

## 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. Flancabaum, Mr. Herzl, Mr. Rennert, Mr. Meyer, were present.

Mr. Dave Magno, P.E., P.P., C.M.E. was sworn.

## 3. PUBLIC HEARING

### 9. **SD 2408 Avraham Green**

*105 Linden Ave & 154 Somerset Ave Block 189.30, Lots 156 & 157*

*Minor Subdivision to create five lots*

*The Asbury Park Press did not publish this notice. This application will be carried to the December 17<sup>th</sup> meeting.*

Mrs. Morris said that mailed notices were sent for this application, however the Press failed to publish the requisite notice. She recommended the Board carry the application to December 17<sup>th</sup>.

Mr. Jackson announced that this application would be carried to the December 17, 2019, public hearing.

### 3. **SD 2117 Meyer Gross**

*1844, 1852, & 1880 New Central Avenue Block 11.02, Lots 9, 10, & 27*

*Extension of Major Subdivision to create 5 lots*

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said this application is a major subdivision, owned by three different owners. There were some complications getting them all on the same page, which caused the delay. At this point the bond has been posted, the developer's agreement has been filed, and the HOA documents have been filed, and the map is ready to be filed. She presented Mr. Joseph Kociuba, P.E., P.P., who was sworn.

Mr. Kociuba said because of the time it took, our sewer approval actually lapsed. We have to update that with New Jersey American Water. It expired in June. We are asking for a one-year extension, which would go from the prior expiration.

Mrs. Weinstein said effectively it a six-month extension from now.

Mr. Herzl opened to the public. No one came forward.

Mr. Meyer made a motion to approve the application and Mr. Flancabaum seconded. All were in favor.

**4. SD 2407 Akiva Meyer**  
1575 & 1591 Salem Street Block 1159.02, Lots 2 & 3  
Minor Subdivision to create three lots

Mr. Magno said this is a Minor Subdivision on the corners of Marlin, Salem, and Coral in the R-20 zone. First action to deal with is a submission waiver for the location of existing and proposed septic and wells, and the Development Plan shows a future sanitary sewer main to be constructed by others. Mr. Kociuba should give testimony on what's going on there and whether the Minor Subdivision is contingent on that line going in, or if septic will be used in the meantime.

Mr. Joseph Kociuba, P.E., P.P., appeared and was sworn. He said the proposed application is for a minor subdivision, we have two lots and are creating three. Submission waivers speak specifically to the sewer. We are able to service the proposed lot by septic if necessary, which we would do if sewer isn't available.

Mr. Magno said the Board shall act on that waiver for showing the septic and wells. It can be granted because they can't go forward without that approval from the County Board of Health.

Mr. Flancbaum motioned to approve the waiver, and Mr. Meyer seconded. All were in favor.

Mr. Magno said the application requires variances for lot area. They will be 14,533 square feet, whereas 20,000 square feet is required. One design waiver is required for providing street trees along Marlin. There's a hedge, however you can put a street tree north of the hedge and then a design waiver wouldn't be required.

Mr. Kociuba said we have no objection.

Mr. Magno said there's basically just the lot area variance to act on. I don't think there's anything else that you're required to give testimony on.

Mr. Kociuba said the proposed project is between Marlin and Coral, fronting on Salem. We have two lots and are looking to subdivide into three. All lot widths, coverages, and setbacks comply. Variances can be granted under C2 criteria where the purposes of the act are promoted, the promotion of the general welfare, establishing appropriate population densities. The Township Master Plan indicates that the 2007 Reexamination report is still valid and continues to affect planning and zoning decisions. The 2007 report specifies under housing, to obtain and secure diversity in the type of housing character, promoting residential communities, and provide housing opportunities for all groups, family sizes, and income levels.

Mr. Herzl asked if there are any lots in the immediate area in that size.

Mr. Kociuba said we've gotten some lots approved recently at 14,500 square feet.

Mr. Herzl said how far is South Street.

Mr. Kociuba said 2 blocks north. There is patterns of this type of development in the area, it allows for a tighter community. The neighborhood is in support of redeveloping these two older homes and cleaning up the end of Salem.

Mr. Rennert said the more recent board members don't know what a Percal map is. We used to have a member who wanted the maps colored in.

Mr. Kociuba said regarding negative impact, there will be no substantial detriment to the public good. It's a residential use in a residential area, the Board can grant the variances that are requested.

Mr. Herzl asked if there's anything in the report that you can't comply with.

Mr. Kociuba said we agree with all except for soil borings, we'll do that when we go to construct that one home.

Mr. Stern said we're going from R-20 to 14 thousand and change. Why isn't this a zoning issue?

Mr. Kociuba said Minor Subdivisions aren't subject to density, so the Planning Board has jurisdiction. The applicant is here as well to answer questions.

Mr. Herzl ask how many others in the area can be subdivided like this?

Mr. Kociuba said only ones with this frontage. Others in the area were made into flag lots which are frowned upon now. There's really only a few others with this layout.

Mr. Herzl asked, you're proposing sidewalks on all frontages?

Mr. Kociuba said we will provide sidewalk and curb repair throughout.

Mr. Akiva Meyer appeared and was affirmed. I live in the Albert neighborhood, these people are my friends and neighbors. People on Salem and Coral, it was their idea that I do this. They are afraid of schools and want sidewalk. They can't make it tonight until 7:30 and we started early. There's not a lot of this that can go on because of the width, really only South Street and Oak Street.

Mr. Herzl opened to the public. No one came forward.

Mr. Meyer made a motion to approve the application, and Mr. Flancabaum seconded. All were in favor.

**6. SD 2413 Congregation Ohr Yisroel Saba Kadisha Druzhin Inc**  
County Line Road East Block 190, Lot 73.25  
Minor Subdivision to create three lots

Mr. Magno said this is a Minor Subdivision to create three lots, the middle of which is for the Site Plan. The westernmost lot is under 14 thousand square feet. The middle lot will be over 19 thousand square feet and the easternmost lot would be about 17 thousand square feet.

Mr. Herzl asked how many existing lots there are.

Mr. Magno said one. If the Board looks to the left, it shows the Emerald Hills subdivision. That large lot was left for future development and is the subject lot tonight. The question is, why not a conforming residential lot and a larger lot for the synagogue, because this subdivision creates a lot area variance on the westernmost lot and all the lots need width variances and aggregate side yard setbacks. Also, the synagogue lot in the Site Plan later needs separate variances, one of the them being for off-street parking. If the Minor Subdivision isn't approved, you really can't go forward with the Site Plan.

Mr. Herzl said the Board would like to see the site plan before they vote on the subdivision.

Mr. Magno said the only other thing, there is a design waiver because of the shape of the lots. The lines are not parallel to East County Line, however that is acceptable because they are perpendicular and parallel to the other lines in the subdivision. They should give testimony on any other design waivers.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said to explain, there are two applications here, the first being for minor subdivision of the one existing lot, on A-2 in orange, which contains 1.24 acres, into 3 new lots. One question is why are the lots these sizes and why don't we just do two. This is part of the Emerald Hills subdivision. The builder is not willing to sell us more than this piece. There is a contract to sell this piece subject to approval of tonight's applications. After this subdivision, we are asking for site plan approval for a synagogue on proposed lot 73.58. The two outer lots would be single-family homes. These lots are conforming with most of those in the Emerald Hills development. Our engineer and planner will provide testimony justifying the variances. There will not be a request for a parking variance for the shul. The simcha hall listed in the basement is a kiddush hall for Shabbos use only, there will be no outside parties.

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

**7. SP 2318 Congregation Ohr Yisroel Saba Kadisha Druzhin Inc**  
County Line Road East Block 190, Lot 73.25  
Preliminary & Final Major Site Plan for a synagogue

Mr. Magno read from the site plan report. He said this is on the middle lot of the subdivision. The project does need submission waivers, which you have to act on. First is information within 200', we can support that waiver because there is enough off-site topography for the proposed design. Another waiver is from completing profiles for the proposed utility layouts. We can accept that as long as drainage profiles are completed as a condition of approval. The last is for an Environmental Impact Study, that can be supported because the environmental constraints on this site were addressed with the Emerald Hills subdivision. The project is located in the R-15 zone. What needs to be clarified, they were requesting aggregate side yard setback variances of 20 feet versus 25, what is not clear is whether they're requesting a setback variance for a single side yard. It appears by the plan that the 10' may be violated. The number of parking spaces requires a variance, 24 spaces are proposed and by the sanctuary size, 27 are required. They've given testimony that there will be no catering facility for the simcha hall so that doesn't need to be considered. Perimeter buffer, 20' is required but not provided.

Mr. Flannery presented exhibits. He said the Minor Subdivision map is marked as A-1 and shows the property outlined in orange with pink subdivision lines. A-2 is a Percal map, it's a copy of the Emerald Hills subdivision. Lots outlined in blue are less than 13 thousand square feet. It's R-15 but 20 out of the 30 in that subdivision are less than 13 thousand. Our average exceeds 15 thousand square feet. We have one that is 14 thousand square feet because of the lack of depth, but the other two exceed the requirement. A-3 is a copy of sheet 57 of the tax map. A-4 is a copy of the Site Plan showing the proposed building with the proposed parking. Dave had questions about the side setback. We represent we aren't asking for a side setback variance. they will be a minimum of 10' on each side. The plans will be clarified during resolution compliance to show that. As part of the minor subdivision we are asking for 10' and 10', rather than a total of 25'. With respect to parking, there's a difference of opinion. We will agree with Dave and we will reduce the size of the sanctuary to just under 2 thousand square feet. Then you require 1 space per 100 square feet, so we require 20 but provided 24. The 2 thousand is the threshold for 1.25 spaces per 100 square feet, so we will stay under that and no relief is required.

Mr. Herzl said basically you're down to one variance for lot area?

Mr. Flannery said for one area, 13,859.04 square feet where 15 is required, but we are exceeding the norm of the neighborhood. There's an expectation you are entitled to the norm of the neighborhood. This lot is undersized but larger than 20 of the 30 approved recently. The reason for the size is the particular geometry of the property and the desire to create a good shul lot for the neighborhood.

Mr. Stern questioned the uses of the 3 lots.

Mr. Flannery said the bottom lot is residential. The middle one is the shul, and the top one is another residential lot. These are probably the 2 least desirable residential lots in the development. There was anticipation that retail could be done here, but that ordinance was overturned. Instead it will be a shul with 2 residential lots on either side. The buffer relief will be for the type of people who know what is there and are ok with being on County Line and next to a shul.

Mr. Herzl said they won't sell the shul property and make the hall legal?

Mr. Flannery said the number of parking spaces is legal, everything other than what's consistent with the prior subdivision...

Mr. Herzl said make it a regular hall and use the small 13 thousand property for parking.

Mr. Flannery said the 13 thousand is larger than most of the lots in the rest of the development.

Mr. Herzl said on County Line, the hall will never get used without parking.

Mrs. Weinstein said this is not for outside use, it's really a neighborhood shul.

The Board questioned the types of uses, bar mitzvahs, bris, etc.

Mr. Rennert said that's a problem, they're going to park on County Line. Even if you could park on County Line, we don't want people parking there.

Mr. Flannery said the Rabbi is self-funding, he lives right behind it and has no interest in renting the hall.

Mr. Rennert said we aren't worried about the Rabbi, we are worried about the people driving on County Line and parking there. As long as you're agreeing there aren't going to be any functions during the week...

Mr. Flannery said yes. That's the Rabbi's intention as well. We're all on the same page. The total tract is 54,092 square feet. Dividing that by three is an average of 18 thousand square feet per lot, which exceeds the zone and the character of the neighborhood. You can see on A-1 there is also a 13-foot strip being dedicated to the County for road widening. He is giving up 3,500 square feet of property. When you take that out, the average lot size comes out to 16,867, which still exceeds the ordinance and the norm of the neighborhood that the application fits within. Looking at the report for the minor subdivision, item 1 indicates they are permitted uses. Item 2 specifies the relief that we need for the one lot, Lot 73.57, we are at 13,859.04 square feet and 15 thousand is required. Minimum lot width, all of the lots require that. The Ordinance requires 100 feet and we have widths of 85, 76, and 62. That is consistent with the adjacent Emerald Hills subdivision. I highlighted the lots that are in that range. The smallest is Lot 73.42 at 56.53, 73.51 is 59.12, Lot 73.52 and 73.53 are 66.39 and 64.47 respectively. The norm of this neighborhood is to create lots that fit the houses that are intended and this application continues along with that. With respect to the justification, they would be C2 variances. The justification for them, the Master Plan of 2017 on page 7 indicates encourage growth and development in appropriate locations and consistent with establish

land uses. This is certainly consistent with the established land uses and the recent approval across the street, and is an appropriate location for a shul. The MLUL NJAC 40:55D2 says encourage municipal action to guide the appropriate use of all lands in the State in a manner which will promote public health, safety, morals, and general welfare. It's my testimony that this does this. The shul is inherently beneficial and in an appropriate location for use by the neighborhood. E of that same NJAC 40:55D2 says promote the establishment of appropriate population densities and concentrations that will contribute to the wellbeing of persons, neighborhoods, communities, regions, and preservation of the environment. This certainly does that. The population density is less than what's permitted by the Ordinance. It's less than the norm of the neighborhood that's there. For C2 variance we have to show that it relates to a specific property. The geometry and location of this property is very specific. We have to show the purposes of the Municipal Land Use Law are advanced. We have to show that the variance can be granted without substantial detriment to the public good, and it's my testimony that there is no substantial detriment. This is an application that utilizes this property to the best available methods. Will not impair the intent of the zone plan and zoning ordinance, since this complies when you look at average lot areas, this does that. The benefits outweigh the detriments, the benefits are allowing the shul and residential units, and allows them to be set back from the County road, it meets that criteria. With respect to other comments in the report, Dave requested additional design waiver testimony, but we are not requesting any additional. The road widening easement will be clarified. County is looking for an additional 13' widening easement, that's a benefit to the public. Comment 7 says we should correct the building coverage in the chart. The building is at 22% but we don't want to limit ourselves, we want the permitted 25%. With respect to site plan, the report indicated a parking variance was required and we've agreed to reduce the main sanctuary, so we don't need a variance. Side setbacks of 10' will not need a variance. We will shift and adjust as needed during resolution compliance.

Mr. Stern said if the simcha hall was used during the week...

Mr. Flannery said we would require more parking. It's our intent not to use it.

Mr. Herzl said you'd need double.

Mr. Stern said the Rabbi owns the land?

Mrs. Weinstein said the Rabbi isn't here.

Mr. Stern asked for testimony under oath on the intent, under penalty of perjury. I imagine they've discussed this behind closed doors.

Mr. Flannery said I don't think the Board needed me to tell them if they used it during the week that it would be a problem.

Mr. Flancbaum said the president of the corporation isn't here.

Mrs. Weinstein said correct. These are just congregants. I can speak on behalf of the applicant. We make the representation that it will go in the resolution.

Mr. Flancbaum asked, who is the Rabbi?

Mrs. Weinstein said Rabbi Scharf.

Mr. Flancbaum said there's no shul here.

Mrs. Weinstein said no. There's one in the next development over.

Mr. Flancbaum asked how many people daven there.

Mrs. Weinstein said 38 families in the Emerald Hills development. 4 of them pray in County Line Manor, 34 are looking for places, plus basement tenant families. So 34 plus 38 on top of that. There is a desperate need to have a shul in this location.

Mr. Herzl said everything else in the report you agree with?

Mr. Flannery said item 20 with respect to shade tree, we will do whatever is required by ordinance and whatever is reasonable and would rely on the Board engineer's review of that during resolution compliance.

Mr. Magno said from what I got you want to have the ability to increase the size of the building up to 25% lot coverage.

Mr. Flannery said we want the plan to say up to 25% as permitted, but if the size of the bricks or steel gets bigger and goes up from 22 to 24, we don't have to have a problem. Minimally larger, we are at 22, 25 is the most you can go to. There's no reason to limit it if the ordinance says you can have 25.

Mrs. McLeer said your testimony before, you were testifying as to why the variances were warranted, you testified to both site plan and minor subdivision, correct?

Mr. Flannery said correct.

Rabbi Mordechai Scharf appeared and was affirmed.

Mrs. Weinstein said the Board has concerns about parking on County Line. Can you represent this simcha hall is for Shabbos use only?

Rabbi Scharf said it is only to serve our community and to have the least impact on traffic.

Mr. Herzl said County Line is a very dangerous street. If it's open to outside members...

Rabbi Scharf said its only for Shabbos.

Mr. Herzl said if there is a bris it's only for those who daven there, not outside people.

Rabbi Scharf said correct.

Mr. Stern said Rabbi Scharf is a good guy and if he says so, I believe him. Mrs. Weinstein, we should always have one of your clients who is willing to speak and affirm under penalty of perjury.

Mr. Herzl said you live in the immediate area?

Rabbi Scharf said I am a contract purchaser on the house behind. I currently live on Arosa Hill.

Mr. Herzl opened to the public.

Mrs. Weinstein said the stipulations we made with the neighbors at County Line Manor. An 8' vinyl fence along the back and side of the building. Applicant will plant green giant trees along the back and eastern side. Windows facing east will be frosted for privacy of the neighbors. Lot 73.59, on the east of the shul, shall remain residential and shall not become a parking lot now or at a later date.

Mr. Stern made a motion to approve the submission waivers in accordance with the Board engineer's recommendations, and Mr. Rennert seconded. All were in favor.

Mr. Flancbaum made a motion to approve the subdivision, and Mr. Meyer seconded. All were in favor.

Mr. Flancbaum made a motion to approve the site plan with no parking variance with the main sanctuary under 2 thousand square feet and the simcha hall only for Shabbos and no outside catering. Mr. Stern seconded. All were in favor.

- 1. SP 1838D NJ Hand, Inc.**  
Towers Street & Vine Avenue                      Block 807-809, Lots 1; 1 & 2; 1 & 2  
Preliminary and Final Major Site Plan for Phase 6 of the Lakewood Commons for 65 affordable units and a recreation building

The Board discussed the lack of a quorum and Mr. Rennert's conflict of interest in that he works for the bank that Mr. Penzer works with.

This application was put on hold until options could be discussed with Mr. Jackson.

- 2. SD 2418 Yeruchem Gelb**  
414 & 420 Ocean Avenue                      Block 539, Lots 3-6  
Minor Subdivision to create six lots

This application was tabled to the December 17, 2019, public hearing. An announcement was made as to the same.

- 5. 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. Magno said this is for a proposed school on Chestnut Street. The first thing you have to act on are submission waivers. There is a waiver from submitting to the County Planning Board since Chestnut is on a County highway.

Mr. Lines said that's been done.

Mr. Magno said so that's knocked off. They need a waiver for information within 200', we can support that because there's enough information on the topography for the design. Submission waiver from submitting an LOI for wetlands, the maps shows a small wetlands area on the southeast corner of the site that needs a permit to be filled. As long as a copy of the submission to DEP is provided as a condition of approval, you can accept that submission waiver. Waiver required from stormwater profiles, we can grant that submission waiver as long as they are provided as a condition of approval. Also required is a waiver from an Environmental Impact Statement, if the copy of the DEP submission package is a condition of approval, that will suffice in satisfying the EIS.

There was a motion and a second to grant the submission waivers in accordance with the engineer's recommendations. All were in favor



Mr. Magno said on zoning, the current plan is requiring a variance from providing a bus loading and unloading area. Right now, the bus loading and unloading is impeding the parking lot. We recommend, because there is room in front of the building, that a redesign be done to comply with the ordinance. Design waivers, the surrounding streets of Lambert, Fulton, and Caldwell are not being improved and require design waivers.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said this is to construct a boys' high school and dormitory in two phases. The existing house would remain in the first phase and the school and parking would be installed. Phase two would be removal of old improvements and construction of the dormitory wing. It is virtually impossible to secure large enough tracts for school these days, in an appropriate location, and at an affordable price. Located on Chestnut, it is busy and not conducive to residential homes. There is a previous Zoning Board approval for homes on this site, but we think a school is a better use. The boys will be bussed. It currently has grades 9-12 with approximately 100 boys. There are no variances and we will address bus circulation.

Mr. Glenn Lines, P.E., P.P., appeared and was sworn.

Mr. Herzl called for a short recess when Mr. Jackson arrived. After, he returned the meeting to order.

Mrs. Weinstein continued. She said Mr. Lines, start with the bus circulation and why we feel that we do not need a variance.

Mr. Lines said based on the number of rooms and classrooms, we require 10 spaces. We have 24. The first 10, from the easterly end of the parking area to the handicapped spaces, is 10 spaces. We could take all the ones impeded by the buses off the plan, and we do not need a variance. We are providing 14 extra parking spaces.

Mr. Herzl said why wouldn't you make the loop bigger?

Mr., Lines said the requirements have gone crazy for stormwater management and paving requirements. We are trying to limit paving. So we have 10 spaces that people can come in the 2-way driveway, park, and back out the same way they came in. I have room for 3 buses, but we really only need 2. 50' per bus.

Mr. Herzl said that doesn't work. It says 115'.

Mr. Magno said regardless, he just presented his argument of why you should grant the variance.

Mr. Herzl said I want to make sure he can fit as many buses as he needs.

Mrs. Weinstein said we only need 2 buses, there are not more than 4 classes. The 5<sup>th</sup> class is the dormitory, they aren't going to be bussed. No parallel classes.

Mr. Rennert said let's say we want to keep the parking and have the buses. How much more pavement do we need?

Mr. Lines said we'd have to widen by 15'. The bus spaces are 15' wide by ordinance. We'd have to move the curb line towards the school by 15'. We'd almost have to widen the entire driveway another 15' for 15 minutes a day. The Rabbi only has 5 employees for the classes.

Mrs. Weinstein said they don't need the 24 parking spaces aside from PTA conferences.

Mr. Herzl said on the left side of the building, there's 85 feet until the end of the property. Why can't you shift that over?

Mr. Lines said we're paving for nothing. It's not necessary. If we deleted the extra parking spaces, then we would still have 11 spaces and two-way access in and out of them. We're only blocking extra spaces at this point. It's not necessary.

Mrs. Weinstein said boys' high schools don't need extra parking.

Mr. Rennert said every school does.

Mr. Lines said but not when the buses are there.

Mr. Flancbaum said it sounds like if we grant a variance here, it's going to get asked all the time. You're asking us to grant a variance because the State is being tough on stormwater requirements.

Mr. Lines said no, I disagree with Dave. We do not need a variance. I could wipe out 14 spaces and still comply with the ordinance and have the spaces required. We're trying to give extra off-street parking and you're telling me we can't have it because there may be a bus in someone's way. We have 10 spaces. We don't need a variance. If you'd like, we'll remove the other 14 spaces and there would be no interaction between buses and cars. I don't want to add another 50% of pavement on this property because I already have drainage problems. Telling me...

Mrs. Weinstein said I want to point out, the buses come at 7:50 am and they pick up at 9pm- not times that there are going to be 24 cars in the lot. This is not an elementary school.

Mr. Herzl said which streets around the property are improved or not.

Mr. Lines said Chestnut is improved. Caldwell is a dirt road. Fulton is unimproved and Lambert is unimproved.

Mr. Rennert said the two are Lambert and Caldwell.

Mr. Lines said no, all three.

Mrs. Weinstein said Caldwell has how many houses?

Mr. Lines said one house back in the woods, it's a dirt road.

Mrs. Weinstein said there are a couple houses down there. There are wetlands there.

Mr. Lines said there's a small corner of wetlands on our property. They cross Caldwell. You'd have to go through permitting to pave it and fill wetlands.

Mr. Herzl said there's a whole lot of lots back behind.

Mr. Lines said they aren't developed.

Mr. Rennert said doesn't the Township require all streets to be improved for this reason?

Mr. Lines said it does, if we're one of the people who front on it...

Mr. Rennert said how does that work.

Mr. Lines said according to Article 5 of the UDO, Off-Tract Improvements, ss a condition of final major subdivision or site plan approval, the Reviewing Board may require an applicant to pay his pro rata share of the cost of providing only reasonable and necessary off-tract improvements. These costs may include but, are not limited to, the costs of street improvements, water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the development but necessitated or required by construction or improvements within such development. The proportionate or pro rata amount of the cost of such facilities that shall be borne by each developer or owner within a related or common area shall be based on the criteria established herein.

Mr. Magno said if any of those surrounding streets are improved, will you be bonding for your half...

Mr. Lines said no. We will go by... we're talking about pro-rata share. They have to provide this money to the Township in the Township's trust account. This isn't a bond. (From the Ordinance) "The applicant shall furnish a plan for the proposed off tract improvement which shall include the estimated peak hour traffic generated by the proposed development. The ratio of the peak hour traffic generated by the proposed development to the future additional peak hour traffic anticipated to impact the proposed off tract improvement shall form the basis of the proportionate share. The proportionate share shall be computed as follows..." This is how you get the streets around this property improved. You go by the Ordinance and the developer would have to provide his pro-rata share, that gets worked out with the committee and Township engineer. We agree we will go by this ordinance. But we're not going to provide half a road, some sidewalks, or whatever. This is the way it should always be done for all projects. We aren't doing anything on this lot that makes us... we didn't provide access out to those roads.

Mrs. Weinstein said if you read that formula, it is based upon the traffic that we will put on the road, and our contribution would be zero.

Mrs. Morris said you just shot yourself in the foot. You said you'd provide a fee, but that fee is zero?

Mr. Magno said so you'll provide as a condition of resolution compliance, your pro-rata share for half of the frontages surrounding your property during resolution compliance?

Mr. Lines said no.

Mr. Jackson said the suggested question is paying the fee...?

Mr. Rennert said let's back up. This is a design waiver. He read from the review letter. Where does this comment come from?

Mr. Magno said they were proposing no road improvements on the three unimproved roads.

Mr. Rennert said and who said you need improvements.

Mr. Magno said because I'm saying that they should provide the improvements or get a design waiver. What Mr. Lines is saying is I don't have to get a design waiver if I provide my pro-rata share. So my question was basically you're going to provide your pro-rata share for the road frontages that some day may get improved.

Mr. Rennert said do Lakewood Township ordinances require that a developer improve roads around a development?

Mr. Lines said no.

Mr. Stern said let's let Dave answer that.

Mr. Magno said I'm not familiar with the answer to that, I'd have to check that.

Mr. Rennert said so why do you said it's a design waiver?

Mr. Jackson said that can be made a condition of approval. If you're building on an unimproved street, you have to improve the street. We do that all the time.

Mr. Rennert said I understand we make them do it all the time, but they're saying there's no requirement.

Mr. Jackson said but the Board can impose that requirement as a condition of development.

Mr. Rennert said but then it's not a design waiver, that's what I'm trying to understand.

Mrs. Morris said there is a section of the Ordinance, it's been referenced before by the Township Engineer. I don't know it off-hand but it does come from somewhere.

Mr. Jackson said if this involves the payment, we'll work that out later.

Mr. Rennert said it doesn't necessarily require... it's nothing to do with payment. This review letter state they are required to improve the streets around it. I want to understand where that comes from. If it's not required, it should be required.

Mr. Herzl said I know from all the years on the Board, it's required they improve the streets they front on.

Mr. Stern said what defines frontage. If there's no roads opening on that street...

Mr. Jackson said it's based on the configuration.

Mr. Magno said the other ordinance that we say requires curb and sidewalk, is based on Ordinance 20-1.16 Required Street Improvements. "Whenever building permits are issued for new construction involving heretofore undeveloped land or land cleared by demolition or the renovation to an existing structure that results in an increase of at least one thousand (1,000) square feet of floor area on properties abutting a street, the owner/developer shall be required to construct municipal improvements along the entire frontage of his property abutting the street...An exemption from the requirements of this section may be granted by the Township Engineer. Said exemptions shall be based upon, but not limited to a review of the current condition of the existing street improvements to which the property abuts." This is the ordinance it's all based upon. Having curb and sidewalk is a very good thing but this doesn't say that if you have a paper street you have to improve it.

Mr. Flancbaum said personally I'm ok with a pro-rata share. Regardless of how the Ordinance calculates it, I'm ok with that. That's what it is. Right now, the streets don't go anywhere. Going back to Eli's question, how does it become a design waiver? I guess we have to figure that out.

Mr. Lines said that's what I'm testifying to. We're agreeing to abide by the Ordinance. We are not asking for a waiver. Just because Dave said we need one... We aren't asking for one.

Mr. Flancbaum said you're teaching us a lot tonight. I'm ok with a pro-rata share. At some point someone will improve the road and will get the money from previous developers.

Mr. Stern said will that go retroactively?

Mr. Jackson said if there's an improvement that adjoins your property, the Town could do an assessment for that cost. Whether the Town does that or not, I don't know.

Mr. Herzl said our goal is to finish the grid in the town.

Mr. Flancbaum said that's all good but the Ordinance doesn't say that. When someone needs the street to be improved, they will get the money from previous developers that contributed.

Mr. Lines said the approving authority may rely on the Township engineer and planner in determining the contributions. He has the final say.

Mr. Herzl said I'm very confused.

Mr. Flancbaum said I don't know where the design waiver came from.

Mr. Lines said the point is if you grant the design waiver, then nothing happens. They're offering to pay their pro-rata share so they don't have to request the design waiver.

Mr. Jackson said I think the Board knows that road is not required at this time. The question is do they have to pay a pro-rata share.

Mr. Flancbaum said they definitely have to pay a pro-rata share.

Mr. Jackson said we can settle this later, what their share is or what they have to pay. That's a resolution compliance issue.

Mr. Lines said this is a variance free application.

Mr. Herzl asked is there anything in the report you can't agree with?

Mr. Lines said no. There was one comment about lighting, we comply with the regulations.

Mr. Herzl said the school is not open to the public with a simcha hall.

Mr. Lines said no.

Mr. Jackson said we made some calls for an additional board member. My understanding is he has to leave at 8:30.

Mr. Herzl said we are ready for a vote.

Mrs Morris said there is an objector, this will take time.

Mr. Herzl apologized to Mrs. Weinstein and said we would come back to this application.

**1. SP 1838D NJ Hand, Inc.**

Towers Street & Vine Avenue Block 807-809, Lots 1; 1 & 2; 1 & 2  
Preliminary and Final Major Site Plan for Phase 6 of the Lakewood Commons for 65 affordable units  
and a recreation building

Mr. Raitzik arrived. Mr. Rennert stepped down.

Mr. Magno said this is a planned affordable residential development, phase 6 of the NJ Hand project. There are no variances requested. The total units has decreased from what was originally contemplated from 439 to 380. Accordingly, the number of parking spaces, not as many are required as would have been. Between the off-street and the on-street parking, there is a total of 968 spaces which is in excess. We need testimony on how the unit mixes changed over the phases and how you arrived at the final number of proposed units.

Mr. Abraham Penzer, Esquire, appeared on behalf of the applicant. NJ Hand is the arm of affordable housing for the Township committee. They put us on a journey in July 2006 for a 100% affordable project of 439 units. At that time, the last phase as contemplated to be a 6-story high rise. We've added more pocket parks and reduced the amount of units. This is now, in 13 years, this is the finale. We've duplicated every phase the same way. We have the only 100% Lakewood moderate- and low-income housing project. We sold 160-170 thousand units, which no one can compete with. We've fulfilled our mission. Mayor Coles calls this his crown jewel. We give people a very high quality of life and we are very proud. You can see now, about for these 65 units, what the development looks like. You can see there are more playgrounds than required. We have over 112 more parking spaces than required, and it works. We have so many people that we get in the lottery, 1500 people beg for these 65 units and recreation building. To save you time, there's nothing that you don't see in the report. The only thing talked about is landscaping. It's very minor. The engineer for the project, and Scott the traffic person, if you have any questions. Scott will tell you that we've improved the access. It's a win-win situation for all of us. The only V word that you will see in 14 years, is in Vernick. No variances are requested. There are minor things in the review letter, other than that we are completely compliant.

Mr. Ralph Petrella, P.E., appeared and was sworn. He said as we discussed, preliminary approval was for 439 units. We are now at 380. This is an infill project. This is sheet 6 of the site plan, which the Board has. Everything else in the development has been approved including the roads and stormwater basin. We are putting in 27 townhomes and 38 apartment buildings. We are providing 968 spaces, 856 are required. Our off-street parking alone exceeds the requirement. Based on the previous design with multifamily units, this development reduces the overall impervious by 0.3 acres.

Mr. Scott Kennel, traffic engineer, appeared and was sworn. He said we've done extensive traffic counts. It's been the focus of Spruce and Washington being the critical intersection, but with this development in phase 6 it provides 2 other points of access down to Oak street and to Bellinger and to Albert. This will help north-south traffic and provide access out to New Hampshire. Traffic conditions at Spruce and Washington are not expected to get any worse. In my opinion with the enhanced access system, conditions might be slightly improved from what they are today. Spruce and Washington is currently E in the morning and it will stay at that, mostly from traffic from Vine to Washington, not necessarily this development. The alternate means of access should lessen the impact there.

Mr. Raitzik asked about Oak Street being backed up.

Mr. Kennel said it provides other access to the south. As part of this development, the County requested in a prior approval, the restriping of Oak Street and New Hampshire to provide two approach lanes. That's already been satisfied as requested by the County.

Mr. Raitzik asked about changing timing of the lights.

Mr. Kennel said we provided suggestions there to the County for them to implement when appropriate.

Mr. Raitzik asked about 3-way stop at Washington and Spruce.

Mr. Kennel said no, my understanding it will remain as it is. That's a municipal intersection.

Mr. Raitzik said by Pine and that outlet...

Mr. Kennel said Washington, again I'm aware of some Township work to Washington for two lanes and restriping. Pine from Vine to Cedarbridge is in the works I believe and that should help too. By completing phase 6 and these other improvements, it's my opinion that we aren't making anything worse and there are other improvements scheduled that should help.

Mr. Raitzik said so the question is the timing.

Mr. Kennel said they're in the midst. There's been meetings with DEP, County, things are in the design process. The heavy lift is DEP.

Mr. Raitzik asked what's the timetable for phase 6 to be completed if it is approved now.

Mr. Penzer said construction to start January 2021, to be completed a year later.

Mr. Raitzik said so without those road improvements it would be a problem.

Mr. Kennel said the access has already been in place. As far as other improvements, I can't say for the Township to do.

Mr. Raitzik said are you ....

Mr. Kennel said yes.

Mr. Penzer said it will take 3 years until people actually move in.

Mr. Raitzik said but the road will be open so the current residents can access it.

Mr. Magno said is Coles completed to Funston at this point.

Mr. Kennel said it is constructed but not opened yet. There are other access points to make your way south.

Mr. Herzl opened to the public.

Mr. Moshe Zeines appeared and was affirmed. He said for the record, I spoke to NJ Hand. Lakewood's standards of roads for new developments is 32'. The Master Plan calls for all of that. It also calls for places for buses to pull over

and for wider roads. This development is from way back, they put in the roads already then. The road is only 30' wide and that's in the RVE report as well. Lakewood standard is now 32'. Additionally, there was a petition 2 years ago, signed by the residents of the Lakewood Commons, to the committee to bring back the parking. The committee said no based on the emergency services that evaluated it at that time. They said it was too narrow. The residents said the parking is needed, but emergency services said the road is not wide enough. I'm asking the Board to make it 32' wide roadways. I would ask questions about bus shelters too. If there's no place for a bus to pull over, can they provide shelters like in other places.

Mr. Raitzik said if we widened to 32', how would that affect the plans?

Mr. Penzer said everything is already there and in place. It's not realistic and economically it would destroy us. It's only one side no parking. We have no problem, it was a Board member here who decided he wanted to remove that parking. We're happy about it. I can't speak for the Mayor as to why he turned it down. We don't have a problem either way but it's out of our hands. We all care about safety but don't forget that we have 112 off-street spaces more than we need. We are talking about affordable housing, they don't have a lot of cars. No one has ever talked about a shortage of parking.

Mr. Raitzik said and there's no basements.

Mr. Penzer said there's no basements.

Mr. Eli Rennert appeared and was affirmed. He said I'm in favor of this application. It's a beautiful place to live and I think the roads are safe.

Mr. Flancbaum made a motion to approve the application, and Mr. Stern seconded. All were in favor.

**5. 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. Daniel Carbone, Esquire, appeared on behalf of David Herzog, an objector. He is objecting to the design waiver to the roadway improvements. He said as a practical matter I think the Board agrees they would be required to pay a pro-rata share. It makes more sense to have them front the cost now. To require them to pay it in the future doesn't seem very practical. As another factor, it's in the public interest to have the developer install the road now. This is a school, there's going to be a dorm. As a safety matter, having improved roads would be a benefit to the students. The school is fronting a road. My client previously had his application denied for not improving the roads around his property. The Board should stay consistent with all of its rulings.

Mr. Rennert said is it your opinion that it is a waiver or a variance.

Mr. Carbone said I haven't had an opportunity to review it. But I think the roads should be improved because it's not fair to have one developer install them and not another. To have them chip in in the future...

Mr. Rennert said they'd have to chip in now.

Mr. Flancbaum said there's a calculation on how to calculate that, and it should be a condition of the resolution that they post the pro-rata share before building permits.

Mr. Carbone said who would make this calculation.



Mr. Flancbaum said the Township engineer that makes that determination.

Mr. Magno said where is your client's property located?

Mr. Carbone said north east. He applied for his own application a few months ago.

Mr. Magno said it would front Caldwell?

Mr. Carbone said I think so. It was denied.

Mr. Magno said the three unimproved rights-of-way are in different conditions. Caldwell is cleared and gravel. The other two are wooded. They're not all the same situation and that's relevant

Mr. Carbone said I agree, and there has been testimony that there are houses off Caldwell that would cause some ingress and egress.

Mr. Herzl said Mr. Herzog is the last on the list, lot 23. He pointed to it, to the northwest on the map. He said off Lambert Ave.

Mr. Lines said right. I believe that lot goes out to Vine. So there's access to Vermont, sorry not Vine. Vermont.

Mr. Herzl closed to the public.

Mr. Flancbaum made a motion to approve the project. He said personally I'd rather see the parking than no parking, so I'm ok with the way it is now. And pro-rata share. I make a motion to approve as presented, there's no basement shul or simcha hall. I think the pro-rata share, there should be a condition in the resolution that it's required before a building permit is issued.

Mr. Stern said Caldwell is kind of improved. Is that for all three?

Mr. Flancbaum said it's for all three.

Mr. Lines read from the ordinance regarding an interest-bearing account in the Township.

Mr. Flancbaum said so they'll get that money.

Mr. Rennert said Remington, when they do those review letters, should reflect the narrative about the pro-rata share.

Mr. Magno said we looked at it as that they weren't doing it so it was a waiver. The applicant instead is proposing to make the pro-rata share.

Mr. Rennert said the pro-rata share should always be included.

Mr. Flancbaum said I agree.

Mr. Meyer seconded the motion. All in favor

**8. SP 2349 Little People Childcare**  
222 South Clover Street Block 536, Lots 133 & 137  
Preliminary & Final Major Site Plan for a daycare

Mr. Magno said this is for a daycare in the R-40 zone. The building fronts on Clover Street, the parking would be a one-way in, one-way out. 34 spaces are proposed with 2 ADA spots, standard parking space sizes. Subdivision waivers include topography and information within 200'. We support that since there is enough topography already provided. Waiver requested from providing an EIS. This property previously had an approval for duplexes which were not built. At that time, they had a fill permit. As long as a modification to that permit is made a condition of approval, you can grant the submission waivers.

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

Mr. Magno said under zoning, childcare centers are permitted in all zone districts. They are requesting a setback variance of 7' whereas 15 is required. That's the only variance requested. For design waivers, they need buffer relief from the southwest side. They also need relief from the driveway widths. They have 15' wide one-way driveways in and out, where a minimum of 20 are required. The circulation is tight and they have a surplus of parking. I'd recommend they widen the driveways to 20' for better circulation. The duplexes previously approved took up the whole property. I'm not sure why they can't move the bldg. over to comply with the side yard setback.

Mr. Rennert said isn't it wetlands back there.

Mr. Magno said yes. They had a previous approval to fill those wetlands.

Mr. Rennert said at this point they won't have to fill.

Mr. Magno said yes, they will. The wetlands are still there. Nothing has happened since the previous approval.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. This application is for a 2-story daycare with a finished basement. The only variance is a side yard setback of 7'. We will provide justification for that. The applicant will comply with all requirements in accordance with NJ administrative code for daycares. There will be no buses. All drop offs and pick-ups will be by parents

Mr. Brian Flannery, P.E., P.P., appeared and was sworn. He said sheet A-1 is the tax map. A-2 is a copy of the Site Plan submitted. A-3 is a copy of a Google map showing where the site sits. This property is in the R-40 zone but they don't have those lot sizes there. There are apartments and multi-family, and there was an approval for duplexes on this property. Day care is needed, this site screams for it. We are providing more parking than required by ordinance. We've shifted the building and intensity away from the environmental features. The side we need a setback variance is towards the apartments which doesn't have their 15' setback either. This is more of an RM and the setback is consistent with that and it preserves the environmentally sensitive part of the site.

Mr. Herzl said the Zoning Board and DEP approved filling wetlands.

Mr. Flannery said a fill permit was required for the Zoning Board duplex approval. ...

Mr. Herzl said why can't you shift the building over, why do you need the variance?

Mr. Flannery said the reason I think it's appropriate is this really isn't an R-40 zone. I testified the same thing at the Zoning Board.

Mr. Herzl said if its R-15 or R-10, you still need more than 7'.

Mr. Flannery said it makes more sense to have the buildings. If the Board wants 10, certainly we could shift the building over. My testimony is that the setback is consistent with what you'd have in an RM. All the uses in the area are RM. If we shift it over, we'll have more than a quarter of an acre in the build area and you're not allowed.

Mr. Magno said your plan shows the entire wetlands being filled. I don't see how that's relevant.

Mr. Flannery said the wetlands being filled, there's a limit of the impervious coverage in that area. New Lines measured that and we're just under  $\frac{1}{4}$  of an acre of impervious. If we move it over, it violates the condition of that permit. If you look at the nature of the uses, we are adjoining, a 7' side setback is what's appropriate.

Mr. Rennert asked what's the setback for those other residential uses, the apartments next door.

Mr. Flannery said the apartments are set back probably about 7' as well. They are close to the property line. They were approved based on the same rationale, that this is really more of an RM. If you look at who we're going to impact, it causes no issue for the neighbors. They will probably love having childcare nearby.

Mr. Stern asked how many kids are in each of the classrooms.

Mr. Flannery said we anticipate 250 total, maximum.

Mr. Stern said that's peak load, 9:15 to 9:30, so how do we get in?

Mrs. Weinstein said it's staggered. We've had others approved before, and we had a consultant who went through the peak times. There are differing drop-offs and pick-ups after that.

Mr. Flannery said there are 34 parking spaces.

Mr. Stern said what's the earliest drop-off?

Mrs. Weinstein said 8:30.

Mr. Stern said and what's the latest?

Mrs. Weinstein said 10:00.

Mr. Stern said let's do the math. 250, in a 90-minute period, that means like 8 turns of the parking lot in an hour and a half.

Mrs. Weinstein said there are parents that bring more than 1 child.

Mr. Stern said that's probably true.

Mr. Flancbaum said what age?

Mrs. Weinstein said zero to 5.

Mr. Stern said it's beautiful, we do need more childcare. I just have a vision of backed up Sienna's due to not enough parking.

Mr. Flannery said there's a daycare down the street from me. Its 2-3 minutes before a car goes out. You can turn them over at least every 5 minutes, its more than enough parking.

Mr. Flancbaum asked how much staff?

Mr. Flannery said a max of 25.

Mr. Stern said they aren't walking, so ten spots for the parents.

Mr. Flannery said they aren't all coming in at the same time either. The staff staggers like the kids do.

Mr. Stern said I don't think so.

Mrs Weinstein had the applicant affirmed.

Mr. Efraim Pearlstein appeared and was affirmed. He said we currently run a daycare. Our biggest interest is parent convenience, otherwise they'll go somewhere else. We don't accept children that don't have more than 1 in a family. 95% are more than 2 children. All our 25 staff members have their kids in the school as well. We have a system in place for getting the kids in as quick as possible.

Mr. Herzl asked where the loading area is.

Mr. Perlstein said in the building. Not for cars, but for kids.

Mr. Herzl said you have a staff member coming out?

Mr. Perlstein said yes. There's a lot of lobby space inside. They can do it in a short time, less than 3 minutes. Drop off between 8:30 and 10. Pick up is between 2:30 and 4:15. There's never a time when you have more than 10 cars. There's no PTA happening, no social, no simchas. There's very little amount of in and out going on. There is enough parking for the staff. Lots are single, they carpool together, we are above what's required.

Mr. Herzl said how do you calculate the parking?

Mr. Flannery said one per classroom and one per office.

Mrs. Weinstein said that's a school.

Mr. Flannery said if you go per the ordinance, its one per staff. Dave's report went with the school requirements.

Mr. Herzl said that's not enough.

Mr. Flannery said the ordinance doesn't have anything else. It says for childcare, you exclude certain areas for parking calculations. In 18-900F.1.C., parking requirements shall be based upon a number of factors. It's loose. We had the applicant testify, who is an experienced daycare operator. No one is going to go to him if it doesn't work.

We would have thought 25, maybe 30 is enough. We went with 34. The parking was balanced with the building and the need. It's certainly well-sited.

Mr. Herzl said that's the max parking you can provide due to the wetlands?

Mr. Flannery said yes.

Mr. Stern said what section of your report deals with parking?

Mr. Flannery said page 4, comment 3.

Mr. Magno said what's the status of the NJDEP fill permit?

Mrs. Weinstein said we filed a modification and should have it back from the NJDEP in 30 days. Dubois Environmental handled it.

Mr. Stern said walk us through your comments on number 3 and your calculations.

Mr. Magno said we looked at the architectural and counted up the number of classrooms and offices, figuring out you'd need 27 employees.

Mr. Stern said what about the kids and the moms?

Mr. Magno said there's nothing in the ordinance to go by.

Mr. Stern asked about what Mr. Flannery read.

Mr. Flannery said that's from the ordinance, but it doesn't give specific numbers. He re-read the same excerpt from the ordinance. He said previous daycare applications, that's what we've done. The applicant gives the number of employees and some additional parking spaces.

Mr. Stern said was that presented?

Mr. Flannery said it's presented in testimony.

Mr. Stern said how are you expected on the fly... 18 cycles, 10 people there...

Mr. Magno said I understand your question. That's why I was asking about the fill permit. I can see that the Board would like something bigger.

Mr. Flancbaum said we don't want cars on Clover.

Mr. Herzl said why did you go from 36 to 34.

Mr. Flannery said some of the comments from the tech meeting required revisions. We feel that 34 is more than enough. You're looking at one child per car. There's going to be 2-4 per car.

Mr. Stern said was that part of a narrative that our engineer was able to review?

Mr. Flannery said there's a technical review done and if they need that information it's provided then.

Mr. Stern said so that should have been requested.

Mr. Flannery said what's been done in the past for a daycare is that information is provided at the hearing. The applicant said he's going to do it in less than three minutes. You're talking about a car that's dropping of 3 kids every 3 minutes, we can drop off 900 kids in that time.

M. Herzl said I can't drop my kids off in three minutes.

Mrs. Weinstein said but your wife can.

Mr. Magno said they said a fill permit has been submitted. I suggest they submit that, and we carry this to the 17<sup>th</sup> so we can evaluate if they have any room for expansion. Everyone is discussing maybe move the building, maybe we need more parking. If they really are restricted, then why discuss it

Mrs. Weinstein said if we can give more parking, we will. The applicant's engineer is indicating that it is not feasible. We can stipulate in the resolution that if it's possible we will give more parking. We believe, based on the applicant's testimony, that this will work

Mr. Stern said my concern is the three elements Mr. Flannery listed. I don't think there was any analysis of the staff level in the technical review of those three items. Show us your policy that says you have to have 2 kids. There has to be something for us to review.

Mr. Herzl said Mr. Flannery is testifying they aren't asking for any variance on parking. If that's what the ordinance says...

Mr. Stern said the ordinance says we should do some kind of review. If we find it's inadequate, we can do something about it.

Mr. Herzl said you can't verify it.

Mr. Flannery said that information could have been provide in writing, we'd be in the same situation now.

Mrs. Weinstein said had we given you in writing, what more can we give? Dave's comment actually was that we should widen the aisles and give less parking.

Mr. Herzl said my question is if you have the fill permit, can you widen the parking?

Mr. Flannery said information from Dubois Environmental is that this is the max impervious cover we are going to get.

Mr. Herzl said what's in the rear of the building?

Mr. Flannery said it's open area with some trees.

Mr. Meyer said isn't it the law that every classroom has to have a teacher and an aide?

Mrs. Weinstein said no but the applicant is going to comply.

Mr. Meyer said so 250 kids, 21 classrooms, 15 kids, 1 teacher is enough in a classroom?

Mr. Flancbaum said at the last daycare application we said we needed to have the architect here.

Mrs. Weinstein said you did, but at the end of the day he said the same thing and wasn't very helpful.

Mr. Herzl said someone asked that there should be a staff member waiting outside to bring the kids in from the parking lot.

Mrs. Weinstein said that's fair.

Mr. Flannery said I think that's what the applicant said they're going to do, to bring the kids into a staging area.

Mrs. Weinstein said on the County Line application, there weren't even as many parking spaces as there are here. This site is clearly more suitable for a daycare than that one was.

Mr. Flannery said as indicated in the report, there is the 7' side yard setback variance. The Municipal Land Use Law, NJAC 40:55D56.5.a, indicates the legislature finds and declares that with over 50% of working-age women in the workforce, the need for daycare is high. That's why those are included in the Lakewood ordinance. With respect to the justification for setback variance, this is consistent with the character of the neighborhood. The Master Plan of 2017 says encourage development and redevelopment based on smart growth planning principles. With a house that doesn't belong here, and putting daycare which is an inherently beneficial use, the MLUL NJAC 40:55D2 under purposes of the act says encourage municipal action to guide the appropriate use of all lands in the State in a manner which will promote public health, safety, morals, and general welfare. It's my testimony that this does that. These are C2 variances, it's a very specific piece of property. The purposes of the Municipal Land Use Law would be advanced. It can be granted without any substantial detriment to the public good. The variance will not impair the intent and purpose of the zone plan and zoning ordinance, this complies with that. The benefits outweigh the detriments, in my opinion there are no detriments.

Mr. Herzl said is there anything in the report that you can't agree with?

Mr. Flannery said they wanted testimony that there is no bus drop off and we are confirming that. We will comply with everything else.

Mr. Perlstein returned. He said first of all, we were working off of the previous DEP approval. That got us to the site plan that we have. We got as much parking as possible. We wanted an in and an out for the cars and came out with this beautiful plan. Regarding moving over the 7' setback, we had to shift over the building to get that turnaround. Our best interest is yours. Getting out as quick as possible. Making a motion to have a person in the parking lot to expedite drop off is a great idea. I currently run a daycare and I understand what is needed. It's important for us to be in coming September. Not being in would be a big concern because of accommodating the growth we are experiencing.

Mr. Meyer said the NJ.gov child-staff ratios, it's under 18 months 1 staff for every 4 children, 18 months to 2 1/5 years it's 1 staff for every 6 children, 2 1/2 years to 4 years is 1 staff for every 10 children.

Mr. Perlstein said we only take in families that have 3 kids. We have very minor amount of babies under 18 months. Most of ours are pre-school aged where there is a 1 to 12 ratio. 3-year-olds are 1 to 10 and 4-year-olds are 1 to 12.

Mr. Herzl opened to the public.

Mr. Moshe Zeines appeared and was affirmed. There is a great need. During the Master Plan process, you guys spent hours and months on Eagle Ridge and on lots of stuff. Tomorrow if I wanted to build a three-story building with a Lake Terrace in the basement, a daycare on the first floor, and a BMG on the third floor, you would need zero parking. The Master Plan should have said we need a thing about daycares. Two questions I have... They'll have to go to the County Planning Board for their approval. Would this Board recommend to the County, with the right-in, like the school on Chestnut and New Hampshire, the pork chop thing? Also, the other side will have a no left-hand turn side, would this Board be able to recommend the County look at the orange sticks or reflectors that bounce back when a truck drives into them. Bouncing reflectors. If the Board wanted, would the applicant be able to provide.

Mr. Rennert said I don't think the Board wants that.

Mr. Rennert and Mr. Zeines spoke over each other.

Mr. Jackson said don't ask the Board questions. They aren't here to be interrogated.

Mr. Zeines said the firetruck is able to get past bouncing reflectors. If this Board could recommend it by the driveway...

Mr. Flannery said I don't think we want to be the first bouncing reflector application.

Mr. Herzl closed to the public.

Mr. Stern made a motion, and asked for the math to determine the required number of staff and parking.

Mr. Magno said the applicant came with plans that said they only needed 14 spaces. We backed them into the 27. The testimony that we're hearing is that we need more than 27. No one is giving any numbers what that is.

Mr. Stern said that's my point. We're winging it. I make the motion that we approve it, but we need to do the analysis at the technical review stage. Follow the ordinance, do the math.

Mr. Herzl said it's not fair to the Board.

Mr. Stern said I get the point that you want to attract as many people. But if Clover becomes a nightmare...

Mr. Herzl said your motion is to approve?

Mr. Stern said yes.

Mr. Rennert seconded the motion.

In favor: Stern, Flancbaum, Herzl, Rennert

No: Meyer



- 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