

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 & SWEARING IN OF PROFESSIONALS

Mr. Garfield, Mr. Stern, Mr. Herzl, Mr. Isaacson, Mr. Meyer were present.

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

3. PUBLIC HEARING

1. SD 2399 Torah Education of America Inc.

Pawnee Road

Block 2, Lots 32, 46, 49, 52, & 53

Extension of Minor Subdivision to create four lots

Mrs. Morris said this is for an extension of a previously-approved subdivision to create four lots from five original lots.

Mr. Glenn Lines, Professional Engineer and Professional Planner, appeared and was sworn. He said this a minor subdivision. We are waiting for County approval because we are on a County road. We are on the western end of County Line Road and this is taking a little longer than normal, especially with everyone out of the office. And this is our first extension of time. I think the law says your first extension is a year, but we probably only need 6 months.

Mr. Isaacson asked what's going on the big lot.

Mr. Lines said that's a school site plan, and it's going through resolution compliance at the same time. That was in like three phases, and the third was a dormitory all the way in the back.

Mr. Herzl said and you need a 6 month extension?

Mr. Herzl opened to the public.

Mrs. Morris and Mr. Jackson confirmed they had not received any public comments.

Mr. Herzl closed to the public.

Mr. Isaacson made a motion to approve and Mr. Meyer seconded. All were in favor.

2. SD 2404 Ave of the States Urban Renewal LLC

Avenue of the States

Block 961, Lots 2.07 & 2.12

Extension of Minor Subdivision to realign lot lines

Mrs. Morris said this is an extension of a previously-approved subdivision to realign lot lines between two existing lots.

Mr. Glenn Lines, Professional Engineer and Professional Planner, appeared and was sworn. He said this is the application where there was a rectangle indentation in the northerly lot, we are just straightening out the property line between the two properties. We are getting to the point of having the owner sign the mylars, they are all approved. They are over at the Mayor's office waiting for the Mayor to sign them. This is our first extension of time.

Mr. Herzl said is 6 months enough for you?

Mr. Lines said yes.

Mr. Garfield questioned the proposed lot numbers versus the existing lot numbers.

Mrs. Morris said 2.07 and 2.12 do exist, the new lot numbers are 2.14 and 2.13.

Mr. Herzl opened to the public.

Mrs. Morris and Mr. Jackson confirmed they had not received any public comments.

Mr. Herzl closed to the public.

Mr. Isaacson made a motion to approve and Mr. Garfield seconded. All were in favor.

3. SD 2428 Oak St Invest, LLC

262, 266, 268 Joe Parker Road Block 189.03, Lots 181, 182, & 183
Preliminary & Final Major Subdivision to create 9 lots

Mr. Vogt said on our review letter we have submission waivers including topo, contours, and flood plains within 200' as well as man-made features, C6 plans and profiles of utilities, C9 road dedication, C13 EIS. As indicated we recommend that the Board approve B waivers 2, 4, 5, and 10. We have sufficient information on site. With respect to the waiver for wetland and buffers, we recommend granting that for hearing contingent that if approved the applicant will get an LOI or presence/absence from the NJDEP during compliance. On page 4, with respect to submission waivers, we support for storm drainage profiles for hearing only and will need information during compliance. Road dedication and widening, same thing. It will have to be provided on the plat for our review during compliance. Regarding the EIS, since there are wetlands we would accept the wetlands information indicated above en lieu of an EIS.

A motion was made and seconded to support the submission waiver requests in accordance with the engineer's recommendations. All were in favor.

Mr. Vogt said continuing on, under zoning, variances are requested for several of the properties for lot width as well as a rear yard setback for Lot 9, as well as side yard setback for lot 9, and aggregate side yard setback variance for lot 9. Page 5 of our review, under design waivers, a waive r s required for non-radial side lot lines. This is a fairly common waiver request. A design waiver is required with respect to providing street trees along Joe Parker Road.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said this application is for preliminary and final major subdivision to subdivide those three existing lots into a total of 9 new lots. What we are proposing are four duplex structures of the typical size and type throughout Lakewood, for a total of 8 of those units, on the right-hand side of the map, which would be sold to end users. The last lot, Lot 9, will have 8 smaller more affordable units with approximately 1,000 sf per floor. They are multifamily units in the sense that they will be owned by the applicant and rented out. The property is located in the RM multifamily zone, so this is a permitted use in the zone. This is adjacent to the Golf View development. The area is in great need of redevelopment, it was most made famous by the shooting of the office across the street.

Mr. Brian Flannery, Professional Engineer and Professional Planner, appeared and was sworn.

Mr. Glenn Lines, professional Engineer and Professional Planner, appeared and was sworn. He said this application is three existing lots as shown on the tax map Exhibit A-1. It's 1.89 acres in the RM zone. This is a unique property. The area to the south and behind it is the Golfview Apartments, which is the RM zone. This property is also the RM zone. The property to the north of this is in the R-20 zone, and if you continue further north it goes out to Lanes Mills Road on the top of the A-1 rendering. You can see Grandview Drive where there are R-12 houses. Further south past Golfview is Tamarind, which is a duplex-type development which is consistent with the proposed Lot 9 of this development. A little further is the ACP in the R-20 zone, which the R-20 zone permits.

Mr. Isaacson said did you say there is another development consistent with the proposed Lot 9?

Mr. Flannery said the Tamarind development on the south side of Golfview has duplex units consistent with what we are proposing on proposed Lot 9.

Mr. Isaacson said I thought Ms. Weinstein said duplexes on lots 1 through 8, and apartments on Lot 9.

Mr. Flannery said Lot 9 is apartments in a duplex-like configuration. We are looking for four typical duplexes which would be 8 dwelling units on zero lot line lots. Those are all of the properties to the north. The remainder of the property, Lot 9, is having multi-family units on it but if you look at the plan submitted they are all duplexes they just don't strictly meet the duplex definition because the definition says they have to be side by side, facing on the road. But they do meet the multi-family definition. These are consistent with the development by Tamarind and it makes a very good transition from Golfview to the duplexes that again are also permitted in the RM zone. Looking at the relief we are asking for, it looks like there are a lot of variances, but this particular property, since it's in the RM zone, can have 28 dwelling units, up to 65 feet high. So some of the stacked townhouses or apartments built on Route 9 could be built here, and it wouldn't fit with the neighborhood. You're supposed to try to match the development in the area, and it's our opinion this does this. The zero lot line duplexes, the only relief we are asking for them is 58' wide lots instead of 60' wide lots and in my opinion that's de minimus. We've submitted architectural plans that show they are beautiful lots. All of the lots exceed the 10,000 sf that's required for a duplex and the average lot area for each of these is almost 11,000 sf.

Mr. Jackson said as to reasons for the variances, on the 58' lots has any accommodation been made to the houses to make them slightly smaller or to maintain the setbacks so that the structure accommodates the fact that it's on a smaller lot?

Mr. Flannery said yes, the duplex units are each 22' wide, which is narrower than the standard duplex in Lakewood. If you had a 60' wide lot, you'd be able to fit a 23 which is also a little narrow. If you have an existing lot that is 50', you're allowed to put a duplex on it, so we are 8' bigger than that. But the 22' wide unit, they're longer and well laid out. All of the other setbacks have been accommodated, we have very large back yards. These will be some of the nicest duplex lots in Lakewood.

Mr. Herzl asked how many parking spaces there are for each of the duplexes.

Mr. Flannery said each unit has 4 spaces, so the duplex building has 8.

Mr. Herzl said and that's in front of the duplex, that's not the parking lot on the left.

Mr. Flannery said that is correct.

Mr. Stern said I'm looking at the lot on the left. That's the parking on the side?

Mr. Flannery said yes, there is a shared driveway in the middle that provides access to those four on Lot 8, which is the one closet to Lot 9. That one is different from all the others, the others have the standard driveways that are stacked, they've all been pushed back far enough to provide a U-turn so that no one has to back out on to Joe Parker Road.

Mr. Herzl said you're double stacking the parking?

Mr. Flannery said yes.

Mr. Stern said that's my concern. Joe Parker isn't some quiet, residential street where you can back into oncoming traffic.

Mr. Herzl said that's what he said, there's a turn around.

Mr. Flannery said if you look at the 36' dimension of the driveway, it starts more than 10' from the property line, so the driveways have a U-turn that is between the driveways so the cars have the ability to back into that U-turn area, turn around, and pull forward onto Joe Parker.

Mr. Jackson said are those U-turns shared? What are the odds that there won't be a car parked in what looks like a delightful little parking space there?

Mr. Flannery said my experience, because these have been built on other County collector roads, the homeowners that live there know that to do that would be dangerous and they don't do it. We are providing four parking spaces for each of the units so there is sufficient parking. Additionally, if someone comes and wants to visit or something the multi-family on Lot 9 is an additional benefit because there is more parking on Lot 9 than is needed.

Mr. Stern said once they sell the duplex units, Mr. apartment owner is not going to want the visiting family of the duplexes parking on the apartment complex.

Mr. Herzl said the multi-family is the applicant, he's allowing it.

Mr. Stern said but he's going to be selling off those other lots. There's no way he's going to let people park there.

Mr. Garfield asked if the turn-around area could be striped.

Mr. Flannery said absolutely. And we could put signs up and do some sort of an agreement.

Mr. Jackson said how do you get your four spaces in one of those driveways?

Mr. Flannery said it's like a typical driveway, it's 18' wide and 36' deep. So it provides for two cars wide and two deep.

Mr. Jackson said if your car is up in the front, how do you get out and use that turnaround?

Mr. Flannery said the same way everybody does with stacked parking in Lakewood, and it's all over Lakewood. And this particular layout has been done on the County roadways. Many of them that I've driven by, it's not a problem. The ones parking here are the owners, and it takes some coordination between the family members to make sure one car doesn't get blocked in.

Mr. Jackson said what's the address of others that are like this?

Mr. Herzl said we had one recently on Route 88, with the driveway turning around like this.

Mr. Flannery said yes, it was done on 88, on Chestnut Street, on County Line Road.

Mrs. Weinstein said the units on James Street also.

Mr. Stern said the difference on those is we had a plan that actually showed it. Here, we have to kind of intuit it.

Mr. Flannery said as a condition of approval we will agree to make the plans clear to show that, to provide the striping and the no parking notifications. This will be just like James Street and your engineer will make sure that it's clear enough.

Mr. Vogt said it seems there is concern about the adequacy of the turn arounds. I don't think we are limited to 10' wide, you could make those wider if that would make the Board more comfortable.

Mr. Flannery said yes, we have sufficient room that we could make sure to show that the situation works. As we indicated, these have been done on several other roadways. We'll see what those dimensions are, and we will meet or exceed those dimensions.

Mr. Garfield asked what the height was?

Mr. Flannery said these will be regular less than 35' high. I had explained that this zone allows 65' high buildings. And on Lot 9 where we are asking for some setback relief, the reasoning for that is instead of putting one big building that we set back, and that is the intention of the RM zone, where you're going to put a building that is 65' high, you have to make sure that it meets the setbacks. Here, we are putting regular 35' high buildings, that fits in the area and will be a good transition to Golfview, and in order to make this concept work we need the relief that we've asked for on Lot 9.

Mr. Herzl said basically on the duplexes you aren't asking for a variance for parking, the only variance is it should be 6 and you're giving 58.

Mr. Flannery said that is correct.

Mr. Herzl said and by making the houses smaller, the properties aren't getting any bigger.

Mr. Flannery said that is correct.

Mr. Herzl said you have no other variances or setbacks on these four duplexes?

Mr. Flannery said with respect to the duplexes, the only variance we are requesting is the 58' width and we designed the units to meet the setbacks and to accommodate what I consider de minimus relief.

Mr. Herzl said the driveways between the units, they're going to be connected or there will be grass in between?

Mr. Flannery said each of the duplex buildings is going to have the double stacked, with the exception of Lot 9. We have the 36x18 parking areas, which are setback with grass in between them, but along the front we connect them to provide the turnaround for each of the units. And there'll be cross access easements so that they can legally use those areas to turn around and come out.

Ms. Weinstein said a shared driveway agreement, we've done them many times.

Mr. Flannery re-explained the grass and paving limits after further questions from the Board.

Mr. Jackson asked how you get from the unit to the driveway and the front yard, is there sidewalk...

Mr. Flannery said all that is shown on the grading plan. The reality is when we come in for a plot plan, that gets reviewed by the Engineering department and the building department and they all have to work. Sidewalks from the driveways to the units, there is adequate access to the stairs to the basement and to the stairs to the front door. On this layout, the dimension plan, those features aren't shown. The plot plans submitted prior to getting building permits will make sure that it functions.

Mr. Jackson said I'm looking at Lot 8...

Mr. Flannery said that side is a little bit different. Lot 7 has stacked parking but Lot 8 has turned parking, and the reason we turned it was to accommodate the entrance to Lot 9. So that will be a driveway that connects with Lot 7 and provides access along the shared property line between 7 and 8.

Mr. Jackson said I'm confused, where would the front steps be for Lot 8 and how do you get out without stepping right into the parking lot next door.

Mr. Vogt said if necessary, there is room to slide the 4 proposed parking spaces on Lot 8 closer towards Joe Parker Road.

Mr. Flannery said and we have the availability to move the buildings back if the number of steps isn't going to work.

Mr. Stern said why don't we move all of the buildings back 5-10 feet. Miriam referenced the turn arounds on James Street, those are huge with a nice curve and lots of room to maneuver. Here it looks very scrunched. Why don't you move it back a bit and give yourself some breathing room.

Mr. Flannery said I think we are very close to the dimensions that are on James Street. I wouldn't want to take 5 or 10 feet away from the rear yards for no reason. When Terry looks at them at plot plan or resolution compliance and says he needs a couple more feet, we'd be happy to do that because you're not going to notice that out of the backyards. And to John's question, the next Exhibit that we have, which is superimposed on the aerial, it does show the front porches and shows we fit the steps but it does show it's kinda tight. Certainly on Lot 8, those parking

spaces should shift a little forward or the building should shift back, or both. I think the applicant is willing to make those revisions so that this project works and everyone is comfortable with it.

Mr. Jackson said can we see the grading and drainage plan that shows all the walkways and everything?

Mr. Jackson said this is one where you've shrunk the lots to maximize it. It's very crowded, very tight, backing out onto Joe Parker Road, the parking lot on top of the stairways. Maybe this is one of the ones where you should be going in the other direction, where you lose a lot to give yourself the room you need rather than overcrowding.

Mr. Isaacson agreed.

Mr. Stern agreed. He said take out one lot and give yourself some room. If this was on a residential road, maybe. But not on Joe Parker.

Mr. Flannery said taking out one lot doesn't change the configuration of the driveways to the road. Pushing the units back, would do that and we agree to do that.

Mr. Isaacson said if you took out one duplex, and made it three duplexes instead of four, you have much more room to make a driveway with non-stacked parking. The way it is right now, it's insane. No one is going to be able to pull out onto Joe Parker. You could have all the striping and all the signs in the world, we all know how Lakewood works. Right now, the way it's designed, you can't pull a 15 passenger van out of this driveway. Make it three duplexes, widen the lots, non-stacked parking, and bring it back.

Mr. Stern said thank you Levy.

Mr. Herzl said Brian, if you do three duplexes with one single, would that help?

Mrs. Morris pulled up the PDF of the requested grading and drainage sheet.

Mr. Flannery said the concept of that driveway does work. The problem we are having here is this is a little tight. If we push the units back 5 feet, it's no longer tight.

Mr. Herzl said if we do that, a 15 person passenger van will be able to make the turn around to pull out onto Joe Parker?

Mr. Flannery said yes. And we would provide that turning information to the Board Engineer as part of resolution compliance. The rear yards are fifty some feet, so even if we took 10 feet out of them, which I don't think is necessary, we have plenty of room to make sure everyone is comfortable with the driveways.

Mr. Herzl said I asked before if we had grass between the driveways. If we were to make one big driveway going straight across the whole front, would that help?

Mr. Flannery said it would help. We were trying to avoid that because we were trying to balance aesthetics with parking.

Mr. Herzl said I understand, but Joe Parker is a curvy road. We can't have cars backing out onto Joe Parker.

Mr. Stern said why don't you just have 7 lots, one triplex and two wider duplexes?

Mr. Jackson said don't lose track of the idea that these will all have basement apartments. I haven't studied the number of bedrooms...

Mr. Herzl said that's why they're giving 4 parking spaces, to accommodate the basement.

Mr. Jackson talked about kids using the front yards and how will that work when the front yards are going to have these driveways.

Mr. Stern said and what happens when someone comes to visit and you've got 5 cars.

Mrs. Weinstein said that's why we suggested pushing them back 5'. The backyards are so deep that they'll still be significantly larger than most.

Mr. Jackson said and you'll have giant decks back there.

Mr. Herzl said how deep are the properties.

Mr. Flannery said 188'.

Mr. Herzl said you have the room to move it back and have a decent backyard.

Mr. Flannery said and the applicant is agreeing to do that.

Mr. Herzl said if you move it back, and get rid of some grass in the front, then you could have a nice turn around in the front for all the houses.

Mr. Garfield said I hate losing green grass for a parking lot.

Mr. Herzl said safety is my first concern.

Mr. Vogt said if the Board goes towards approval, the current turn arounds are 10' wide. You may want to recommend 15' if you're concerned about adequate turning movement.

Mr. Flannery said the applicant would agree to that.

Mr. Herzl said can 4 cars turn around?

Mr. Vogt said the larger turn around would help. I like the idea of pushing these back 5 feet. I think on Lot 8, I think you have room to shift those parking spaces at least a few feet closer to Joe Parker Road. The details of the architectural would be worked out at plot plan. I have a question, the common elements on Lot 9, specifically the parking and the drainage, how is that going to function in terms of ownership and maintenance? Is that going to be an HOA?

Mrs. Weinstein said Lot 9 is being owned and maintained by the applicant. We aren't selling the units.

Mr. Vogt said they're not going to be fee simple?

Mrs. Weinstein said no. It will be owned and rented to tenants. Lot 9 includes all that parking and drainage.

Mr. Herzl said what about the parking for Lot 8. He's coming out on Lot 9?

Mrs. Weinstein said no, not on Lot 9. There will be cross access or shared driveway agreements between each of the duplex lots.

Mr. Herzl said you need 8 to 9 also, for those 4 parking spaces.

Mrs. Weinstein said they're accessed from Lot 7.

Mr. Vogt said Miriam, you have four spaces on Lot 8 that are going to be accessed from that common drive on Lot 9. You'll need another easement.

Mrs. Weinstein said that's fine, we can do another one.

Mr. Jackson said Mr. Flannery mentioned earlier that the 14 spaces, and the 10, the 8, would be available for overflow for the duplexes. But you can't do that unless you have covenants that give everybody the right to use those spaces. I think Terry is also saying that the drainage also works together. I think you do need an association. Who's going to pay when Lot 9 needs to be paved or snow plowed, or when he doesn't do it and the person has been parking there from Lot 3 and they can't get their car out because it snowed or whatever. I think you have to have an association and this all has to work together.

Mr. Stern said it's a lot going on.

Mr. Flannery said I don't understand why you need an association when you have a property owner that will be responsible, and there will be legal documents requiring the property owner on Lot 9 to maintain his property. There will be agreements between the duplex units that get sold with Lot 9. It's all the same applicant that is going to do it. It's the intention that all the parking will be available over there because we've provided the required parking for the fee simple duplex units in the driveways in accordance with RSIS. It's just that on residential streets you have a place that people can go in unusual circumstances, that's what Lot 9 will be and all that will be spelled out in the shared agreement. Certainly we have the agreement for the parking access for Lot 8 and I'm comfortable that Miriam will get the agreements right and we won't have a problem.

Mr. Isaacson asked to open to the public.

Mr. Garfield said how are you going to handle garbage so they aren't taking up space in the driveways?

Mr. Stern said excellent question.

Mr. Isaacson said they will take up space in the driveways.

Mr. Flannery said the garbage will be handled the same way every other duplex is handled. They roll out the cans to the road, and they take up some area but they don't take up the whole width of the road.

Mr. Garfield said what about for storage during the week?

Mrs. Weinstein said well we are shifting the units back 5 feet.

Mr. Herzl said I don't think the Board is comfortable with the parking as-is. Can you maybe table this and come back with the turn-around, showing how it works, showing the garbage, so the Board members can feel comfortable?

Mrs. Weinstein said obviously we'd rather not.

Mr. Herzl said I know, but there's a lot of opposition from Board members here.

Mrs. Weinstein said if you could just let Brian explain about the garbage...

Mr. Flannery said the aerial exhibit provided shows where the garbage is going to go, and it shows the porches and the steps.

Mr. Isaacson asked the Chairman to poll the Board regarding a motion. From what I've heard, I don't care if you move these 20 feet back, this application is just not good.

Mr. Meyer said I second Levy.

Mrs. Morris said just so we are aware, we did not get any testimony with respect to the variances on Lot 9. So there is more bad news coming.

Mr. Herzl said if the Board is not comfortable already, we are wasting time going further.

Mr. Flannery said Mr. Chairman, I think the applicant has heard the Board and I think the suggestion that we carry the application is a good suggestion. I don't think it's appropriate for the Board to vote yet if we haven't finished our testimony. If the indication from the Board is you're not comfortable with the way this is, we certainly want the Board to be comfortable so we will add the information to the plan and make it so that the Board is comfortable and come back.

Mr. Stern said I think you need to hear more clearly, I think you need to lose a lot. It's just too much. If this was in a quiet residential area, I think we would be more open to this. But this is on Joe Parker, which is busy, and is curved, and it just doesn't feel right.

Mr. Flannery said I'm hearing you.

Mrs. Weinstein said the applicant heard you and I guess we will make a request to carry this to a future meeting.

Mr. Herzl said Brian, I asked you before. I know some people are saying to lose a duplex. If you lose one unit, three duplexes and one single, do you get a variance-free application on this?

Mr. Flannery said yes. But I think before making that decision, I think we've heard what you're saying and we will see what makes the best solution. We have the ability to move the units back, we have the ability to lose some, I'm a housing advocate. Every unit we lose is a couple extra families that have to wait to move in to Lakewood. We will take it back, we will study it, and hopefully come back with plans that the next time the Board will say these are great and I can finish my testimony.

Mr. Stern said should we listen about the multi-family now so we can give some guidance?

Mr. Herzl said I have no problem.

Mr. Meyer said I don't think we should hear testimony if we are tabling, it doesn't make sense.

Mr. Herzl said in case we have anything to say to the applicant...

Mr. Stern said we don't want them to come back a third time.

Mr. Isaacson said yeah but the plans need a lot of work. Come back with a much better application. Right now, it just doesn't work.

Mr. Stern said when you do come back, can we have things that show things more clear? Superimpose a 15 passenger van, show a curve, a pretty picture...

Mr. Herzl said Brian, when do you think you can have an updated application?

Mr. Flannery said a couple weeks.

Mr. Herzl said when should we table it to?

Mrs. Weinstein said we're just gonna have to renotice. The application is gonna change anyway.

Mrs. Morris said there is no way to know, mid-June, late-June, July, if we are still going to be virtual, in person...

Mrs. Weinstein said understood. We will table it and we will re-notice once we resubmit.

Mr. Herzl said thank you. So for the record you will re-notice.

Mrs. Weinstein said yes.

Mr. Herzl asked if there were any public comments on this application.

Mrs. Morris and Mr. Jackson said no.

Mr. Herzl closed to the public.

Mr. Jackson advised that the public will have an opportunity to comment on this application when it returns before the Board.

4. APPROVAL OF MINUTES

5. APPROVAL OF BILLS

6. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary