they discussed that per the definition section of the ordinance, Lakewood defines a reverse frontage lot as a lot which fronts on two parallel streets and is not accessible from one of the parallel streets. There was discussion at the time that these lots are accessible from the street but now that a fence is being proposed, they are not. They could make them further inaccessible by putting a note on the plan 'no access permitted'. They could leave 1 ft of property along there dedicated to the Township or something that prohibits access but to him, the fence accomplishes that. No one in the town is going to tell them they need a front yard setback because the record is that these are reverse frontage lots and access is prohibited by the fence.

Mr. Jackson doesn't think that putting up a fence would prohibit someone from accessing. He thinks that if they reserved and restricted that strip of property then it could stop people from crossing it to get to the road.

Mr. Flannery said what has been done in the past is to put a note on the filed map that states 'access to this road from these lots is prohibited' and by virtue of that note it is prohibited but the applicant is willing to do whatever the board wants to.

Mr. Herzl thinks the neighbors do not want access to that road because then they would have reverse frontages.

Mr. Jackson isn't sure of the exact mechanism but he is positive it can be accomplished.

Mr. Flannery said one of the issues they have with this subdivision is that sidewalks are not shown on one side.

Ms. Morris has a note that indicates sidewalk would be provided on both sides.

Mr. Flannery said the applicant would provide sidewalk on both sides and one way of prohibiting access is to put that sidewalk in its own separate lot with an easement dedicated to the Township and that effectively would restrict access and whether it's seven or eight lots, it is the same situation.

Mr. Herzl asked if they could accomplish that by leaving a strip of land.

Mr. Vogt said if they did that then there would be no connectivity between the right-of-way and those properties.

Mr. Herzl said then he would consider them to be the rear of the properties.

Mr. Vogt said in his opinion, yes.

Mr. Jackson thinks that if there is a strip of land between those homes then that would still be their rear yard.

Mr. Weiss said he would suggest to declare an easement solely for the use of the pedestrian sidewalk. It would not be a right-of-way dedication but it would strictly be for pedestrian movements and that would also solve the problem and get the sidewalk where it needs to be.

Mr. Flannery said it would look the same to anyone driving down the road but it would accomplish the goal of having lots for a front and rear.

Mr. Jackson asked if there is going to be a homeowner's association because he is wondering who would own the property with the sidewalk on it as it needs to be titled to somebody.

Mr. Weiss said they would dedicate to the Township strictly for pedestrian use.

Ms. Morris said dedicating the easement is one thing but who would own the deed of the property.

Mr. Flannery said they would create a separate lot.

Ms. Morris said then they wouldn't need an easement.

Mr. Franklin said there is on-site drainage which the Township is not going to take care of.

Mr. Flannery said the plan would be that the adjoining owners are responsible for the maintenance on the lot. The Township would get a one-time maintenance fee for anything within the right-of-way and anything not within the right-of-way would be the homeowner's responsibility.

Mr. Vogt asked if there has been any discussions with Public Works.

Mr. Flannery said no.

Mr. Vogt said if the board acts favorably, there would be a meeting with DPW and the procedure would be either they accept what is on site or they request modifications or they would not maintain the system.

Mr. Flannery said then they would have to come back before the board and form an HOA. They would rather not form an HOA for eight single family lots.

Mr. Herzl said there would technically be nine lots, including the lot for the sidewalk and that would be undersized as well.

Mr. Jackson is having a hard time creating a lot for just the sidewalk and to create a barrier. He believes it is cumbersome and questioned who would pay taxes on that lot and eventually it may get sold in a tax sale. Proposed 62.08 could have a finger of property that goes all the way around the corner and then that could be restricted.

Mr. Herzl said it would be privately owned.

Mr. Jackson said yes but beyond that there could be a deed restriction which would prevent crossing it.

Mr. Herzl said it couldn't be sold off either.

Mr. Flannery said the sidewalks are going to be on private property.

Mr. Flannery said yes, with an easement to the Township and the public.

Ms. Zografos questioned whether Lakewood has a snow removal ordinance for private residences because if the sidewalk is being given to that lot then that person would be responsible for snow removal.

Mr. Herzl asked if a gate would be better.

Mr. Jackson questioned who would own and maintain that gate as it would be within the public right-of-way. Normally you can't just run a fence along a street.

Ms. Morris said it can't be within the front yard setback.

Mr. Flannery said once they do the strip that the sidewalk would be in then it is no longer within the right-of-way.

Mr. Franklin said that is why they are going to need an HOA because someone has to shovel the sidewalks.

Mr. Flannery said they would agree to form an HOA.

Mr. Jackson believes an HOA creates a good mechanism. To Mr. Herzl's point, that would be another lot which wasn't notice but he doesn't have a problem with that if there is a catch-all in the notice and it was a board directed change. Of course they would have to hear what the objectors have to say about this. It is also an idea to have the association own the entire road.

Ms. Morris understands that the road was widened to 32 ft but there was also testimony at the last meeting that the right-of-way would be expanded to 50 ft which is the Township standard. She questioned if the right-of-way was widened as well.

Mr. Flannery said the plan dimension is at 50 ft.

Ms. Morris said there was also testimony that easements and shade trees would be provided along County Line Road.

Mr. Jackson questioned how they are going to be able to have a 50 ft wide right-of-way.

Mr. Flannery said they are not going to have a 50 ft wide right-of-way. It would be 46 ft wide with a 4 ft sidewalk easement alongside of it.

Mr. Jackson would like to know what the governing body thinks of this.

Mr. Vogt said if the board wants to act on a version of this, the approval could be conditioned upon review of the final road design by the Lakewood engineering department.

Mr. Jackson wanted to point out that none of this has anything to do with the variances being request and whether it is seven or eight lots as it would be the same issue no matter what.

Mr. York believes a HOA is a good idea as they would be in charge of maintaining the sidewalk and fence.

Mr. Flannery said a traffic study has been submitted and there was previous discussion concerning not allowing left turns. The traffic study was done including left turns but this is a County road so they would make the ultimate decision. The applicant would prefer to allow left turns similar to Cedar Row, Parkside Drive and Canterbury Court but the applicant is certainly willing to work with the board to make this project work.

Mr. Rennert commented that the traffic volume is much higher now.

Mr. Flannery said they have a traffic engineer to testify. The limits of the fence is proposed from the sight triangle easement to the north along County Line Road all the way to the rear corner. It was shown ending in the front yard setback of lot 62.08 but as pointed out, it is kind of in a front yard setback but his answer to that would be if these are reverse frontage lots then it is not a front yard, it is a rear yard. Reverse frontage lots propose a buffer along the rear and the fence is part of the buffer. His testimony is that a variance is not required for the 6 ft high fence but the board has the ability to grant the relief if they determine it is a variance situation.

Mr. Scott Kennel, traffic expert, was sworn. His office prepared a traffic study dated May 8, 2018 which included traffic counts along County Line Road performed during peak periods on Thursday, May 3, 2018 generally between 7 am to 10 am and 3 pm to 6 pm. Based on the traffic counts, the peak hour in the morning was 9 am to 10 am with approximately 1,340 vehicles passing the site two-way. In the afternoon from 3:45 pm to 4:45 pm there were approximately 1,560 vehicles two-way passing the site. The report then goes into what the traffic projections are for eight single family dwellings utilizing the Ocean County approved trip rates which are higher than the typical trip rates used for residential published by the Institute of Transportation Engineers. During the morning peak hour for eight dwellings would generate approximately 12 trips and in the afternoon 16 trips. Based upon the traffic patterns of the area, the location of employment centers, shopping, activity and traffic counts conducted in the area, they assigned approximately 7% of the traffic towards Route 9 and 30% towards the west.

A board member commented that May 3rd was a Jewish holiday.

Mr. Rennert asked how many trips were calculated in the morning.

Mr. Kennel said they are projecting 12 but they are only looking at a 60 minute period based on the trip rates approved by Ocean County for Lakewood Township for residential dwellings.

Mr. Herzl said it is only 12 coming out of this development.

Mr. Kennel confirmed.

Mr. Rennert questioned how many school buses are expecting to come in and out of this development.

Mr. Kennel said that would be a discussion with the board of education and there may be a bus stop proposed along County Line Road. Those are things that would have to be resolved with the board of education. He assumes it will be similar to Parkside Drive which is a cul-de-sac with 17 lots. Consistent with the Ocean County protocol, since the counts are conducted in 2018 they do a 10 year projection with a growth rate of approximately 10% over that 10 year period. Traffic counts on the new site access with County Line Road was analyzed from a level of service standpoint and the analysis indicated that the traffic exiting the site would be a level of service 'C' or approximately 17 to 18 seconds of delay per vehicle during the peak hour which is well below the accepted threshold by Ocean County and the traffic engineering industry. The other critical movement is the left turn in from County Line Road to the site and that would operate at a level of service 'A' with a delay of no greater than 10 seconds and those are all within acceptable ranges by the County. Also, ultimately the final design of this roadway/intersection on County Line Road will be subject to Ocean County as it is their roadway. In summary, the generated traffic for the eight proposed dwellings, the level of service at this location considering left turns and out which is consistent with other cul-de-sacs in the area whether it is Parkside Drive with 17 homes, Teaberry with close to 40 homes, this is a much lesser intense development at would operate at a level of service acceptable to Ocean County.

Mr. Rennert asked if he feels it is safe to turn left on County Line Road during peak hours.

Mr. Kennel believes it is, he has performed a lot of left hand turns on Parkside Drive and also there is the benefit of traffic signals on either side that platoons the traffic, organizes, creates the counts and has the benefit of the traffic signal to the west at Kent and Laurel to the east.

Mr. Herzl said Laurel is about 10 blocks away and there is also a curve on Case Road which he believes is dangerous.

Mr. Kennel said as far as sight distance, they are required 500 ft and they are providing over 700 ft in each direction at this location.

Mr. Jackson asked if the trip generations accounts for two households as these houses will have basement apartments.

Mr. Kennel said they count the basement apartments. The standard trip rate for a residential dwelling is approximately 40% less in the morning and the afternoon trip is 100% greater than what is recommended by ITE. So in the end, the County has factored in the fact that there are potential for basement apartments.

Mr. Jackson asked even with basement apartments it is still 12 trips per hour for 8 homes.

Mr. Kennel confirmed and even if it is increased to 16 trips, it is still going to be a level of service 'C'.

Mr. Herzl asked if the level of service 'C' is the worst case scenario even with left turns.

Mr. Kennel said the analysis was based on doing left turns at a level of service 'C'. If it were all right turns then it would be a level of service 'B'.

Mr. York said as a condition of approval, they would make an application to the Ocean County Planning Board.

Mr. Jackson asked if they have applied to the County yet.

Mr. York said no.

Mr. Jackson asked if lot 58.03 is anywhere within the sight triangle.

Mr. Kennel said yes, a portion of that lot is. There is basically an area that shows the sidewalk which exists along County Line Road but there are no fences or obstructions.

Mr. Weiss asked if he agrees the fence running all the way north to south will block the sight triangle.

Mr. Kennel if it goes right to the property corner, yes but it will be stopped prior to the property corner to be compliant with the sight triangle easement shown on the plan.

Mr. Weiss asked approximately how many feet is the sight triangle easement from the south to the north.

Mr. Kennel said 10 feet.

Mr. Vogt said the 6 ft fence is not going to be allowed within the front yard setback of County Line Road.

Mr. Flannery said that was his testimony. They are proposing it all the way to the sight triangle easement to the extent that it needs relief if the board wants to grant the relief. If not, they would reduce it to a 4 ft fence.

Mr. Vogt asked what Mr. Kennel's recommendation is of the sight distance relative to the fence.

Mr. Kennel doesn't know where the setback is, 10 ft is the minimum. His recommendation would be 15 to 20 ft back from the property corner.

Mr. Vogt said if they took the fence back 20 ft from the right-of-way and the first 10 ft of that fence would be 4 ft versus 6 ft.

Mr. York said they would agree to that.

Mr. Isaacson believes the 4 ft fence is still going to obstruct the sight triangle.

Mr. Vogt said if the board feels they don't want any fencing at all, they can do that.

Mr. Herzl thinks the board is questioning the left turn out.

Mr. Weiss asked what is currently existing on that corner lot 58.02.

Mr. Kennel said it is a residential lot and there is some vegetation along the frontage.

Mr. Weiss said they would need that lot owner's permission to create the sight triangle easement and if the owner parks cars there or has a house there, it may affect the need for a sight triangle easement.

Mr. Kennel said the sight triangle easement shown is adjacent to the sidewalk. The owner wouldn't have people parking right up against the sidewalk in that location or where there is vegetation.

Mr. Weiss said if that current property owner doesn't grant the sight triangle easement, then they do not have one.

Mr. Kennel said if there is an obstruction then there needs to be a clear sight triangle view provided then there would be an easement but he is unsure as to whether that is necessary based on existing conditions.

Mr. Weiss asked if he agrees a sight triangle easement is needed on that corner. His testimony earlier was that a sight triangle easement is required in order to make a left turn.

Mr. Kennel said usually they are provided when there are obstructions whether vegetation or other features that would prohibit the sight view/distance. If there is something like that then yes but if there is nothing obstructing that sight line that is a legal question.

Mr. Jackson said in his experience, the County requires the applicant to obtain a sight triangle easement if it is necessary.

Mr. Herzl said or they would not allow left turns.

Mr. Jackson said if the sight triangle is required by Ocean County then they will make the applicant get it as a condition. The sight triangle easement is also for people traveling south on County Line Road in order to see people coming up to the stop sign.

Mr. Herzl asked what would happen if the property owner doesn't want to grant that easement.

Mr. Jackson believes the County has eminent domain options for that.

Mr. Weiss said his report was done based on a study done on a Jewish holiday.

Mr. Kennel said schools were in session and based on data they have collected along County Line Road, it is consistent with prior data.

Mr. Weiss asked if the traffic counts would be exactly the same as a non-Jewish holiday.

Mr. Kennel said they are consistent with other data they have collected in the area.

Mr. Herzl thinks if the report indicates there were 1,500 cars going through then it was a regular day.

Mr. Weiss said earlier there was testimony that there was not much negative effect on the neighbors.

Mr. Flannery said his testimony was that given the permitted uses of schools and campuses and the fact that they could build seven residential houses by right, that the eighth house is a negligible impact on the adjoining property owners and the impact on the adjoining property owners is more likely ameliorated by the type of provisions the board is asking for. So that on the negative side is very small and on the positive side they are providing housing opportunities on 12,000 sf lots for houses which are larger than many of the houses in the neighborhood and that the property owners should be entitled to the norm of the neighborhood and these certainly are because 90 ft to 86 ft is a de minimis reduction.

Mr. Weiss commented that the one extra lot is such a great benefit to the Township with the requested variance.

Mr. Flannery said it has to be substantially bigger, substantial when you compare it to something tiny but substantially doesn't have to be great.

Mr. Weiss asked if there are other subdivisions that have been created in the area which are similar to the one being proposed.

Mr. Flannery said this a very unique lot. There wasn't, as far as he has been in Lakewood, another 3 acre lot in this neighborhood.

Mr. Weiss asked if there have been any other lots similar to that which would have created the backyard issue to the street which affects his clients.

Mr. Flannery said this is a neighborhood that's been developed years ago so there was no situation where there was a 3 acre lot in a backyard so no.

Mr. Weiss asked if there were any created in other neighborhoods in Lakewood.

Mr. Flannery didn't research that so he is unsure.

Mr. Ralph Laks, 1487 Cedar Row, was sworn. He lives directly west of the property.

Mr. Weiss asked what is currently in his backyard.

Mr. Laks said trees in the rear yard, there is no fence.

Mr. Weiss asked if his neighbors have similar properties.

Mr. Laks said no, his neighbor to the north has a pool.

Mr. Weiss said his neighbors also have single family homes, some with fences, and some with pools.

Mr. Laks confirmed.

Mr. Weiss asked if he is aware that as a result of this project, there may be a fence and road behind his property.

Mr. Laks understands but he is unaware of a fence. He said this project opens up a lot of variables as to what is going to be placed there.

Mr. Weiss asked what is currently on the applicant's lot.

Mr. Laks said a single family dwelling as well as some trees.

Mr. Weiss asked if he understands that that property will or may be developed at some point in time.

Mr. Laks understands.

Mr. Weiss said but this application is not the one he is looking for because of the size of the lots, traffic, etc.

Mr. Laks said yes, there is also a drainage issue on the property

Mr. John Kornick, P.E. was sworn. He has reviewed numerous documents and said there has been discussion of apartments in the basement and if you were to take the ordinance and separate what that really means, he believes the ordinance has a conflict. Specifically in the definition section of the ordinance, there is a definition for dwelling there is discussion of a two-family dwelling, "Two-family dwelling: A building on a single lot containing two (2) dwelling units, one (1) unit above the other, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall with a common stairwell exterior to both dwelling units and having separate private entrances to each dwelling unit." He thinks it is clearly that the application present to the board, even if you contemplate a by right apartment, they are dealing with a duplex. He thinks there is a challenge for the board in reviewing and approving the plan in granting some of the waivers granted. Specifically, he would like to go over the waiver which was granted for off-site information within 200 ft of the property boundary. As heard in prior testimony, there were complications as to whether a sight triangle easement is required or whether it can be achieved which he thinks is a life, safety and health issue with respect to the plan. If you go out to the property and stand in the general location of the proposed right-of-way, the center line and if you look to the west and the east, to the west you have a conflict. There is a conflict at the corner of Cedar Row where there is an existing picket fence right up against the sidewalk. He doesn't believe they have the clear sight triangle necessary per the AASHTO requirements so he believes the waiver granted challenges the board in reviewing this application with respect to the variances request and what is presented. The plan even presented as a basement apartment doesn't meet the RSIS requirements so there is an underlying code they have to abide by as design engineers in the state of New Jersey. By their definition this is a multi-family house, a duplex, so he thinks the criteria of the RSIS needs to be followed. If you look at the densities proposed, two units per property, you start to exceed 5 units per acre so it is a medium density proposal so the application needs to show how it meets the RSIS criteria. As you look at the RSIS criteria, they start to exceed some of those standards. Per Township ordinance, the township requirement go to a 32 ft wide right-of-way which exceeds RSIS. The plans are kind of difficult to understand with respect to the right-of-way and the cartway bulb size. RSIS strictly states that you cannot exceed a 40 ft right-of-way on a cul-de-sac bulb and the right-of-way can only go 8 ft beyond that so the right-of-way can only be 48 ft unless the Township engineer and fire code official provide sufficient documentation that states the Lakewood Township fire trucks or emergency management vehicles cannot navigate the 40 ft. This is all going to stem onto his discussion about his concerns about the stormwater management and the application presented but they are looking at a significant amount of roadway to be constructed and a highly deficient stormwater management plan that is going to have an impact neighbors to the west and east.

Mr. Jackson said the board doesn't approve basement apartments, they recognize that if anyone has a house and goes into the zoning office they can get permits for basement apartments. These could be single family homes with no basement apartments so it really is an eight unit subdivision but they design it for what they anticipate to be a likelihood of an apartment.

Mr. Kornick believes that is shown on the plan which allows them to achieve the parking necessary under RSIS standards. It is clear that there are too many units proposed on the property, regardless whether this will be a residential subdivision or not. A width variance is also requested for the frontage and there is an undersized lot at the intersection of the new right-of-way and County Line Road. If they start to contemplate this 5 ft wide sidewalk/strip of land, that will trigger a variance for another lot which is about 12,082 sf and if you take 5 ft off of that, it would drop to under 12,000 sf so that would require a variance. When you start to run a strip of land out towards that location, they are now talking about a fence in a front yard so there are a lot of variables which need to be looked at where this board, he feels, is challenged. There is a contemplated underground system which is described in the stormwater management report dated February 5, 2018 and the letter dated April 12, 2018 starts to discuss how it still and will not meet State standards. State standards for infiltration basins that are underground specifically state that they have to have pretreatment prior to discharge and that the peak volume reduction cannot

be reduced as a result of an infiltration rate that is contemplated on this plan which was never tested on this site. Again, he feels the board has a challenge and he doesn't see from a professional standpoint how the board can review this application comfortably and approve it with the stormwater management proposed. Once they do soil borings on the site and find out the infiltration rates do not meet standard in this report, this basin is going to have to be bigger. In addition, when you are in direct non-compliance with New Jersey's regulations, you are now challenging the Township's regulations as the ordinance has to follow state standards and if you deviate from that standard you start to compromise the MS4 permit.

Mr. Vogt said there is a comment in their review letter stating that the project must meet water quality and water quantity reduction rate requirements. A stormwater management report has been submitted for review. The proposed stormwater management report design will be reviewed after revisions are submitted for resolution compliance if approval is granted. Flow guards in the inlets are used as a pretreatment measure in addition to the recharge. As they were discussed earlier, the applicant is proposing to dedicate the in-street underground system to the Township. As a matter of procedure, if the board acts favorably, this design has to be reviewed by the DPW prior to acceptance. The DPW may accept the design and the applicant will make a per-unit contribution per the UDO or the DPW will ask for revisions on the design. This is going to be an underground basin which no one will be able to see. The DPW have also received designs after stormwater approvals where they don't accept the system so either the applicant would have an HOA maintain the system or the applicant comes back to the board and make changes in an effort to placate DPW. This application, from a stormwater point of view, is not perfected but procedurally if the board acts favorably, it will be perfected during compliance review and it will comply with state standards.

Mr. Kornick said the flow guard contemplated is not an approved TSS removal product in the New Jersey. While there are many tests on it that probably show that it is achievable and works, it is not an acceptable product. His concern is from a planning perspective, you cross over to the engineering side, life, safety and health are not achieved in this application. Mr. Laks has indicated there are drainage concerns and again the stormwater management report is lacking significant information as to the pre-development and post-development condition maps to show how the drainage occurs on site. He visited the property and it appears that a small portion of the property on the north side does drain to County Line Road and there was no impact to the east or west but a significant portion of the property all drained towards the property in question.

Mr. Vogt asked if it is consistent with the survey.

Mr. Kornick confirmed. They have had significant rain events over the last few months and this particular system the thinks would be challenged and should it not meet the infiltration rates which are contemplated in the report or should it have to get bigger, there will be a flooding concern because it is located in a low point of the road. There are significant flaws and he believes from a planning and engineering perspective, this board is challenged in approving this project as presented.

Mr. Sabel asked even if this were a seven lot project.

Mr. Kornick said there would still be the same amount of roadway and stormwater generated so there will be still be issues with the property as presented.

Mr. York said while they are talking about stormwater, it isn't so much the stormwater system because he agrees with the board engineer this isn't perfected and it will be in theory at some point later. This really goes to what the negative criteria of the overall application meaning there are issues with this application and this is one of them even though they can agree that there is no stormwater plan in effect at this point.

Mr. Kornick reiterated that he believes the system will not work and will not provide the necessary measures to reduce the peak flow volume and rate. From a planning perspective, the subdivision as presented he thinks the subdivision as presented he thinks is challenged and from a professional opinion, the negative criteria has not been achieved from an engineering perspective because it is a self-created hardship that is identified and they are creating their own hardship to reduce the widths. They haven't achieved any of the life, safety and health measures that are necessary for this board to act on this application as presented.

Mr. Weiss asked if he is a traffic engineer.

Mr. Kornick said his traffic testimony was with respect to sight triangles and the lack of information to the east and west to show how the sight triangle can be affectively achieved.

Mr. Weiss asked why it is not achievable.

Mr. Kornick said at the intersection of Cedar Row, there is a corner lot that has a stockade fence and if you stand at the location of this new right-of-way and look to the left at approaching vehicles, there is a conflict with that fence there is a conflict with that fence and what he would perceive as the sight triangle. The problem with the plan and the waivers approved by the board is that the plan does not show the fence location.

Mr. Weiss asked if he agrees that the OC Planning Board will approve the sight triangle easement if that is addressed.

Mr. Kornick said they could.

Mr. Weiss said this application is contingent on approval by the OC Planning Board.

Mr. Kornick said as they represent the negative criteria and variance relief sought, they have to provide the correct testimony as to why this application can be approved.

Mr. Weiss said if his client said hypothetically that he would like to make this a seven lot subdivision with no testimony then they wouldn't have any testimony that he could elicit and deliver to the board that would be in connection to the negative criteria.

Mr. Kornick said the negative criteria is not required at that point but there are ordinance requirements for sight triangles and stormwater management that comply.

Mr. Weiss said he is morphing life safety issues and police power issues to the negative criteria and he doesn't believe it is valid.

Mr. Kornick said it was indicated that there was negative criteria and it was satisfied but he finds from an engineering perspective is not achieved.

Mr. Weiss asked if this were a seven lot subdivision then he believes there would still be the same stormwater management issues but he couldn't say but he couldn't say at that point there was a negative criteria issue.

Mr. Kornick said they could still apply the engineering standard that life, health and safety could be compromised.

Mr. Weiss said if the board engineer agrees the stormwater is going to work then he wouldn't have a concern.

Mr. Kornick said if a conforming plan was presented to the board then yes but what is being presented today is severely flawed and deficient from an engineering perspective and therefore his testimony remains that he does not see how this application could be approved as presented as designed.

Mr. Weiss said he is not a planner and he is giving planning issues and not engineering issues because he can't say whether or not there are defects in the stormwater management because it hasn't been fully engineered.

Mr. Kornick agrees with that, the report and board engineer's letter indicate that it does not meet the standard.

Mr. Weiss questioned if he has an issue with the proposed right-of-way.

Mr. Kornick said as long as this line (?) stays static then he is satisfied.

A motion was made and seconded to carry the application to the July 10, 2018 meeting.
All were in favor.

2. SP 2274 Yeshiva Ohr Yissocher Academy Inc
300 Cross Street Block 529 & 530, Lots 1 & 1
Preliminary and Final Major Site Plan for a school

Mr. Flancbaum left the meeting.

Ms. Morris said this is an application which was recently approved. Within their application was a request for waivers from improving the rights-of-ways around their property in the back between this property and the Fairways. The board approved the application but denied part of the waiver for one of the rights-of-ways which is Weber Avenue. The applicant is now back before the board to request that waiver. She had discussed with Mr. Jackson about res judicata/double jeopardy given that they have already requested this from the board and they had denied it. Mr. Jackson indicated that if the applicant were coming back with some sort of letter in support of not improving that right-of-way, either from the Township Committee or the neighbors, then that would be new information which would prevent res judicata but she has not been provided any new information.

Mr. Jackson said he had received a few calls concerning this. He questioned why they aren't present.

Mr. Michael York, Esq. said there were objectors to the application but this was not one of their objections.

Ms. Morris said Mr. Hobday had called her and indicated that a number of board members from Fairways objected to waiving the requirement to improve that right-of-way. The board had also given the applicant an entire year to obtain approval from the Township to vacate that roadway in which case they wouldn't need to improve it.

Mr. Herzl asked if this should be heard by the board since it was previously denied.

Mr. Jackson thinks the board can consider the applicant's request for relief of a condition but the board can also say they have already heard this once and they are not going to hear it again as it is res judicata which is a judicial management tool the board has at its disposal so applicants do not keep coming back for the same request. The board should ask themselves if circumstances have changed due to the passage of time or it could be it makes more sense in light of what they have to say tonight.

Mr. York confirmed to a certain extent, they are re-requesting a waiver previously not granted by the board. When the board initially denied the waiver request and required that they do off tract improvements, which the board

can require, and his client is willing to pay his fair share for those improvements but he should not be required to do all of those improvements on his own. But they are really here before the board to request that waiver be granted.

Mr. Vogt said the applicant has a responsibility to improve the roadway along their frontage, it is not off tract.

Ms. Morris said the board could require that they improve the roadway up to the center line.

Mr. Glenn Lines, P.E., P.P. was sworn. He explained that there are paper streets on the east, west and south sides of their property and across Weber Avenue there are lots on the other side which have access to Sharon Avenue which is partially improved already.

Mr. Herzl questioned why the Township didn't vacate the road.

Mr. Lines said the Township is not vacating any roads at this time. Fairways has told them that they do not want these right-of-ways improved. The applicant has no need for these paper streets as all of their access will be off of Cross Street.

Mr. Sabel believes they didn't grant the design waiver because they wanted there to be available on-street parking.

Mr. Rennert doesn't think so, the board wants all streets improved. He asked if Rudd Street goes all the way through.

Mr. Lines said it goes down to the west a bit along the back of the Fairways and end behind their property. It was only put in because when they did the new section of the Fairways, they had to bring sewer through there.

Mr. Rennert asked where Rudd Street could go.

Mr. Lines said it ends at the Fairways.

Ms. Morris said it goes to another right-of-way.

Mr. Herzl asked what is on the other side of Weber Street.

Mr. Lines said there is a house that fronts on Cross Street and there is a large lot that has a building on it that was a house and is now used as a Yeshiva.

Mr. Rennert asked how you get to block 528 lot 1 if Weber is not improved.

Mr. Lines said there is a driveway all the way out to Cross Street. Lots 1 and 8 also have frontage on Spartan which is a partially paved/graveled road so there is no need for Weber to be improved.

Mr. Sabel remembers that part of the reason the board required Weber to be improved was to limit the amount of cars going to and from the Yeshiva.

Mr. Lines said they are not using that for access now.

Mr. York said the Yeshiva doesn't want Weber improved either.

Mr. Sabel questioned why that is.

Mr. York said they already have access.

Mr. Lines said they have access to Cross Street. He argued that it would make more sense to further improve Spartan to build Weber.

Mr. Rennert asked if any parking variances were requested.

Mr. Lines said no, they had an excess of parking.

Mr. Rennert asked if there will be a hall that would be rented out.

Mr. Lines said no.

Mr. Sabel asked what will happen with lot 1 as it is owned by the Yeshiva.

Mr. Schmuckler said it is not under control of the Yeshiva as of today.

Mr. Sabel said it was discussed at the last meeting that it was owned by the Yeshiva, cars are parking along there and it would be safer to improve that roadway with sidewalks.

Mr. Lines said this Yeshiva operates independently.

Mr. Jackson asked why this isn't considered res judicata, why should the board revisit this and why should it change their decision from last time.

Mr. York would love for the board to grant the waiver but that is not why they are here, they are here because he does not believe the board can require them to make off-tract improvements.

Mr. Jackson said they want to provide a half width.

Mr. York guesses, if that is what the board wants to do. He doesn't see the purpose in the applicant ever having to do that. He doesn't see what good that serves anybody to provide half a street.

Ms. Morris said they just required that recently for a school on Oak Street.

Mr. Jackson said a half width is not an unusual thing for the board to require.

Mr. Sabel said the applicant also owns the property on the other side.

Ms. Morris said that is correct but there is no subject application on that property for the board to require them to improve the road.

Mr. Jackson said he would have to look into that further but right now the board is requiring it so he would either have to appeal it or get some kind of relief.

Mr. Herzl opened to the public.

Mr. William Hobday, 30 Schoolhouse Lane, was sworn. The Fairways has never said that they would agree to not improving the street. There were individual residents of the Fairways who may have said that as it was kind of a divided camp. One of their members, Mr. Robison, testified at the last meeting and brought this before the board of directors. His motion was that the board of directors support the Township granting a waiver to avoid improving the street but the motion failed. Therefore, the Fairways is dead set against asking for any way to not improve the road. Their position is that if the Township says the street needs to be improved, then they are not going to oppose that. The other testimony heard was to only improve half of the road which he believes is better than not improving any of the road.

Mr. Herzl asked him if he would like to see Weber Avenue improved.

Mr. Hobday said yes.

Mr. Rennert questioned why it would make a difference to the fairways if this street was improved.

Mr. Hobday said the Fairways have spent thousands of dollars fighting this application and if it is the decision of both the Township and Planning Board to improve this road then the applicant should not be granted a waiver in order to avoid an expense.

Mr. Rennert always wants roads improved but that part of the road doesn't go anywhere.

Mr. York said they would agree that whoever this applicant is on the other side of Weber were to come back before the board, they would agree to find a way to pave Weber Avenue.

Mr. Jackson said they might never come in.

Ms. Sabel said looking at the minutes from the previous meeting, the board did agree they wanted to see more on-street parking and improving Weber would provide that.

Mr. York reiterated that they do not need a variance for parking.

Mr. Shmuel Rabinowitz, South Lake Drive, was sworn. He questioned why Mr. Hobday was allowed to represent others as that is not usually allowed.

Mr. Jackson said he is here as a member of the board and they had some questions and sometimes they can relax those rules.

Mr. Rabinowitz said he has a lot that touches the Fairways which uses the gravel road in the back. It would be a benefit to him in order to access his lot if the road was paved.

Mr. Jackson said that is not relevant.

Mr. Rabinowitz believes it is because the only purpose to improving this road, other than the applicant spending money, is to get to Rudd Street and to improve that road as well.

Mr. Rennert said he has the only lot that could be developed and it wouldn't make a difference if Weber was improved.

Mr. Rabinowitz agree but Mr. Hobday commented that they want the road improved.

Mr. Herzl closed to the public.

Ms. Zografos was not here for the original application but after reading through the minutes and resolution, it is clear to her that this was fairly discussed previously. She can see if they were asking to pave only half the road but based on what the public said at the prior meeting, she made a motion to deny the request.

Mr. Franklin seconded the motion.

Affirmative: Mr. Franklin, Mr. Sabel, Ms. Zografos

No: Mr. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Meyer

Motion failed.

A motion was made by Mr. Rennert, seconded by Mr. Meyer to grant the design waiver from improving Weber Avenue with the condition that there would be no rented halls, Simchas, etc.

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

No: Mr. Sabel, Mr. Isaacson, Ms. Zografos

3. SD 2010 Joseph Lipschitz

Oak Street & River Avenue Block 782.01, Lots 2, 5, 11, 16.01, & 16.02

Amended Preliminary and Final Major Subdivision to create seventeen lots

Ms. Morris said this project has been constructed but the applicant is back before the board to request a waiver from installing curb and sidewalk along Route 9.

Mr. Brian Flannery, P.E., P.P. was sworn. He explained that the rear of the lots go out to Route 9 and the NJDOT has been putting in curb, road widening and other improvements along the road so if they put in curbs, it is going to get ripped out as the curbs will be in the wrong place. They are asking for a waiver for just the curbs. The applicant would install the sidewalk, which would be bonded. If the State does not install curbs within two years, they will make their best guess of where it is going to be and hope they don't have to rip out the sidewalk.

Ms. Morris commented that there is already a bond in place.

Mr. Flannery confirmed, they are not requesting a waiver from providing sidewalks. The applicant would rather wait the two years and if they are not installed then they would have to set it back a couple of feet or come up with something creative.

Mr. Herzl argued you can't set the sidewalks back because they have to go in a straight line.

Mr. Flannery said they can do something creative but he is optimistic the curbs will be installed within two years.

Mr. Herzl has an issue not installing curbs as it is a safety issue.

Mr. Meyer said there are no sidewalks on the other side of Route 9 either and a lot of people walk along there.

Mr. Flannery said RSIS allows sidewalks without curbs and the County requires them to set it back a little further so they could put the sidewalk in the easement.

Ms. Morris said this project has been built, TCOs have been issued but a bond is in place. The board could require the applicant to come back in 6 months to a year to reconsider their request.

Mr. Flannery argued that TCOs are a problem for the developer as well as the homeowners. If this were a County road, they would require them to set the sidewalk back a little further so it would provide separation. They could plant trees in between the sidewalk and grass as well.

Mr. Jackson feels there is something more to this. He asked why it is a big deal to install curbs for 3 or 4 lots. He has a feeling that when you install curbs on a State highway, there is a lot more to it.

Mr. Flannery said first of all, the applicant would have to get a permit from the State and the State doesn't want to give them a permit because they are already drawing up plans as to where the curb would go. They know if this applicant is putting curb in then they are going to be ripping it out and so that is an additional expense.

Mr. Herzl said they could install curb and sidewalk on their property.

Mr. Flannery argued that putting the curb on the applicant's property would be silly but installing sidewalk on the applicant's property is something they can do.

Mr. Jackson asked what the estimated expense would be for the curbs.

Mr. Flannery thinks the cost of the curb isn't so much of a factor as much as getting the permit. It would cost tens of thousands of dollars to put the curb in and obtain the permits and if the curbs are installed, they know for a fact they are getting torn out. If they put the sidewalk on their property, in an easement, then the sidewalk would be there and it would provide the access and the State can still do what they need to.

Mr. Franklin said it would change the elevations.

Mr. Flannery said if you are far enough back, there is the availability to slope up or down to the sidewalk.

Mr. Herzl questioned if there is anything they can do to make this safer.

Mr. Flannery said they could install trees or a berm.

Mr. Herzl thinks the sidewalks should be installed on their property and to provide a berm in lieu of curbs.

Mr. Garfield asked what stops a berm from being washed away as it just dirt.

Mr. Flannery said there will be a two year maintenance bond and the engineering office is not going to let the berm get washed away.

Mr. Vogt said this would also be subject to Ocean County Soil approval.

Mr. Rennert asked why they can't bond for curb and sidewalk.

Mr. Flannery said then they would only get TCOs and that creates problems for financing, the developers, the Township and the homeowners.

Mr. Herzl asked if the sidewalks would be installed close to where the NJDOT would install their sidewalks.

Mr. Flannery said their sidewalks are going to be set back a little further and as part of the bond for the sidewalk, they would bond for connections at each end so people walking would come a little further onto their property and further away from the road and there would be some nice vegetation in between.

Mr. Vogt said if the board is comfortable, they would work out the details with the Township engineer and manager.

Mr. Rennert asked if the State provided a plan.

Mr. Flannery said yes but they can't use it to build. They are working on the design plans now.

Mr. Rennert thought he saw design plans.

Mr. Flannery said he hasn't seen fully engineered plans, he has only seen concept plans.

Mr. Herzl asked if any utility poles need to be relocated.

Mr. Flannery said probably, if they are putting the sidewalk further back then they won't need to relocate them. That would be something else in combination with the berm and they would make sure people walking along there are safe.

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 request.

Affirmative: Mr. Garfield, Mr. Herzl, Mr. Isaacson, Ms. Zografos

No: Mr. Franklin, Mr. Sabel, Mr. Meyer

Abstain: Mr. Rennert

4. SP 2287 1975 Swarthmore Avenue, LLC

1975 Swarthmore Avenue Block 1607, Lot 4

Preliminary and Final Major Site Plan for an addition to existing warehouse

A review letter prepared by Remington & Vernick Engineers dated May 9, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for a traffic study, topography, contours and man-made features within 200, an environmental impact statement and a tree protection management plan. The applicant has provided a trip generation statement in lieu of a full traffic study, therefore, the waiver is supported for hearing purposes only with the understanding that the applicant would provide testimony in terms of any traffic concerns to the board's satisfaction. The B-site features are supported as they feel there is sufficient information provided for the design, the environmental impact statement waiver is supported for completeness purposes. The applicant's engineer indicates an NJDEP CAFRA permit modification will be required and an environmental compliance statement will be prepared by the applicant's environmental consultant. Finally, the submission waiver from providing a tree protection management plan is supported for completeness purposes. The applicant's engineer indicates an NJDEP CAFRA permit modification will be required and an environmental compliance statement will be prepared by the applicant's environmental consultant, which includes wooded and vegetated areas.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said the revised plans indicate a non-conformance with respect to site identification sign setback. Regarding off-street parking, the applicant would need to provide testimony as to whether or not a variance is required based upon operations. Design waivers are requested from providing sidewalk, shade tree/utility easement and street trees along the site frontage as well as providing a 25 ft buffer.

Mr. Jan Wouters, Esq. said this is an application to construct a 36,000 sf addition to an existing 53,900 sf building. The applicant is seeking a variance for the site identification sign setback which is an existing condition. The existing sign is shown with a 6.9 ft setback, whereas a setback of 15 is required.

Mr. Jeffrey Carr, P.E., P.P. was sworn. The site is partially developed with an existing building of approximately 54,000 sf with parking and access on the right side of the property. They are simply expanding it with an addition on the left hand side and providing additional parking, loading and access on Swarthmore Avenue. The addition would be approximately 36,000 sf.

Mr. Herzl asked if it is two units.

Mr. Carr said it is labeled as two units so it is going to be constructed as such. However, the owner of the building has an additional facility on Rutgers Boulevard and is at capacity so this would be a minimal impact in the area but they have designed the site to accommodate what could potentially be there but for now, the owner is going to occupy it himself and it would be used as overflow warehousing for his existing facility. The applicant anticipates approximately 4 to 6 employees in this building and approximately 2 to 4 vehicles or truck deliveries per day. Visitors are essentially minimal as this is not essentially the center of his business and is located on Rutgers Boulevard.

Mr. Herzl asked if any parking variances are being sought.

Mr. Carr said no, the owner occupied portion is going to be very minimal for now but it is designed so that ultimately if it is subdivided into two units and the site would have more than adequate parking if it is ultimately developed with a different type of user.

Mr. Rennert asked what is there now.

Mr. Wouters said it is just warehousing for wholesale products. The products will be going into the new addition, the applicant is in the business of amusement/fulfillment technology which he imports from all over the world. There will be no hazardous materials on the site.

Mr. Carr said they agree to the comments in the engineer's review letter. There is an existing detention basin which will be redesigned and would provide less discharge from the site and recharge on the site.

Mr. Wouters said the plan was approved by the Lakewood Industrial Commission.

Mr. Herzl asked if sidewalks are being provided.

Mr. Wouters said no, they are requesting a waiver from providing sidewalks as well as shade tree/utility easement and street trees along the site frontage as well as providing a 25 ft buffer. This is an existing facility and all they are basically doing is expanding the footprint.

Mr. Isaacson said they are removing a lot of trees.

Mr. Carr said they would maintain a wooded area in the front and side.

Mr. Isaacson asked if there are street trees along the existing site.

Mr. Carr said there are already trees along the frontage as well as a wooded area which would be maintained on either side of the driveway.

Mr. Herzl understands the LIC approved the plan without sidewalks but the Mayor has indicated he wants sidewalks all over town.

Mr. Jackson said the board would have to make that decision, people do walk within the Industrial Park.

Mr. Herzl said there are a lot of schools in there.

Ms. Zografos has spoken with the Mayor concerning sidewalks within the Industrial Park and he confirmed he 100% wants sidewalks.

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 with the condition that sidewalks are installed along the property frontage.

All were in favor.

5. SP 2280 Torah Links

1301 Central Avenue Block 12.04, Lot 48
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington & Vernick Engineers dated May 14, 2018 was entered as an exhibit.

Mr. Vogt said a submission waiver is requested for an environmental impact statement. The waiver can be granted as no known environmental constraints exist per NJDEP GIS mapping. In addition, a tree protection management plan has been submitted.

The board granted the submission waiver as recommended by the Board Engineer and Planner.

Mr. Vogt said variances are required including minimum front yard setback and minimum lot width. Buffer relief is necessary for the educational center as a 20 ft undisturbed area is necessary to a residential use or district. Relief is also required for proposing parking within the required buffer. Design waivers are required from providing a 5 ft wide right-of-way dedication along the unimproved street to the east of the site as well as from improving the section of right-of-way that fronts the eastern side of the project.

Mr. John Doyle, Esq. said this is a usual lot thereby creating unavoidable variances, specifically they have a 75 ft frontage whereas 90 ft is required. There are homes on each side of this property, one of those being a 75 ft lot. There was previously a subdivision application on this lot that would have had the paper street developed which goes nowhere.

Mr. Glenn Lines, P.E., P.P. was sworn. A front yard setback variance from the paper street is requested as 50 ft is required and they are providing 26.67 ft to the patio.

Mr. Aaron Gruman, director of the school, was sworn. He said this is not a traditional school, it is an outgrowth of their parent organization, Torah Links, which runs educational programs around the state. They have been running this particular program called Lakewood Fellowship for almost ten years and it addresses students, mostly college undergrads and some graduate students from around the country who did not have a traditional Jewish education

and some men in their college years have developed an interest in that so they provide different types of programs. Since they have been in this neighborhood for over ten years, many have developed mentorship type of relationships with the students. This is not just a traditional Yeshiva in Lakewood where they provide Jewish and religious instruction, it is far broader than that. He further explained that this would be a perfect location to better provide for the students.

Mr. Doyle asked how this single structure rather than several located around town aid the mission and function of the young men who go there.

Mr. Gruman said it would obviously limit the amount of travel time going to and from each location. These students are coming from very good schools from around the country, they are screened to make sure they are appropriately matched and then they try to create a certain group dynamic every semester they run this program and that would certainly be aided by the fact that they were in one facility. It certainly speaks to their mission of providing a well rounded Jewish experience on all fronts by having it in one building in a neighborhood that supports it.

Mr. Doyle asked if these men are college age.

Mr. Gruman confirmed, usually starting with their freshman year.

Mr. Herzl asked if there will be dorms.

Mr. Gruman said yes, there will be a residential facility on the second floor.

Mr. Doyle asked if the students would typically drive to the school.

Mr. Gruman said generally speaking, they wouldn't. Many of these students cannot not afford a car, but they do have two or three vans to take them to where they need to go.

Mr. Herzl asked how parking spaces are proposed.

Mr. Doyle said 53, they are not asking for any parking variances.

Mr. Rennert understands but the application is based on a regular school type of parking requirement.

Mr. Rennert said the applicant needs to address how 53 parking spaces are going to be sufficient. He is in support of this school but he believes this will have a tremendous negative impact this neighborhood.

Mr. Doyle asked how many staff members would on site.

Mr. Gruman said at peak season, 15 to 18.

Mr. Doyle said this program is currently existing, he asked if students generally have their own cars.

Mr. Gruman said generally not. A small percentage of students, depending on the nature of their internship is, there may be some exceptions but generally they do not.

Mr. Doyle asked if there are school buses used for this site other than the two or three shuttle vehicles.

Mr. Gruman said no.

Mr. Doyle asked if there are any instructors beyond staff members.

Mr. Gruman said he included the regular instructors in that number. There may be an irregular situation where a guest lecturer came in.

Mr. Doyle said that would bring them up to approximately 20 spaces where they are providing 53. He asked if that would provide sufficient parking.

Mr. Gruman confirmed.

Mr. Herzl asked how many students will be attending this school.

Mr. Gruman said the dormitories would allow for a maximum of 75 beds. Typically, there have been between 40 and 50 in the current setup they have.

Mr. Herzl said that would leave the students with half the amount of parking spaces.

Mr. Gruman said they certainly would not need that many.

Mr. ____ asked if the school will be used all year or only during certain times.

Mr. Gruman said there are heavier usage periods such as from the summer time and then various school breaks. There is a lighter use where sometimes a student comes for a program but then decides to stay a little longer.

Mr. Herzl said the maximum is 75 students at any given time.

Mr. Gruman confirmed.

Mr. Herzl asked if there will be any outside rentals or Simcha halls.

Mr. Gruman said no, it would strictly be used for the school. They are trying to create as wholesome environment as they can for students who didn't grow up with this type of background. Therefore, they try to keep distractions at bay and nothing that would create a negative experience for them in terms of neighborhood functions and Simchas.

Mr. Rennert asked if there has been any communications with the neighbors.

Mr. Doyle said beyond the 200 ft notice, he is aware that in dealing with the principal of the LLC with whom Torah Links is associated, Mr. Bauman, that between Mr. Bauman and others affiliated with the school, they have sought out various neighbors and spoke to them. He is aware of a few objectors who may be present.

Ms. Zografos asked what is to the left of this site.

Mr. Lines said there is a shul on lot 46.02. There is an existing non-conformance where the lot has 75 ft of frontage on Central Avenue and 90 ft is required. There are uses on either side and if they acquired property from either one of them then they would have non-conforming lots. A buffer waiver is requested along the parking lot. White vinyl fences are being proposed on both sides and a row white pines as well as a row of white pines along the back.

Mr. Doyle said the circulation path is the minimum appropriate of 24 ft, the depth of the parking stalls is the minimum depth of 8 ft. The proposed off-street parking would be 7.5 ft from the property lines but they are providing a 6 ft vinyl fence and trees.

Mr. Franklin said white pines grow very wide and might be hanging over the cars.

Mr. Lines said they would change the trees to something more compact.

Mr. Herzl asked if there is anything else in the report the applicant cannot agree with.

Mr. Doyle said there are items which needs to be addressed during compliance including items 14, 16 and 17. An application will be made to OC Planning board which would address item 19.

Mr. Herzl asked if sidewalks are being provided.

Mr. Lines said yes.

Mr. Herzl asked if they are going to have people coming and going all day for Simchas or minyan.

Mr. Gruman said it is not open for Simchas, it is designed for the students and staff.

Mr. Herzl said if people are coming and going to pray there then they need more parking.

Mr. Gruman said it is not open to the public.

Mr. Herzl opened to the public.

Dr. Daniel Roth was sworn.

Mr. Doyle said he is a doctor who has a practice in the area and is very familiar with the school.

Dr. Roth confirmed, he moved to lake in 2000 and he has been involved with Jewish outreach/education in many different cities. He was involved with this program from its inception and it is actually one of the reasons he chose to move to this neighborhood. He wanted to make it clear that this is not a shul and it is not a school, this is an opportunity to share the beauty of what they believe Judaism has to offer to college students who didn't have that exposure in their youth. This is not intended to be a huge school with mass institution the whole goal is to teach people and then graduate to other institutions.

Mr. Rennert asked if he is concerned about parking in the neighborhood.

Mr. Roth said no because there are so many other Yeshivas and this will not be used as one of those services.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn. He commended the applicant and his professionals for such a well thought out project. It will be an asset to the community.

Mr. Avi and Mrs. Rivky Locker were sworn. Mrs. Locker respects the cause of this program but she is very concerned about parking, traffic and safety this would bring to her neighborhood. She believes this will greatly affect her quality of life.

Mr. Locker expressed his concerns about parking, traffic, safety and his overall quality of life.

Mr. Rennert asked if there is anything the board can do to make them more comfortable.

Mrs. Locker said no variances should be granted for this application as it further encroaches on their space.

Mr. Locker is also concerned about people parking along Central Avenue.

Mr. Herzl asked if the entrance can be restricted to right in/right out only.

Mr. Doyle said it would be subject to County approval.

Mr. Rennert said the application can be approved subject to approval for right in/right out only by the County. He asked if they would like any additional fencing.

Mrs. Locker said they wouldn't want any additional fencing.

Mr. Shmuel Rabinowitz, South Lake Drive, was sworn. He is in favor of the application and believes there will be sufficient parking and if anything, it will relieve on-street parking.

Ms. Inna Starovoytov was sworn. She is very concerned about the variances requested and how it may affect her quality of life. She would like the neighborhood to stay a quiet residential neighborhood.

Recording was cut off.

The application was carried to the June 19, 2018 meeting.

6. **SP 2284 Hal Stickel Inc**
1991 Rutgers University Boulevard Block 1609, Lot 34
Preliminary and Final Major Site Plan for an addition to existing warehouse

The application was carried to the June 19, 2018 meeting.

7. **SP 2244 Khal Meor Chaim**
270 Miller Road Block 9, Lot 3.01 & 6
Amended Preliminary and Final Major Site Plan for a synagogue

The application was carried to the June 19, 2018 meeting.

6. **APPROVAL OF MINUTES**
7. **APPROVAL OF BILLS**
8. **ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary