

## 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. Stern, Mr. Sabel, Mr. Herzl, Mr. Isaacson, Mr. Meyer were present.

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

## 3. MEMORIALIZATION OF RESOLUTIONS

### 1. SD 2082A MC Tuscany II Property, LLC

E County Line Rd Block 194; 195; 196; 197; 198, Lots 1 & 4; 1-3; 1-5; 3, 5, & 8; 10

Amended Preliminary and Final Major Subdivision to revise tract boundaries and setback variances

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

### 2. SP 2310 The Parke at Lakewood, LLC

752 & 688 Cross Street Block 524; 524.23, Lots 2.03 & 77.02; 1

General Development Plan for a Planned Unit Development

Mrs. Morris said this resolution hasn't been drafted yet and will be considered at the next public hearing. Mr. Jackson said I'm taking extra care with that resolution, I'm up to twenty pages already. The applicant is advised of that and they don't seem to have an issue with that.

Mr. Sable asked if there was a maximum time for adoption.

Mr. Jackson said 45 days, and the remedy is for the applicant to take us to court. I don't think that is the best option, but I don't think we'll have that issue.

### 3. SP 2344 Mesivta Ahavas Hatorah

355 & 363 Chestnut Street Block 1096, Lots 1 & 2

Preliminary & Final Major Site Plan for a school with dormitories

Mrs. Morris said this resolution isn't finalized yet and will be considered at the next public hearing. The application will be reopened tonight under public hearing for Board consideration.

### 4. SD 2418 Yeruchem Gelb

414 & 420 Ocean Avenue Block 539, Lots 3-6

Minor Subdivision to create six lots

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

- 5. SD 2408 Avraham Green**  
105 Linden Ave & 154 Somerset Ave      Block 189.30, Lots 156 & 157  
Minor Subdivision to create five lots

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

- 6. SD 2421 Israel Klein**  
335 Ridge Avenue      Block 224, Lot 13  
Minor Subdivision to create two lots

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

- 7. SP 2199 Harold Herskowitz**  
310 Third Street      Block 91, Lot 6  
Preliminary and Final Major Site Plan for a 5-story office and retail building

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

#### **4. PUBLIC HEARING**

- SP 2344 Mesivta Ahavas Hatorah**  
355 & 363 Chestnut Street      Block 1096, Lots 1 & 2  
Preliminary & Final Major Site Plan for a school with dormitories

Mr. John Jackson, Esquire, said this is a situation where the applicant got a draft resolution and it did not grant waivers. I prepared a memo to the Board outlining why I thought it was not appropriate for... To bring this back. There was an issue with whether the roadways that were unimproved that surrounded this property had to be improved or not. The applicant adopted the position at the meeting that waivers were not required and that they applicant was not required to improve the roadways. Subsequently I researched it further, and I gave an opinion that Mr. Vogt is in concurrence with that a half roadway around the property is not an off-tract improvement according to the Municipal Land Use Law. Under our Ordinance the Board may grant a waiver from improving the roads. The municipal engineer said they don't want to consider that unless the Board acts on it. So in the resolution I prepared I said the Board didn't grant a waiver, so the roads had to be built. Ms. Weinstein disagreed and said they would make application to the Board to consider that specific issue. Per my direction she noticed so that the Board can have a hearing solely devoted to the issue of whether those roads have to be improved or whether they can be waived. They are here ready to proceed. I understand there is an objecting attorney, Mr. Farrell.

Mrs. Miriam Weinstein appeared on behalf of the applicant.

Mr. Ryan Farrell appeared on behalf of David Herzog.

Mr. Jackson said since I view this as a self-contained issue with its own notice, we are looking at this as a new issue with a new Board to consider the application.

Mr. Vogt said the requirement for roads is spelled out in the design section of the UDO as well. Subsection 814-B there is a reference, though it says subdivisions, it says the developer shall submit plans, profiles, cross sections, design for the work to the Township engineer for approval prior to the start of any construction, grade the streets

the full width, unless exempted by the Board. So if they make the case as part of an application to a Board, they can do so and the Board at their discretion can grant or deny that waiver. I've discussed this with John and the applicant's professionals. As Township Engineer, there is a separate code that says the Township Engineer shall require improved frontages for any increase of square footage over 1000 square feet. So if for whatever reason the Board didn't act on these waivers, as Township Engineer, we have no basis to act on those waivers. I represent Woodbridge Township and they have a very similar process. What's done there is if there are public improvements that the applicant doesn't want to build, they get a waiver from the Board. It doesn't go to the Township Engineer; the ultimate decision goes to the governing body. It's a very similar process. It's meant to give the applicant the opportunity to plead their case on secondary and tertiary frontages. Based on a public hearing, a decision can be made and you can have public input.

Mr. Stern said what are the guidelines we should be taking into account when granting such a waiver.

Mr. Jackson said the principle difference between a waiver and a variance, the standard of review for a design waiver is there has to be a rational basis for it. For a variance, you have to have positive and negative criteria, it's more strict. It's ultimately always up to the town in the case of roadways. But the Board should review whether there is adequate access, for fire and vehicles and pedestrians, etc., and whether it's part of filling in the development in the rest of the town. We've heard people say there's no other sidewalks on this street, and the Board said well eventually we're going to fill in the checkerboard with sidewalks. Or you might look at it and say this is wilderness, we don't want to disturb the trees, it makes no sense. You might decide well we don't have to do the roadway, in which case the Township of Lakewood could say no we're putting in the roadway anyway. It's a judgement call.

Mr. Vogt said I think it's important that you're not saying the road is never going to be put in, the question is whether the burden of doing so should be borne by the applicant if that's not their primary access. There have been cases in the past where the Board has granted the waiver. From what I recall, this is relatively common where you have a property with multiple frontages. They're agreeing they do the roadwork on their primary frontage, the waiver is on their secondary frontages and that's what you need testimony on from the applicant's professionals and potentially the public. It's only for purposes of this application that you are considering tonight.

M. Stern said you make a distinction between a road they would use for access vs one they are not.

Mr. Vogt said correct. The issue here is there are adjoining roadways. The letter of the code says unless waived, those get improved too. At least the half that adjoins the property. But the UDO gives the opportunity under this subsection, "unless exempted by the Board." You either grant based on the testimony or you don't grant. This is something the Board has done before. This is why it's come here.

Mr. Herzl said if we grant the waiver, and someone builds behind this property, who will install the road?

Mr. Vogt said if someone builds behind this, they would. If they're relying on the road for access or unless the Town is going to do it, they would have to put it in for access. For purposes of this application, the question is should you consider a waiver of improvements on those secondary streets.

Mr. Jackson said the policy decision is whether it makes sense to leave it green for now, or pave the way for future development. Is the property behind even developable or is it wetlands or something?

Mr. Herzl said could we have it bonded for installation at a future date?

Mr. Jackson said I'm not familiar with that process.

Mr. Vogt said with the Manager's approval, possibly.

Mr. Jackson said let's hear from the applicant and the objector. I asked Ms. Weinstein to bring an aerial and the Site Plan.

Mr. Brian Flannery, P.E., P.P., appeared on behalf of the applicant and was sworn.

Mrs. Weinstein said I want to reiterate the purpose of this application right now is for a waiver of improving Fulton, Lambert, and Caldwell Avenues. I want to point out this particular piece is unique because it's bounded on all sides by rights-of-way. Chestnut Street is the street the school will front on and will have all access. Under 40:55D5 of the MLUL the definition of on-tract includes anything on the property and the closest half of an abutting street or right-of-way. So we are in agreement that at least that nearest half of all rights-of-way are on-tract improvements. She quoted Cox, a section that references requiring an applicant to do improvements that don't relate to them or benefit them directly, and referenced case law against a Board forcing checkerboard fill-in development unreasonably.

Mr. Jackson questioned her quotation and said this doesn't necessarily apply to the half width. The Board has the authority and the right to require the development of the half-widths all the way around the property.

Mrs. Weinstein said they are commenting specifically on the half-width, and disagreed. It seems to be exactly on point with what we're discussing. They're saying if its not based on the traffic the application is generating, it would be clearly ultraviolence. It says out of necessity, an improvement can be justified on the basis of public safety...

Mr. Jackson said let's hear the traffic generation and access points and your testimony and get all that on the record.

Mrs. Weinstein said I just wanted to set the record that there is a case, Amato vs. Township Planning Board. Brian will go forward from here.

Mr. Flannery said A-1 is the aerial with the building and all the trees. Also a copy of the Site Plan here shows the yeshiva with the only access to Chestnut Street. We have four rights-of-way around the property, but we are only using Chestnut Street. To the east of us is Caldwell, and it's semi-improved, it's gravel. It's being used. Originally there were two houses. The one closer to Chestnut was converted to a school, the other house is still there. But we don't use it at all or generate any traffic. The only way we would use it is if someone in that house went to this school, and they would walk.

Mr. Herzl asked if that house has any other access point besides Caldwell.

Mr. Flannery said no. And they're probably as happy as can be, in the woods and not on Chestnut on top of each other. The other two streets, Lambert is the one next to it. You can see on the key map where it should be. It's a very short street, there's no reason in the world it would ever be improved. The area of the town behind here is designated as a sending area. During the Master Plan, one of the things put in place was sending and receiving zones. Because of the nature of this area, the town was trying to keep it undeveloped. You can take your development credits here and send them to another area to have compact neighborhoods. I don't know what's going to happen back there, but a lot of the property is owned by the Township and isn't going to be developed. Anyone who wants to build has the right to pave the roads.

Mr. Isaacson asked if Caldwell extends further than it's improved now.

Mr. Flannery said yes, I think out to Vine Street. A lot of that area is Township owned and the Township is committed to not developing it or selling it.

Mrs. Morris said a lot of these roads go all the way up. Lambert on the west side does not, it hits a large property and gets cut off. Caldwell and the other parallel one runs all the way up to Vine. The Town does get a lot of requests to sell their property there, and they continually deny it. It may be under certain conservation restrictions, I don't know off-hand.

Mr. Flannery said the Smart Growth Plan has agreements in place with the State not to develop those lands. Since the Smart Growth Plan was implemented, I have represented many people who have tried unsuccessfully to get lands like that from the Town. Any process, the Town goes through with the State as well. There's a certain percentage of Lakewood that is to be retained as open space. If you remember the last Master Plan lots of people said don't build anything, and I imagine with the next one you'll have more people saying don't build anything.

Mr. Herzl said so Caldwell and Lambert go all the way through.

Mr. Flannery said no, Lambert stops at Mr. Herzog's property.

Mr. Sable asked about wetlands.

Mr. Flannery said in the front corner, yes, and near the school there's a pipe that goes under the road and there's a stream. But it's dry in the back. When you go back further there's another stream. My recollection is behind Salem Street, and that comes through here and will cut off any of these roads. That was the motivation for keeping this as a sending area, because it has that and is one of the few areas in Lakewood that could be retained. Any development opportunity that you have in the back, there's not going to be any less development potential by us not paving it. The Board asked how does it get paved. It gets paved by a developer or the Town doing it.

Mr. Herzl said what's fair to share the burden.

Mr. Flannery said it comes down to what's reasonable and what's fair. I would have asked for the waiver and would have expected the Board to grant it. If this was an office building, we probably would not get a variance and the Board would have said at least build Caldwell. But this is a yeshiva and what's reasonable is to do the improvements along Chestnut, which is our only access. We aren't adversely impacting anything in the back. The other two roads have no reason ever to be built.

Mr. Herzl said my question is only on Caldwell because there's houses back there and the road goes all the way through.

Mr. Flannery said, and those people have lived there for a very long time. And the one house was changed to a school close to ten years ago. The school uses Caldwell, and they came to the Board and asked for a waiver and it was granted. They have paper streets on three sides as well.

Mr. Jackson said was that a mistake, maybe the half-widths should have been paved then and now this half would be put in and we'd have a street for that distance.

Mr. Flannery said no, the Board very rarely makes mistakes. They happily have their yeshiva back there and they didn't waste money on a road with a 15-year life expectancy.

Mr. Jackson said doesn't this illustrate the point of requiring the checkerboard? The people back there would have a roadway in front of property that is not theirs that they could use.

Mr. Flannery said it comes down to a question of what's reasonable and fair, and is it fair to have a yeshiva put in a half width of roadway for other people that have live there for years and had the same opportunity. The Township also has that opportunity, they could put it in and assess those property owners.

Mr. Jackson said Lakewood isn't going to do that to two schools.

Mr. Flannery said the cost would be minimal and the last time it was requested was 35 years ago when I first moved in to town. I was on that block and a petition went around saying, ask the Town to put in that road. And then others said no. So some people want it done, others don't. Leaving it in this status, environmentally I think is a better situation.

Mrs. Morris said to clarify, there was a question about wetlands. If you look at the map you'll see there's now a blue line. That's the Smart Growth Plan's outline for areas of the Town they've labeled as Potential Preservation. My recommendation on land sales in that area are always against selling anything labeled as Potential Preservation. It I behind this property a few blocks, so Caldwell would service a few properties but not any behind there that are for preservation. This area was selected because of the wetlands in that area.

Mr. Flannery said it's my opinion, and past precedent of this Board, is that if a school is not adding traffic it's better to leave the rights-of-way wooded and undisturbed and not ask the school to spend money unnecessarily.

Mr. Farrell appeared. He asked Mr. Flannery, it's my understanding that the current use is residential and it will be converted into a yeshiva. Will there be a couple hundred people on campus? A couple dozen?

Mr. Flannery said I'm not sure.

Mrs. Weinstein said I can call the applicant to answer if you'd like. It was about 100 students.

Mr. Flannery said there will be more now than there were with the house.

Mr. Farrell said more than 100 more?

Mr. Flannery said I just learned there will be 100 students

Mr. Farrell said Chestnut Street is a County road? Is it busy?

Mr. Flannery said yes. This adds congestion.

Mr. Farrell said I have no other questions.

Mr. Herzl asked him which properties his client owns.

Mr. Farrell and Mrs. Weinstein marked up a tax map together in blue and marked it as A-3, showing Mr. Herzog's holdings.

Mr. Jackson asked Mr. Herzog if he agrees with the map they came up with.

Mr. Herzog added one more property they had missed.

Mrs. Weinstein handed it to the Chairman.

Mr. Herzl opened to the public.

Mr. Shloma Klein appeared and was sworn. 189 Chateau Drive. He said you're talking about a waiver of roads. I remember in the past, it was a discussion the Mayor said no more road waivers for developments. If someone feels the road doesn't fit or shouldn't be there, they should go to the Committee and ask for vacating the street. The Committee committed themselves to asking the Planning Board for a waiver. Having the road there shows that it should be done. Once you ask for an application you have to install it. One of the arguments that you need these roads, especially when it comes to schools, the parking requirement for schools and simcha halls they were calculating the on-street parking. Its understood that is there to service the overflow of parking if someone makes a simcha. The roads aren't just for traffic but also on-street parking. Giving that waiver is taking off the on-street parking. I understand it's a school, but you have to look at the on-street parking. Second, the issue that comes up a lot with giving waivers is when the road gets improved with the other side by a developer, this side of the road doesn't get a sidewalk. If someone has to improve the roadway in front of their lot, they are only required to put in sidewalks on their side. That's why Oak Street corridor has so many gaps with sidewalks. People only put in their side, and on the other side they had a waiver for the road. Whatever you do, make sure the sidewalks at least are put in. Nothing will be wrong for now if it's wilderness. For a boys' high school, my teacher took us on walks explaining things. It would be a nice walkway to take the boys on. Regardless of the roads, think of the sidewalks in case the road is going to be improved.

Mr. Herzl closed it to the public.

Mr. Jackson asked about the case Mrs Weinstein cited, Amato vs. Randolph. He said Mr. Flannery, the side streets, would there be any benefit to the applicant to alleviate congestion, to using the side streets for loading and unloading.

Mr. Flannery said no, we didn't ask for a parking variance and we provided excess. With the facilities provided, I don't see why anyone would be parking on those streets. It would be a detriment to people living behind to encourage that. There is a no parking and loading zone all along the front of the school. This applicant would have no use for the side streets.

Mr. Jackson said regarding the case law, this is judge Pressler where the Board did try to force this checkerboarding. And he said, in our view it is inappropriate for this simple two lot subdivision to be burdened by this concern. Apparently the Planning Board is trying to achieve by this street improvement the ultimate piecemeal construction of the full length of this lane. It's only achievable if the development along that street is taken in chronological succession by each property owner in turn. This is patently unlikely and may also be seriously questioned whether the ultimate objective of a single family fully approved street can be achieved in a patchwork fashion through half-width construction with different contractors and different times. IT seems the applicants should be treated on an individual basis. If an owner along the lane to the north were to apply in the future, that would be the time to have the street installed as a single project perhaps as a local project with a local assessment.

Mr. Isaacson said how is that enforced.

Mr. Jackson said you have to look at the needs of this specific lot and whether the street improvement would benefit this lot. That's why I asked Mr. Flannery if there were any advantage for the cars to come off Chestnut.

Mr. Herzl said Brian testified Chestnut is a County Road. Doesn't the County prefer access to be on a secondary road.

Mr. Flannery said the NJDOT tries to do that. On a County road, the County has standards and if you meet those, they'll give you the approval. In this particular case, its better to have the one way in and one way out.

Mr. Vogt said County Engineering is going to look at this project. If they don't agree that Chestnut is acceptable without the side streets, they will deny it.

Mr. Herzl said the other school has frontage on Chestnut?

Mr. Flannery said yes, but they can only access through Caldwell because wetlands blocks their access.

Mrs. Weinstein said that school had all the more reason to pave Caldwell because of that stream blocking their access to Chestnut. And the Board did not require that school to pave Caldwell, 5 or 6 years ago.

Mr. Stern said if we required half a street, what does that look like?

Mr. Vogt said you typically have 15' that adjoins the property up to the center line of the road.

Mrs. Morris said she spoke with the Township Engineer about that and he simply said it's not done, it's impractical. I don't know what the legal abilities are of the Board to install a full road, or what they can do about requiring an improvement that isn't to Township standards.

Mr. Stern said we have sidewalks in Lakewood, and it is patchwork. Isn't that how it's done here?

Mr. Jackson said I think sidewalks is different from roadway. If you want sidewalk or a road, then that isn't afoul of what Judge Pressler said.

Mr. Vogt said I would say sidewalk, I would qualify curbing because a lot of times that's tied to the design of the road.

Mr. Sable said the boys from the yeshiva stand on the road there and hitchhike. That road going into the yeshiva is a disaster. I think its time for a road, at least half. That road deserves a roadway.

Mr. Jackson said the Board is deliberating, they should hold that for after public portion is closed.

Mr. Farrell returned. He said I know the people before me did a good job of summarizing the issues. I think it's important to put everything in context. We aren't here for final approval of a project. As it stands, the yeshiva is going to be built pending other approvals. I think it's fair to ask why we are here for a waiver. We are here because sidewalks are important, roads are important, traffic and congestion are an issue. A second yeshiva in the area that's going to have at least 100 students every day... It's the intention that the school isn't going to use these roads for drop off and pick up, but I think that's premature. When you're dealing with secondary schools, that is a lot of kids and a lot of kids that make their own decisions and its hard to coral them and keep it orderly. Across America, secondary schools have paved roads surrounding them. It's a safety issue for the school and the community. Its important this is being heard because it's not automatic. They have a burden to tell you why the rules don't apply to them. I think it's important that you're going to significantly change this property from residential to education, it's important to improve the areas around the property as the ordinance requires. I know Ms. Weinstein cited Judge Pressler, but that was in 1982 in rural Morris County when there wasn't much development in the area. It's 2020, and there are concerns about traffic, congestion, and pedestrian safety. This is not a big ask, for such a dramatic improvement on the property, to bear the burdens of safety for the community.

Mr. Herzl asked to which streets he is referring.

Mr. Farrell said I'm referring to all three. Mr. Herzog has specific concerns about Caldwell. Parents tend to use side streets to drop off their kids, that's common and happens no matter what their intention is. It's a second yeshiva in the area abutting a busy congested County road. The Board has to use discretion here in relieving them of their duty to improving the streets around it.

Mr. Herzl closed to the public.

Mrs. Weinstein said the Amato case still provides precedent. The basis of the case is to say precisely what our case was, that the Town shouldn't be forcing checkerboard development of the roads. I would say Mr. Herzog isn't just here for the safety of the school, he is potentially here because he owns ten plus acres behind this property and had a recent denial of an application to the Zoning Board where they said he had to pave the road. I ask the Board to understand that this is a yeshiva, they don't have a lot of excess funds. They will have 100 students. Traffic to here will be at 7am and 10pm. Paving these roads will benefit the objector's property much more than the yeshiva.

Mr. Jackson said that Amato case is for a subdivision, this is a site plan. It's a slightly different animal.

Mr. Herzl said to sum it up, we are talking about three streets. Our question is should we grant the waiver on improving the roads and installing sidewalks for any of the three.

Mr. Sable said when you say their half, can we require them to do full or only their half?

Mr. Stern said that's why I asked Ally, I've never seen half a street.

Mr. Herzl said I don't know if they should do half a road, or could they give money pro-rata towards the cost of it for their share when it gets done?

Mr. Jackson said the pro-rata share is for off-tract improvements that are necessitated by this development.

Mr. Herzl said so the first half is on-tract.

Mr. Jackson said yes, and the second half is off-tract.

Mrs. Morris said I think the Board's options realistically are to require the roadway improvement full-width, or grant the waiver from doing such. I believe there is an Ordinance for off-tract improvements for the applicant where they may then turn around, if you require them to do full-width, they could say we want to build our half and then submit our pro-rata share for the other half. But that's a separate animal and that distinction should not be part of the Board's decision.

Mr. Sable said so we're not voting on halves, we are voting on yes or no.

Mrs. Morris said I think that's wisest given that the Township Engineer says you can't build half a road. Township Ordinance standards require a 32' road, I don't know that you can require just a half.

Mr. Herzl and the Board discussed the pro-rata share option for the off-tract half of the roadway.

Mr. Sable said so it's either full or nothing.

Mrs. Morris said and how that is accomplished with fees or whatever is decided later on.

Mr. Sable said and regarding sidewalks, could we put the other two besides Caldwell in a fund or something.

Mrs. Morris said no, there's no ordinance provision that we are aware of for that.

Mr. Jackson said there is no option for that.

Mr. Stern said what would you say the economics of the total project we see here, what percent to their budget would requiring a road and sidewalks for this portion of Caldwell be?

Mr. Vogt said I can't say for sure. The cost to them to install privately is less than if the Township were to do it. There's a whole bunch of additional requirements for the Township. But I don't have enough information to calculate that. But they would be different.

Mr. Stern said so let's say it's private, is it 5%, 30%, 1%...

Mr. Vogt said I don't know the cost of the project. For ballpark sake, hypothetically they could do it privately for \$100,000 and public would be \$150,000. I don't know the cost of the project so I can't give you that ratio.

Mr. Sable said sidewalk would be only on their side.

Mr. Vogt said if it's their side only, the literal interpretation, the half-width would be 15' wide.

Mr. Sable said we were just told they have to do the full 30'.

Mr. Herzl said I think what she said is they can do their half and pay pro-rata for the other.

Mr. Vogt said if we're talking about areas with multiple developments, we are working with many timetables and developments. We get into things like temporary cul-de-sacs and such because of multiple entities. I don't know of any legal requirement; I was always taught it was half-width. And the Town could ask for off-tract improvements that could include the second half.

Mr. Sable said so can we require them to put in sidewalk on the other side?

Mr. Vogt said I'm not aware of any requirement to do that.

Mr. Stern said is there such a thing as asking the school to put money in escrow and in a couple of years if the road doesn't get developed those monies get returned?

Mr. Jackson said if there were an Ordinance for that, but I don't believe there's an Ordinance.

Mr. Stern said it doesn't make sense to make them pay for a road that isn't going to be built.

Mr. Jackson said I think that's the dilemma here. Your inquiry should focus on whether their use drives the need for a roadway. Would it ease traffic congestion or provide more parking?

Mr. Herzl said another road is always beneficial. The question is, is it fair to make this applicant pay for it.

Mr. Sable said if we make the entrance off of Chestnut, so only the out is on Chestnut, the in could go from Caldwell. It would make less off of Chestnut.

Mr. Herzl said we aren't talking about that; they are already approved for that.

Mr. Vogt said if the County looks at this project and they say the entrances are too close, they are going to send them back to the Board.

Mr. Flannery said you keep asking what you can require, but if the applicant agrees you can do something that's a compromise. I heard can we do just sidewalks, or can we put up money, and those things if the applicant agrees we can do.

Mr. Stern said here's an idea. We have a gravel street. If we have sidewalks and a curb... People are going to be parking there. Let's have the gravel street but impose the cost of a curb and sidewalk on Caldwell on one side.

Mr. Flannery said the applicant is agreeable to do that. I suggest for the sidewalk a meandering path, subject to the Engineer.

Mr. Sable asked what that means.

Mr. Flannery said it goes around the trees and looks nicer. If the Board doesn't like it, sorry I mentioned it.

Mr. Sable said I'd like to see a whole roadway for Caldwell for this section.

Mr. Flannery said this yeshiva feels like that would be a detriment. The other yeshiva is the ones who would use it.

Mr. Stern said if they ever come back to us, we can have them install it.

Mr. Flannery said if that yeshiva wanted a road they could request from the Committee and the Town would assess both yeshivas for their half.

Mr. Jackson said if there was a municipal assessment. That requires a lot of political will.

Mr. Vogt said I want to understand what's been put on the record as far as the gravel road. That's a Township right-of-way so it has to be to Township standards. Curb at 15' from centerline, gravel at 6" DGA or something suitable.

Mr. Herzl asked for a motion.

Mr. Sabel made a motion to approve with Caldwell finished with curb, sidewalk, and a roadway.

Mr. Jackson said that's to grant the waiver for everything except Caldwell, where the Board requires full width paving with curbs, and a sidewalk on their side.

Mr. Sabel said if another yeshiva comes in, this has to get finished. Fulton and Lambert. Mr. Isaacson seconded. Mr. Stern nay, all others affirmative.

Mr. Jackson asked for the record where the waivers were granted.

Mrs. Morris said Fulton and Lambert.

**1. SD 2063 Eli Schwab**

Joe Parker Road                      Block 189.16, Lot 157  
Extension of Minor Subdivision to create three lots

Mrs. Morris said we heard this last time, there were questions about for how long a minor subdivision can be extended.

Mr. Jackson said I've always struggled with this extension issue. With a minor subdivision, under subsection B of 40:55D7 the Board may extend the 190-day deadline for filing if the Board is satisfied with the applicant's efforts and delays. So, the thing is, it's "may," and the timeline is indefinite. Under subsection G, and applicant has a by-right entitlement to an extension. In that circumstance, they have to apply before the expiration. The applicant must show they were delayed in obtaining approvals that they pursued with due diligence.

Mr. Schmuckler said in this case we needed an off-tract easement for the County. It took us some time to get, and when we finally submitted it to the County, they misplaced it. We are working to resubmit it soon.

Mr. Jackson said we can only extend 190 days from now.

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

**2. SP 2290 Yeshiva Chemdas Hatorah**

317 Cross Street                      Block 440, Lots 7.02, 56, & 60  
Preliminary and Final Major Site Plan for a school campus

This application was tabled until further notice. The Board discussed the ramifications of keeping an application "tabled" indefinitely and for how long it's possible to do that.

**3. SP 2340 Ave of the States Office Urban Renewal LLC**

Avenue of the States                      Block 961, Lots 2.02, 2.03, 2.07, & 2.12  
Preliminary & Final Major Site Plan for an office building

Mr. Vogt said under submission waivers, include C65 plans and profiles of utility layouts, EIS. We recommend waiver of profiles for hearing purposes with the understanding that if approved our office will get requested information in compliance. For EIS, there are existing conservation restrictions and the property has been looked at already by DEP as part of the CAFRA process, so we can support that waiver.

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 under parking, our understanding is there is parking to be installed up front and other spaces that were considered to be banked. In the absence of banked spaces it's a variance condition, with the construction of those banked spaces they satisfy the requirement for Lots 2.02 & 2.03. For Lot 2.14, our interpretation is that 341 spaces are required and 260 spaces are proposed. For the bank parking spaces, 509 are proposed whereas 549 are required. Front yard parking setback variance is required for Lot 2.14. For SP 2340A there is a side yard setback variance for two of the lots, 2.02, 2.03, as well as for 2.14. Rear yard parking setback is required for Lots 2.02 and 2.03. Under design wavier, perimeter buffer relief is necessary. And there is a design waiver required for constructing off street parking on an adjacent lot unless there are cross access easements.

Mrs. Miriam Weinstein, Esquire appeared on behalf of the applicant. She had Brian Flannery sworn.

Mr. Flannery said I have three exhibits. A-1 is a rendering showing the proposed new building and the existing building on Lots 2.03 and 2.02. A 2 is a copy of this plan. A-3 is a rendering of the new buildings. I'm sure the Board is familiar with the nice bldg. out there now. This building is equally nice. In Terry's report, they are permitted uses. With respect to the banked parking, this applicant is going to ensure the banked parking spaces are completed. There will be cross access easements. We are providing parking sufficient for the two sites. There's no need for a buffer along the lot line between the two sites.

Mr. Herzl asked what the banked parking spaces are.

Mr. Flannery said for the first building there were additional spaces that haven't been built. With this application, they will be built. These are two interconnected lots so they don't need a buffer and they share the parking.

Mr. Jackson questioned the ownership of those banked spaces.

Mr. Flannery said they are the same owners, and can also provide the cross-access easements. When you look at the combined sites, based on the architectural submitted, we have to have a slight reduction of sf on the fifth floor but there is no parking variance required.

Mr. Jackson confirmed with Mr. Flannery that they would provide cross-access easement documents for review during resolution compliance.

Mr. Isaacson asked how much they are reducing the square footage.

Mr. Flannery said the combined parking on the sites will be 509. 549 is required, so we will shrink the size of the building. 40 spaces is 10,000 square feet. Terry's report also talks about handicapped spaces. So there will be adjustment, and if there are changes to the number of parking spaces provided, we will modify the building as needed. The size of the building during resolution compliance will be limited to 250 square feet times the number of parking spaces.

Mr. Jackson asked what that will do to the look of the building.

Mr. Flannery said it's just the top floor of a five-story building. The building has some dimensional change in it. I'm a licensed architect, and I think it will look beautiful.

Mr. Vogt said I'm hearing that the fifth floor you may have rectangular areas of 20,000 square feet. That fifth floor, you're going to develop what you are able to justify complies with parking. So the fifth floor may not be fully developed. We do this with schools a lot. We go back and forth and balance.

Mr. Jackson said isn't the point to design the building to meet the requirements? Usually that's how it's done. It seems like you're saying we'll design the building later.

Mr. Herzl said it's a minor change.

Mr. Isaacson said it's an incomplete application to me. 10,000 square feet is not minor.

Mr. Flannery said the architectural plans are complicated to look at. It's really the elevations you look at, and you rely on your Engineer.

Mr. Isaacson said I see a building with two separate elevators. Where are you removing the fifth floor? Highlight what you're taking out.

Mr. Flannery said all four floors will remain as shown. The top floor you can see...

The Board discussed the elevation of the building.

Mr. Jackson said usually these things work, you figure out how many parking spaces you have and then you determine the size of the building. This is unusual. Why wasn't it done that way?

Mr. Flannery said this was an ongoing process. The design engineer designed the site for the correct number of parking spaces, but then it was discovered that the impervious coverage exceeded the allowable impervious and they had to make some changes. So the question was to exceed the impervious or request the parking variance, which obviously the Board doesn't want so we've agreed to reduce the building. As Terry said this is something done for schools often.

Mr. Jackson said I think the Board needs final plans to review.

Mr. Sable said you had over a month to design these plans, there was time to get it done.

Mr. Flannery said well the site isn't going to change, what's going to change is the building. And that review is mostly done by the professionals, and it would help to get the ratable online sooner.

Mr. Stern said it's not that we don't want the building.

Mrs. Morris said I'm sorry to interrupt, but I have the plan review meeting notes from August where the applicant was told that there was a potential parking variance and that the plans were unclear. At that time the applicant indicated that they would be revising the plans and coming back without the need for a variance.

The Board discussed when they could receive revised plans.

Mr. Flannery said ten days before the next meeting.

Mrs. Morris said and then Mr. Vogt needs time to review them.

Mr. Vogt said we are talking about the architecturals. If the Board is comfortable with everything else, consider acting on it and holding the resolution until the architectural plans are done.

Mr. Isaacson said how about we listen to the application and don't vote on it. They should come back with complete plans.

The Board discussed.

Mr. Flannery said we'd like to come back in two weeks. We can email the plans to Terry.

Mrs. Morris said if tomorrow is the ten-day deadline you can bring them to me tomorrow.

Mr. Jackson said many times in an application like this the applicant will come in with very complete architecturals that are often scrutinized. We have the elevations but the floor plans are completely wide open.

Mr. Flannery said in an office building like this we don't know what users are going to come in and what their needs are.

Mr. Stern said we need complete plans.

The application was tabled to the February 4<sup>th</sup> public hearing and a legal announcement was made as to the same.

**4. SP 2347 Yeshiva Yaaros Devash**  
1420 Oak Street Block 1159.01, Lot 33  
Preliminary & Final Major Site Plan for a school

Mr. Vogt said submission waivers include traffic study and proof of submission to Ocean County Planning Board, information within 200', plans and profiles of utility layouts, and an EIS. Applicant should give testimony on the traffic study waiver. We agree with the waiver for submission to County planning; we also feel based on the size that it's exempt. For information within 200 feet, we can support that. Stormwater profile waiver, we can agree to this for hearing purposes that with the understanding that they will provide during compliance if approved. We support EIS since it's already built.

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

Gerald Klein, Esquire, appeared on behalf of the applicant.

Mr. Flannery appeared on behalf of the applicant. He said the issue of traffic with respect to this site, this school previously was in the neighborhood. They outgrew their previous site. It's the same school coming back in. We are on Oak Street, a 66' right-of-way, it goes right out to New Hampshire. A traffic report is going to give you the number of cars and trips, all of which is very typical of the schools. The traffic all worked previously with the school there so we were hoping the Board would waive that requirement.

Mr. Jackson said what information might a traffic study give the Board that would assist them?

Mr. Flannery said it's gonna indicate the number of trips that would be generated, which is basically the staff and a couple buses. The traffic is at the beginning and end of the day, and it's off-peak times for work trips.

Mr. Jackson asked for an estimation of the trip generation.

Mr. Flannery said very low. 50 to 100 trips per day.

Mr. Jackson said you think that's what a traffic study would show.

Mr. Flannery said yes. And that a school was here already of that size, it's not going to alter anything. If more information is needed after we open the application, then maybe we need something more in that case.

Mr. Herzl said what if we got a traffic study that says it's a level F? Could we deny it?

Mr. Flannery said no. Everyone who gives them has to do them for the County anyway. But in this case we don't have to submit to the County, so it would be an extra unnecessary expense. It was only added to the checklist 2 or 3 years ago.

Mr. Jackson said my recollection is people were getting upset that the Board was reviewing without traffic studies. However given Mr. Flannery's testimony you have to decide if it can be waived or if they have to come back at a later date with it. As pointed out, it's a permitted use and an inherently beneficial use.

Mrs. Morris said I think a lot of the concern with this application is how the site is being accessed near that intersection, and not necessarily the number of cars or the delays at the intersection. Direct testimony on that may be more useful in this particular instance.

Mr. Vogt continued, under zoning, a variance is required for front setback on Marlin, also for perimeter buffer for adjoining residential. There is screening proposed and the Board will evaluate whether that is adequate. Relief is required for parking within the buffer, since that's 900 section, which is zoning, it is interpreted as a variance. Also for location of bus loading and unloading, again, also section 900. We had comments about possible alternatives. Under design waivers, there is a driveway to the main parking lot that is 20' from the Oak Street intersection but not less than 30' is the code requirement. Also for greater than 30' residential driveway, its proposed at 70' which is common for schools. Finally, waiver for bus parking width of 8' where 12 is required.

Mr. Flannery said the only variance we are requesting with respect to the building is the front corner on Marlin. Because it's a school, 50' rather than 30 is required. We have that at the back corner. The angle and dimensional relief make that variance, that classifies for C2 variance. I have 6 exhibits. A-1 and A-2 are colored renderings of alternative layouts, relating specifically to the parking areas.

Mr. Herzl asked which has less variances.

Mr. Flannery said A1 or 2 if interpreted that way. A-3 is the tax map. A-4 is the application that was submitted with a two way on Oak and a two way on Marlin. We have 16 spaces where 15 are required. We show the bus unloading area which is adjacent to parking spaces, so the Ordinance says the students shouldn't have to cross parking spaces. To do the alternative, we have to make it a one way in Oak and out on Marlin. A-5 (aka "D") was suggested by Dave from RV. D for Dave. It's one way in and one way out, and he's created enough space for parking in the front. It has 15 parking spaces.

Mr. Vogt said one of the benefits is that the bus staging area doesn't conflict with parking.

Mr. Flannery continued, A-6 (aka "E") is one way but adds more parking spaces for 19, but you're back to parking spaces next to the bus.

Mr. Herzl said parking next to buses is conflicting.

Mr. Flannery said it has its drawbacks. I think in a school they can figure that out.

Mr. Herzl said Oak is a pretty busy street. One way may be safer, coming in on Oak and out on Marlin.

Mr. Flannery said I defer to Scott Kennel on that. We will satisfy the comments in the rest of the report. On the variances, we are asking for front yard setback which I explained is just for the corner. The variances are on all three, the only thing changing is the parking. The 20-foot-wide buffer, we feel we are meeting the intent of the Ordinance. We have 20 feet on both sides, and we don't meet it because we have the trash compactor in one and the parking in the other. But we are providing landscaping and fences and are providing the fence the neighbor asked for.

Mr. Sable said the building is not in the side?

Mr. Flannery said no we are hoping the landscaping and screening is to the satisfaction of the Board. Parking is in the buffer as well. There is a variance for bus loading and unloading. Master Plan of 2017 page 7 says encourage growth development in appropriate locations consistent with established land uses and encourage development and redevelopment based on smart growth planning principles. The Municipal Land Use Law says encourage municipal action to guide appropriate use of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. This is an inherently beneficial use. These are C2 variances and I believe we meet all the justification. There is nothing I don't agree with in Terry's report.

Mr. Vogt said talk about the school in terms of number of students, buses, and staffers.

Mr. Flannery said it's a boys' high school, we anticipate 4 classes, 25 a class, so that's 100 students, 2 buses, 6 staff, very limited impact on traffic. Buses come at 7:30 and leave at 9pm. Not when there is heavy traffic. We will get DPW approval for trash and recyclables or it will have to be private. HVAC will be on the roof and screened. Landscaping, to save time we agree with the Shade Tree Commission's recommendations. Other than that, we will comply.

Mr. Stern said there will be 4 classrooms and 6 teachers?

Mr. Flannery said yes, 6 staff.

Mr. Stern said finished basement has a classroom and 2 offices, first floor has 3 classrooms, 2 offices, and a teacher's room. On the second floor, 4 classrooms, a teacher's room, a room, and 2 offices. So mental math, that's 11 classrooms and 6 offices.

Mr. Flannery said I didn't mean 6 classrooms, I meant 6 classes. We are maximizing at 100 students.

Mr. Stern said Newton's sixth law is that all yeshivas expand to fit their space.

Mr. Herzl said they are maximizing at 100 students; they can't go over that.

Mr. Stern said says who?

Mr. Flannery said the concerns are about parking and we meet the parking requirements based off the number of rooms, not the number of students.

Mr. Herzl said but if you have eleven classrooms and you go up to two hundred students, you're going to have twelve staff.

Mr. Stern said it's not so much car-wise, but if we maximize this use you're not going to have enough parking on site, your buses are going to conflict, and all that traffic is going to be backing up onto Oak Street.

Mr. Flannery said the applicant says it's going to be 100, and again we are down to a traffic concern, maybe Mr. Kennel would be better to testify. Even if there were 200 boys, the buses don't come all at the same time and there's room on the property for two buses to stack.

Mr. Stern said you have 8 classrooms, you testified there are only 4 classes. Why?

Mr. Flannery said different studies in each room, but if you want testimony on that...

Rabbi Shabsi Brody appeared and was affirmed. He said the nature of the school is that we start at 7:45 at morning prayers. Having been in the neighborhood for quite a while, it's very quiet. With most of the elementary schools on the other side of Oak Street being elementary schools, at 7:30...

Mr. Herzl said the question is about the classrooms.

Rabbi Brody said they aren't classrooms. They were labeled classrooms, but really the two upstairs are library.

Mr. Sable said we already have a library and a game room. 195 square feet.

Mr. Brody said our bookcases downstairs are too far to carry the books.

Mr. Jackson said these extra rooms, when there is pressure on you to accept additional students, what do you think will happen to those?

Mr. Stern said 700 square feet, that's a very big library

Rabbi Brody said we aren't doing parallel, there is no high school in Lakewood that does parallel.

Mr. Herzl said are you willing to deed restrict it to 4 classrooms, no parallel classes and no rentals.

Mr. Brody said yes.

Mr. Stern said that would be privately enforceable.

Mr. Flannery said the deed restrictions go in the records, and then they come up on title reports. They are difficult to remove.

Mr. Jackson said I agree with you, I don't like them either. I think it's a fantasy. But I think it also brings the point to a head, if you have those rooms they are going to have classes in there.

Mr. Stern said you can't testify that there are 4 classes and 8 classrooms.

Mr. Flannery said I think the Rabbi has a good reputation but if the Board is more comfortable, I will say it has 200 kids and 8 classes. It still meets the Ordinance.

Mr. Herzl said I would like to hear from Mr. Kennel if the site can handle 4 buses.

Mr. Klein said the school is not a new school, it has already been operating at the site. Rabbi Brody's testimony should be taken into consideration that he doesn't intend to expand.

Mr. Sable said I have seen other schools rented out.

Mr. Stern said we have to look 20 years in advance when someone else has the school and they maximize the site.

Mr. Herzl said I like Dave's plan with the one-way circulation.

Mr. Scott Kennel, McDonough and Rea Associates, traffic consultant, appeared and was sworn. He said I agree with the one-way circulation instead of two driveways. Ingress only from Oak with egress onto Marlin is a better plan, either D or E. As far as the waiver on the traffic study, the peak traffic conditions occur from 8:45 to 9:45 am so the classes are off-peak. The volumes are basically 50% of what they are in the morning. Evening dismissals are after 8:00, and the peaks are 3:15 to 4:15 which coincide with the dismissals for elementary.

Mr. Herzl said can we make a motion to restrict this for a high school only.

Mr. Jackson said you can, but I don't see how you can prevent or enforce that. I don't see a legal distinction between a high school and a grammar school.

Mr. Stern said this building is going to be here for 50 years. We have to assume the owner is going to change.

Mr. Kennel said in my experience, staggered start times and dismissal times would accommodate the additional buses.

Mr. Herzl said how many buses can you fit on the one-way designs.

Mr. Kennel said comfortably two, possibly three. I recommend E, the one with the one-way and additional parking. You could designate the conflicting parking spaces as staff parking.

Mr. Vogt said regarding the last option, Mr. Kennel does that not impact circulation?

Mr. Kennel said no, the only difference is we have parking closer to the building and if they are designated for staff then they won't have turnover. From a level of service, give the operations at off-peak hours, the intersections around will not be negatively impacted by this school. At four buses with staggered drop offs, it would still only be 40 trips and not a significant impact. A traffic study is not warranted, and the one-way design is a safe application.

Mr. Sable asked about a left turn onto Marlin and then left back onto Oak.

Mr. Kennel said based on the position offset from Oak Street, a bus should be able to make a left turn and stage itself in that northbound lane. There's 45 to 50' there.

Mr. Sable said a bus is 50', so how is it possible to make that turn without blocking Marlin?

Mr. Kennel said Marlin is 30' wide, a vehicle would have room to bypass a bus waiting at Oak Street.

Mr. Sable said I don't see how the bus would not be blocking the southbound of Marlin.

Mr. Kennel said you could have Marlin as the ingress and Oak as the egress.

Mr. Herzl said a left on Marlin is safer than a left on Oak. I hear Mr. Sable's concern.

Mr. Kennel said we could make it a right-turn-only for buses onto Marlin, and they could go to Marlin and use that to Salem up to Albert or directly out to New Hampshire.

Mr. Herzl said can we make it only a right-turn out on Marlin for all vehicles because it's too close to the corner on Oak?

Mr. Kennel said that's the Board's prerogative.

Mr. Sable asked about RSIS requirements about intersections being close to each other.

Mr. Vogt said this is isn't residential so RSIS wouldn't apply. I think a right-turn-only exit is probably safer.

Mr. Herzl said can it be right turn in only as well?

Mr. Kennel said that would force people from New Hampshire to go further west and make a U-turn somewhere. There is a traffic signal at Albert that provides gaps, and there is a shoulder. Keeping left turn in is advisable.

Mr. Isaacson said how are you going to enforce that.

Mr. Kennel said we will modify the curb return and add signage.

Mr. Stern said can we add a traffic island to force it?

Mr. Kennel said we will modify the curbing on the north side. We still have to fit buses.

Mr. Vogt said I think what we're talking about is an island with a mountable curb.

Mr. Kennel said there's really not an island because it's egress in only. So we are going to shape the exit to direct traffic.

Mr. Isaacson asked about bollards.

Mr. Sable said we had this on New Hampshire. We were promised no left turns and it's still happening over New Hampshire and it's crazy dangerous. I don't know if we can trust this kind of design, school buses on a daily basis do it.

Mr. Jackson said this is one of the issues we run into, this is a debate and a deliberation and it's hard to know where the Board is on a particular issue.

Mr. Vogt said we do a lot of capital work. What we do if we aren't sure if something is going to work, we deal with Traffic and Safety. I recommend it being right turn exit only, with curbing or whatever to try to direct out, but we can look at the design with Traffic and Safety personnel. They are the institutional knowledge.

Mr. Sable said whatever their knowledge is, it doesn't really work. The Board should take that into consideration, a bus provably will find a way to make a left on Marlin.

Mr. Vogt said they'll be jumping the curb.

Mr. Sabel said they do that on a daily basis.

Mr. Herzl said they can't do that, there will be cars parked there. It's a parking lot.

Mr. Sable said there's a nice curb at the corner.

Mr. Kennel said we can modify it over here, and channel the movement.

Mr. Stern said we are leaving it to the graces of good bus drivers. Something concrete.

Mr. Herzl opened to the public.

Mr. Moshe Zeines appeared and was affirmed. He said I vote D for Dave on the layout. Having the buses blocking the cars doesn't work at Bais Rochel or Bais Faiga, it's not going to work here. D for Dave. The other question is, Marlin is a 30-foot-wide road. Along the school frontage, would the Board want Marlin to go to a 32' wide road? You're going to have buses stacking up on Marlin.

Mr. Sable said no, because it's a right out only.

Mr. Zeines so going out onto Marlin, it's going to be a narrow road. At that part, could we have Marlin widened to the standard of 32' wide.

Mr. Flannery said we are already proposing widening there.

Mr. Yosef Magid appeared and was affirmed. He said I am a neighbor and want to express my support. I live on Towers Street. If there's going to be 100 or 200 students, if you view it for 100 students, knowing Rabbi Brody, he will ultimately end up extending this project to include other lots which will help with parking and access. The school ultimately will end up expanding their facilities.

Mr. Yaakov Botnick appeared and was affirmed. He said I am a neighbor on Oak Street. I'll be a good neighbor and I'm looking forward to having these neighbors. Two concerns, they've agreed to accommodate me on fencing which should be contingent on this plan. Between our two properties. 8' fencing is what I would ask for. Additionally, I have a handicapped kid and I want to make sure there isn't going to be a safety concern for bicycles with an entrance and exit near my driveway. Perhaps they can close that entrance on Oak Street off and just have buses pull over on Marlin to drop off.

Mr. Sable said and the five parking spots, you could put them in the parking lot.

Mrs. Morris said it is a separate variance that would be required because the Ordinance requires that they provide bus loading and unloading on the property.

Mr. Sable said instead of the 5 parking spots on Marlin, we could make a small in and out onto their property for the buses.

Mr. Herzl said make an indentation on Marlin.

Mr. Botnick said if this doesn't work, that's ok. But it should be studied to do it the most responsible and safe way.

Mr. Herzl said is it possible you have room to put two buses there in front of the school?

Mr. Flannery responded away from the microphone.

Mr. Botnick said if this isn't feasible I'm ok, but I appreciate it being looked into. I also think the school should be limited to a yeshiva, Rabbi Brody said he was ok with that. I don't want to back up the parking along Oak Street. For a yeshiva it shouldn't be an issue. A school (elementary) would have much more traffic on the street.

Mr. Herzl closed to the public.

Mr. Sable said 4 classrooms basically are for storage. Could they be open space? Can they come back and finish it later?

Mrs. Morris said if it's open they could just go to the building department later and finish it off.

Mr. Jackson said unless it's a condition of approval.

Mrs. Morris said unless you specify that it's to remain open for storage only.

Mr. Sable said so let's leave it open.

The Board discussed the number of rooms.

Mr. Herzl polled the Board on the potential layouts.

Mr. Sable said E with the buses on the side.

Mr. Stern passed.

Mr. Isaacson said D or E.

Mr. Meyer spoke away from the microphone.

Mr. Sable said I would like to see a revised layout before we vote on it. This is too close to the corner.

Mr. Herzl polled the Board on whether they are ready to act or not. Mr. Sable said no, the rest said yes.

Mr. Jackson asked for clarification on the buffers required, as well as the turning movements.

Mr. Isaacson said my motion will be to look at the possibility of closing Oak Street. I think that's a good idea if it works.

MR. Jackson said I don't think that's the type of thing you can delegate.

Mr. Isaacson said I would vote to approve E, but during resolution compliance to look at the idea of closing off the entrance on Oak Street and having the buses loading and unloading on Marlin. And the curbing will be raised to encourage a right-turn only if E is adopted.

Mr. Jackson said what about the bollards?

MR. Isaacson said whatever you can use to encourage the right-turn-only.

Mr. Herzl said Terry said he would consult with traffic and safety.

Mr. Vogt said I don't know if closing off Oak Street is a good idea. I like the in from Oak, out off of that. We are going to look at channeling the curbing for traffic control, and as an extra assurance we can have Traffic and Safety look at it. That's the best option.

Mr. Sable said better than having the buses only staying on Marlin?

Mr. Vogt said I don't know how you can restrict access to Marlin. I think it's problematic. In through Oak and out through Marlin is better.

Mr. Isaacson said I approve E circulation with the stipulation that it should be looked at to see if we can close off Oak Street and only access on Marlin.

Mr. Vogt said you can talk about loading and unloading on Marlin, but you still need vehicular access to the site.

Mr. Isaacson said E does not incorporate loading and unloading in the parking lot?

Mrs. Morris said E does, but Terry is offering an in-between with buses only on Marlin but keeping Oak Street open for other traffic.

Mr. Isaacson said no, either Oak Street is open for all or closed for all.

Mr. Vogt said I think closing Oak Street is unrealistic. My recommendation is to keep it open. We can look at E as well as the feasibility of loading and unloading only. Regardless of whether you load off Marlin or on the site, you still need access to the parking spaces.

Mr. Isaacson said yes, you can access them from Marlin.

The Board voiced concerns about a bottleneck on Marlin.

Mr. Herzl said I think if we're going to vote on D or E we should vote on it. If we're changing the plan, we should have them come back.

Mr. Sable said we're giving them a blank check.

The Board discussed.

Mrs. Morris said I think there are too many options and the Board isn't agreeing.

Mr. Isaacson said I make a motion to approve the project with E, forcing a right-turn out onto Marlin.

Mr. Sable said we didn't discuss simcha hall or making it only a high school. I'd love to wait and have the applicant come back, otherwise I will have to say no.

Mr. Meyer seconded. No: Mr. Sable. Yes: Mr. Stern, Mr. Herzl, Mr. Isaacson, Mr. Meyer.

**5. SP 2356 1215 Paco Way, LLC**

1215 Paco Way

Block 1160.04, Lot 47.03

Preliminary & Final Major Site Plan for a warehouse

This application was carried to the February 4, 2020 public hearing. A legal announcement was made as to the same.

- 6. SD 2427 David Kahan**  
12 Omni Court & 15 Sylvan Court      Block 411, Lots 3.21 & 69  
Minor Subdivision to create three lots

This application was carried to the February 4, 2020 public hearing. A legal announcement was made as to the same.

- 7. SD 2426 David Holtz**  
1466 & 1484 Read Place      Block 855.03, Lots 17 & 20  
Minor Subdivision to create five lots

This application was carried to the February 4, 2020 public hearing. A legal announcement was made as to the same.

- 8. SD 2422 Bais Pinchos**  
1947 & 1951 New Central Avenue      Block 11, Lots 117 & 120  
Preliminary and Final Major Subdivision to create 7 lots and Preliminary and Final Major Site Plan for a school accessory building

This application was carried to the February 4, 2020 public hearing. A legal announcement was made as to the same.

- 5. APPROVAL OF MINUTES**  
**6. APPROVAL OF BILLS**  
**7. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary