

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. **SP 2324 Yeshiva Gedolah Keren Hatorah**
1083 Brook Road Block 174.01, Lot 47
Preliminary & Final Major Site Plan for an addition to an existing school

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

2. **SP 2331 Khal Birchas Shimon**
603 Ocean Avenue Block 189, Lot 173
Preliminary & Final Major Site Plan for a synagogue

Mr. Sabel questioned the additional number of parking spaces to be provided, stating he thought it was six or seven. Mrs. Morris indicated that she had read the minutes and it stated one or two.

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

3. **SP 2336 Kolliel Kinyan Torah Inc**
Whitesville Road Block 251, Lot 1.04
Preliminary & Final Major Site Plan for a daycare

Mrs. Morris stated for this application the applicant was asked to bring in a copy of the revised plans before adopting the resolution.

Mr. Auerbach handed out copies of the revised architectural plan.

Mr. Sabel asked if the basement was supposed to be unfinished or open space. The resolution says open space.

Mrs. Morris said the architectural plans show unfinished. The resolution says open space because she couldn't find the word "unfinished" in the minutes. She said the Board should make a determination on that issue.

Mr. Auerbach said they want the basement finished for a play area.

Mr. Sabel said they didn't discuss that.

Mrs. Morris said she recalls specific testimony about a play area.

Mr. Sabel said he thought it was to be unfinished.

Mrs. Morris stated she didn't think there had been an ultimate decision clearly made.

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

4. **SD 2399 Torah Education of America Inc.**
27, 37 & 45 Pawnee, 1732 & 1740 W Co Line Block 2, Lots 32, 46, 49, 52, & 53
Minor Subdivision to create four lots

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

5. **SP 2333 Torah Education of America Inc.**
27, 37 & 45 Pawnee, 1732 & 1740 W Co Line Block 2, Lots 32, 46, 49, 52, & 53
Preliminary & Final Major Site Plan for a school

Mrs. Morris said she had some conditions added to the draft, including no simcha hall or rentals, and sidewalks should be added from both sides of the building to the road frontage.

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

5. PUBLIC HEARING

Mr. Raitzik arrived.

6. **SD 2419 Lakewood Industrial Commission**
Swarthmore Avenue Block 1606, Lot 9
Courtesy Review for a Minor Subdivision and gravel parking lot

Mrs. Morris stated this is next to a previous site plan for Toras Menachem. This application appears to be carving out a piece for that parking lot, but then also proposes a larger parking lot on the remainder piece.

Mr. Vogt stated they had very simple comments in their courtesy review, and they request that the applicant provide testimony to the Board's satisfaction.

Mr. Bill Stevens, P.E., P.P., was sworn in. He stated this is an application for Lakewood Township. It is a 27-acre property located in the middle of Swarthmore Avenue that comes out to Cedar Bridge Avenue. They are looking to subdivide into two lots, 9.01 and 9.02. Both lots conform to the zone requirements. Lot 9.01 has an easement for the school, they are leasing property from the Commission for a parking lot. The remainder of that lot will be owned in perpetuity by the Commission. The larger lot they are looking to develop into a gravel lot with stormwater management. The Boards approval is needed for the subdivision, and a courtesy review is needed for the proposed gravel lot.

Mr. Herzl asked for confirmation that there are no variances needed. Mr. Stevens confirmed.

Mr. Raitzik asked if there are flooding issues there now.

Mr. Stevens said no. But it is a requirement for constructing the gravel lot to provide stormwater management. CAFRA approval is required and they require that.

Mr. Stern asked about the future use of the lot. Mr. Steven said it is to be leased long term.

Mr. Stern asked if it had been executed yet.

Mr. Steve Reinman of the Industrial Commission responded away from the microphone.

Mr. Stern asked how long the lease with the school was and whether that was executed.

Someone responded away from the microphone.

Mr. Sabel asked if the Township is doing the paving for the school or if the school is doing it.

Someone responded away from the microphone.

Mr. Herzl opened to the public and no one came forward.

A motion was made by Mr. Meyer and seconded by Mr. Sabel to approve the application. All were in favor.

Mr. Jackson confirmed for Mr. Pfeffer that a resolution would be prepared for the subdivision even though this is just a courtesy review.

- 1. SP 2335 Kolllel Kinyan Torah Inc**
Whitesville Road Block 251, Lot 1.06
Preliminary & Final Major Site Plan for an educational center with dorms

Mrs. Morris said the Board will recall this is one lot over from the daycare that was approved, but this is a separate application from the same applicant.

Mr. Vogt read the submission waivers B2 topo, B4 contours, B10 man made features within 200 feet, C6 plans and profiles of utility layouts, C13 EIS. He supports the B waivers as noted. Plans and profiles are supported for hearing purposes only, some may be needed during compliance. Waiver of EIS is supported.

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

Mr. Vogt stated a Buffer variance is necessary. Relative to parking, there is a variance for parking in the setback variance.

Mr. Adam Pfeffer appeared on behalf of the applicant. With regards to the parking waiver variances, they aren't really needed but they're adding as much parking as possible.

Brian Flannery, P.E., P.P., was sworn in. He introduced sheet 3 of the plans which was marked as A-1. A-2 was marked as a copy of the tax map with the subject property highlighted in orange. He stated that at the last

meeting, 2 lots away, a daycare was approved on Lot 1.04. He said this is going to be an educational use. The report indicates the parking based on the main sanctuary, which is 50 spaces required but 83 spaces are provided.

Mr. Herzl said the plans don't match that calculation.

Mr. Flannery said the plans go off of a school use which is one per classroom and office, so it's five required. RVE, to be more conservative, used the square footage of the main sanctuary as if it were a synagogue. Both a house of worship and a school teach and pray, there is a fine line or gray area between them. To be more conservative we are agreeing with Terry.

Mr. Herzl asked 84 or 83.

Mr. Flannery said 83 is indicated in the report so he takes that as accurate. Item 2 in the report indicates a buffer variance and item 3 a variance for parking within 10 feet of the buffer. On the plan you see parking within the buffer. We could delete a row of parking and comply with the buffer and this would be a fully conforming application. It's his opinion they are complying with the intent of the ordinance, if they wanted to cross their i's and dot their t's they could remove 19 parking spaces, but extra parking is certainly a good thing.

Mr. Isaacson asked for clarification on which spaces would be removed.

Mr. Flannery said the row in the middle, and the center island, and then move everything in.

Mr. Isaacson asked if neighbors for Lots 1.05 and 1.07 are here tonight.

Mr. Abe Auerbach, developer for the property, was sworn in. He stated that they have met with the owner of Lot 1.07 and he has no issues with it as presented. 1.05 is an empty lot and he hasn't spoken with him. That neighbor was here last time trying to negotiate with the applicant to buy that property.

Mr. Isaacson asked what's along the property line.

Mr. Flannery said a 6' high fence and landscaping. Arborvitaes would be his recommendation, but whatever the professionals require.

Mr. Vogt confirmed that's usually what is used.

Mr. Herzl asked how big the buffer is.

Mr. Flannery said it's approximately 10 feet from the property line to the parking. Ordinance says it should be 20 feet undisturbed. They're proposing 10 feet and the fence and arborvitaes, which he feels complies with the Ordinance. There is some gray area. They are requesting the variance in deference to the Board Engineer.

Mr. Isaacson requested that they make them green giant arborvitaes.

Mr. Flannery agreed. He presented revised architectural drawings that show the basement.

Mr. Pfeffer said Terry's report called out of a lot of uses in the basement. This exhibit, marked as A-3, is to clarify those.

Mr. Vogt asked if the proposed building meets the UDO standards.

Mr. Flannery said yes. And all the uses shown meet the UDO and are permitted. The one that was first submitted appeared to show suites and rooms in the basement, but that's not what the applicant really wanted. The RVE report highlighted those residential uses which they have corrected.

The Board discussed the uses shown.

Mr. Pfeffer stated there are no dorm rooms shown on the second floor, only the first.

Mr. Isaacson asked again how many parking spaces are required

Mr. Flannery said 50. 1 per classroom and office would have been 5. RVE looked at it as a shul.

Mr. Isaacson asked how many men are in the Kollel.

Mr. Flannery said 40.

Mr. Isaacson asked if there was a plan to increase that.

Mr. Flannery said yes, to 80.

Mr. Isaacson joked, to 83.

Mr. Stern asked about the connection between SP 2335 and this one.

Mr. Pfeffer said they are the same ownership. There is a vision that the students at the Kollel will use the daycare two properties over. Two separate uses and applications.

Mr. Stern said the dorm rooms are for single men, but then there must be some married men.

Mr. Abraham Appel was sworn. He said the entire school is married men. But the dormitory is for the married men because they stay the entire day. It's so they can rest for half an hour and then return to school. That's why the rooms are so small.

Mr. Stern said so the concept is that you bring the kids, drop them off at daycare, go and learn, everyone takes a little schluffy (nap), and then everyone goes home. Less traffic in Lakewood because of this.

Mr. Herzl said so the original architectural is null and void. Mr. Flannery said yes.

Mr. Flannery provided justifications for the record, even though he doesn't feel they need them. Master Plan 2017 says encourage development and redevelopment based on smart growth planning principles. Municipal Land Use Law NJAC 40:55D2 encourages municipal action to guide the appropriate use of development of all lands in the state that will promote public safety laws. This is an inherently beneficial use. There are C2 variances which can be granted without substantial detriment to the public good and this is a virtually conforming application conforming with the zone plan and zoning ordinance. There are no detriments and the benefits are pretty clear.

Mr. Herzl asked if there is a simcha hall.

Mr. Flannery stated there is no simcha hall and no rentals proposed.

Mr. Sabel asked why the kitchen is defined as a warming kitchen.

Mr. Flannery said a full kitchen would be a full commercial kitchen for cooking.

Mr. Sabel asked how you define a warming kitchen in the architectural.

Mr. Auerbach responded away from the microphone.

Mr. Herzl asked if they would comply with all the other comments in the engineering letter.

Mr. Flannery said yes.

Mr. Herzl opened to the public but no one came forward.

Mr. Isaacson implored the applicant to make sure all the neighbors are happy with the landscaping.

A motion was made by Mr. Stern and seconded by Mr. Isaacson to approve the application. All were in favor.

2. SP 2330 Yeshivas Sharei Binat Inc

319, 323, 327 Ocean Ave, Ocean Ave

Block 246, Lots 40, 41, 42.01, & 67
(approved Lot 40.03)

Preliminary & Final Major Site Plan for a school

Mr. Vogt read from his letter. Submission waivers include A22 proof of submission to Ocean County Planning, B waivers topo contours man made features, C6 plans and profiles, C13 EIS, C21 architectural drawings. Under Ocean County Planning, the applicant's professionals indicate this is not required since they aren't impacting County drainage and it is under an acre of impervious area. He asked if the applicant would be willing to seek jurisdiction on that.

Mr. Flannery said they are willing to submit a letter indicating the section of the County Planning Board Ordinance that says they are exempt.

Mr. Isaacson asked what those conditions are.

Mr. Flannery said they are not on a County Road, they are not impacting County drainage, and they are less than an acre of impervious.

Mr. Jackson asked if they would carbon copy the County Planning Board on that letter.

Mr. Flannery said sure.

Mr. Vogt said that's fine. He supports B waivers as indicated, utility profiles may be required during compliance but are waived for hearing purposes. In lieu of the EIS he would like to be copied on the pending DEP wetlands application.

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

Mr. Vogt continued, under zoning, a buffer variance with respect to 18-906A as well as parking within the buffer which requires a variance from 18-906B.

Mr. Adam Pfeffer appeared on behalf of the applicant and had Mr. Flannery, P.E., P.P., sworn in. Exhibit A-1 was marked as a copy of sheet 2 of 10 of the plans submitted. A-2 is a copy of sheet 52 of the tax map with the subject property highlighted in orange. A-3 is a rendering of the proposed architectural.

Mr. Flannery said this was part of a subdivision application. The rear of the lot is not being used, it goes all the way back to Sampson Avenue and there are wetlands in that area. Under zoning, this is a permitted use. They have the buffer relief highlighted in Terry's letter. The Ordinance says if you have 20 feet you don't have to do anything, if you go less than 20 feet you have to supplement with fences and landscaping which they are providing. It's his opinion that relief is not required but they will seek it in deference to Terry's report. Same thing with the parking within the required buffer. The Ordinance says they need 8 parking spaces but they are providing 16. If they eliminate 4 parking spaces, they could comply with the buffer but especially along Ocean Avenue the additional parking is desirable.

Mr. Isaacson asked if they are ever going to widen Ocean Avenue.

Mr. Flannery said he's not expecting it within his lifetime. The State does provide a desired typical section and they have stayed out of that. If they want to widen I, they have space to do it. Master Plan 2017 on page 7 Vision Statement says encourage development and redevelopment based on smart growth planning principles. Municipal Land Use Law NJAC 40:55D2 encourages municipal action to guide the appropriate use of development of all lands in the state that in a manner which will promote public health safety morals and general welfare. It's his testimony that this application does this. He said, if we need a variance it would be a C2 variance, we need to show it relates to a specific piece of property which this is. The purposes of the municipal land use law would be advanced, and the variances could be granted without substantial detriments to the public good. The relief they're asking for is to provide additional parking. It will not impair intent to the zone plan and zoning ordinance. The detriments outweigh the benefits. There are no detriments and the additional parking spaces are substantial benefit. With respect to the rest of the report, 21 from the Shade Tree Commission, Mr. Flannery said they will do whatever is reasonable and required where feasible. He defers to the Board Engineer on what is feasible and will do whatever he says is appropriate and reasonable.

Mr. Herzl asked what the shaded area on the bottom left of the plan is.

Mr. Flannery said it is a refuse area.

Mr. Herzl said trash and recycling is to be picked up curbside.

Mr. Flannery said the cans would be stored there.

Mr. Meyer asked how old the boys in the school are and how they are getting to school.

Mr. Pfeffer said there are dorms so they aren't coming every day.

Mr. Meyer asked how many boys.

Mr. Margulies was sworn. He said this is a post high school, 35 boys, 17, 18, 19 years old. Upon completion of the building they will have 55 or 60.

Mr. Sabel said there are 11 rooms, so it will be 4 in a room?

Mr. Margulies said some are 4, some are 5, some are 6. It depends on the size of the room.

Mr. Flannery said that is all governed by building codes.

Mr. Stern said there is a side setback variance.

Mr. Flannery said it is a parking in the buffer variance. And they could eliminate that by eliminating 4 parking spaces.

Mr. Pfeffer said they are meeting the intent of the Ordinance by providing the fence and the trees. They could remove the parking, shift it back, and then provide 20 feet without the fence and trees to comply.

Mr. Herzl asked if there is any buffer at all in the front.

Mr. Flannery said they are required on the sides and the rear. In the front there is no buffer requirement, the parking is set back beyond the desired typical section for the DOT. In his opinion, on Ocean Ave the parking should be as close to the road as possible but in this case, they set it beyond the desired typical section, and it provides a small green area but there is no requirement. There is a 20-foot requirement in the M1 zone but here you can park up to the property line and on a busy road like this there is nothing inappropriate about that.

Mr. Isaacson asked how many staff members.

Mr. Pfeffer said three, up to a maximum of 6. There was additional testimony away from the microphone.

Mr. Isaacson said the boys are not driving. He asked if they aren't allowed to drive or if they just aren't.

Mr. Margulies said they aren't allowed.

Mr. Stern asked for the difference between a setback and a buffer.

Mr. Flannery said in a setback you can do anything you want except put a building in. In a buffer, the language of the Ordinance states it. In this case it is to provide a visual separation for aesthetic purposes between the two uses. His opinion is what they're proposing with the fence provides the intent of that. The alternative is to remove parking spaces, but in his opinion the benefit from the 4 spaces outweighs the detriment.

Mr. Isaacson asked if it would be a right-in, right-out on Ocean Avenue.

Mr. Flannery said yes.

Mr. Isaacson said that would be out of our jurisdiction.

Mr. Herzl asked about the back of the property and wetlands.

Mr. Flannery said a DEP permit is needed and nothing will happen until that is obtained. He said it's pretty much a cookbook type thing, they are specific on what needs to be done and they will comply with that.

Mr. Isaacson asked about the in and out access, could they split it into separate in and out lanes.

Mr. Flannery said they need DOT approval for that.

Mr. Pfeffer said they would never allow it.

Mr. Flannery said they will submit to the DOT requesting right-in, right-out.

Mr. Pfeffer said if it's denied, they don't want to have to come back to the Board for that.

Mr. Flannery said the DOT is very inconsistent on that request.

Mr. Stern asked if it is legal to make a left across the double yellow line.

Mr. Flannery said yes.

Mr. Herzl asked if there is anything in the report they won't comply with.

Mr. Flannery said no.

Mr. Sabel asked about the parking requirements and how they work.

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

Mr. Sabel said so there are eleven classrooms and offices, correct?

Mr. Herzl said there are 16 spaces.

Mr. Sabel said what about for the shul?

Mr. Herzl asked if the shul is for school function.

Mr. Flannery said yes.

Mr. Sabel said so you need eleven.

Mr. Vogt said per his letter they need ten and have provided in excess.

Mr. Isaacson said if it's a shul, how much would they need.

Mr. Pfeffer said it's not proposed as a shul.

Mr. Isaacson said what if in ten years someone buys the property and wants to change it to a shul?

Mr. Pfeffer said they'd have to come back to the Board.

Mrs. Morris said the applicant is conceding that if the use is to change to a synagogue, they agree to return to the Board for approval.

Mr. Flannery said yes.

Mr. Pfeffer said if they can't demonstrate that they can meet the parking requirements for a shul, they would have to return to the Board.

Mr. Sabel asked about interior sidewalks from the road to the school.

Mr. Schmuckler said it's a driveway.

Mr. Pfeffer agreed to provide sidewalk or striping where needed from the building to the sidewalk in the front.

Mr. Raitzik asked what the mode of transportation would be for students when leaving the location.

Mr. Pfeffer said parents usually come to pick them up.

Mr. Raitzik asked how often they leave the campus.

Mr. Pfeffer said once a month.

Mr. Sabel asked for a bike rack.

Mr. Flannery agreed.

Mr. Isaacson said they have to stagger dismissal.

Mr. Raitzik asked if the student have free periods and how often they leave campus on their own.

Mr. Flannery said the applicant has agreed to put a bike rack on the north east end where you can't have parking.

Mr. Sabel said and you're going to do striping from the building to the road.

Mr. Flannery said yes, from the middle island we'll put a sidewalk out to Route 88 and then we'll do crosswalk striping across the drive aisle.

Mr. Raitzik asked again how often they leave campus if they are allowed to leave campus, maybe in the evenings.

Mr. Pfeffer said they are 19-year-olds, they aren't driving.

Mr. Raitzik said are there Ubers.

Mr. Herzl said they aren't allowing any cars.

Mr. Raitzik said in number 9 in the review letter, there is reference to temporary grading easements. Are those in place?

Mr. Flannery said if the applicant can obtain them, he will, and we'll present that during resolution compliance. If he can't he can still build, it just costs more money.

Mr. Raitzik said the concern is water issues, is that the issue?

Mr. Flannery said no, in normal circumstances you would go wider than your property to construct. If they can't, then they have to drive sheet piles or do what they do in the cities where they build right on the property line. It's more expensive, but possible. In all likelihood they will get those easements, but if not, it's possible to build without it.

Mr. Herzl opened to the public but no one came forward with comments.

Mr. Meyer made a motion to approve the project but said we have to try to get some kind of walkway.

Mr. Pfeffer said they agreed to striping and sidewalk.

Mr. Flannery said and a bike rack.

The motion was seconded by Mr. Isaacson to approve the application. All were in favor.

3. SD 2392 Leonard S. Coopersmith & Moshe Klugman
50 Amherst Street & 101 Rutgers Drive Block 1051.01, Lots 36 & 37
Minor Subdivision to create three lots

Mr. Vogt said on his letter August 8th, under zoning, lot width variances are requested. Comment 3, off street parking is required for Lot 37.01, 4 are required and 3 are shown. Under design waivers, due to the irregular property they have waivers for sidelines that are not perpendicular.

Mr. Glenn Lines, P.E., P.P., was sworn in. He stated the applicant was available for questions if needed. He said they are here to subdivide two existing lots on Amherst Street into three lots. One lot has an existing house that is going to be demolished to become 36.01 and 36.02, and the existing split-level house will remain on 37.01. Because of the bend in the road, the lots are very narrow by the setback line where the lot width is measured but as you go back further the lots spread out.

Mr. Herzl asked if 30 feet in is where the width is counted, or where the house is?

Mr. Lines said you measure where the setback line is. On these strange lots, that's at 30 feet. It says perpendicular to the lot depth. These are oversized lots for the zone, but because of that bend in the road...

Mr. Sabel asked again about lot width.

Mr. Lines explained you go from the middle of the front property line to the middle of the rear property line. Then you draw another line perpendicular, so they cross at a 90-degree angle. That's the dimension in the Ordinance. He spoke to Dave Magno and his interpretation is you have to take into account the curve, which is why the letter shows a slightly larger width. Mr. Lines said his number is the smallest he could figure out

Mr. Herzl said so 36.02 is 58.62. At what point is it the regular 90 feet? Where is that on the map?

Mr. Lines said it's along the property at the setback line. You get 90 feet at about 50, 55 feet back.

Mr. Herzl asked where the house will be situated.

Mr. Lines said at least 40 feet back, to fit 4 parking spaces and a little setback to the house.

Mr. Herzl asked about side yard setback variances.

Mr. Lines said no they aren't proposing any.

Mr. Herzl said if you build the house at the 58 foot point you won't fit a house there.

Mr. Lines said by the time you build a 50-foot-wide house you're well back.

Mr. Herzl asked what the narrowest point is.

Mr. Lines said 39 feet wide at the property line. There's plenty of room for cars to get in, and a driveway.

Mr. Lines said comment 3 is about parking. The existing house on 37.01 is an older split-level house with no basement apartment. The three spaces are adequate for that use. If they take the house down, they can provide 4 parking spaces.

Mr. Sabel asked if the approval for 3 spaces would run with the lot.

Mr. Lines said no.

Mr. Sabel said what if they leave the chimney or one corner of the foundation.

Mr. Lines said no, they don't do that anymore. There is one design waiver for non-radial lot lines. The MLUL asks for radial out from the center of the curve. Because of the size of the lots, they weren't able to do that. It's just a waiver, many times they have lots like this. With regard to the rest of the letter, they can do the technical comments.

Mr. Herzl asked for the record, the reasons for the variances.

Mr. Lines said the reason for the variances is the unique shape of the property. The benefit is providing more houses, an extra house outweighs the detriments.

Mr., Sabel asked about the adjoining property fence.

Mr. Lines said it's a neighbor behind whose fence cuts through our lot. He said it's not our fence.

Mr. Sabel asked about grandfathering and property ownership.

Mr. Stern referenced the laws in Washington about adverse hostile continuous ownership.

Mr. Lines said it's still our lot, it doesn't apply here.

Mr. Herzl opened to the public and no one came forward.

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

4. CORRESPONDENCE

- **SD 2153 Block 855.06, Lots 26 & 32** – Request to modify approved drainage design

Mrs. Morris directed the Board to the correspondence item since that presenting engineer was then in attendance. She said this is before the Board because technically changes in drainage and grading require Board approval. This has been approved by the Township Engineer and Public Works already.

Mr. Joseph Kociuba of KBA Engineering appeared and was sworn. He said this is a very simple drainage change, the road widening and sidewalk is remaining, no new variances are required. DPW sent them an email approving the plan as-is.

Mr. Sabel asked if DWP requested this or if the owner proposed it.

Mr. Kociuba said the owner spoke to DPW, they saw it as a proper change. The applicant initiated it, but DPW was on Board.

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

Mr. Sabel asked if this would have made a difference in the original approval at that time.

Mr. Kociuba said no.

Mr. Stern asked a question to Mr. Jackson. He said if the Board grants a subdivision, can they make it conditional that in the future the applicant can't come back and ask for duplexes?

Mr. Jackson said there would have to be a rational, sustainable basis behind that limitation, but he is aware of cases where Boards have put deed restrictions on properties for no further subdivisions and that has been approved by the court. The more difficult thing would be having a rational basis as to why that's essential to be put in place for perpetuity.

Mr. Herzl said here that's not legal in the R-12 zone. They'd have to go to the Zoning Board.

5. PUBLIC HEARING, CONTINUED

4. SD 1580A Elkana Tress

2 Esther Court

Block 11.29, Lot 3.01

Amended Preliminary and Final Major Subdivision to add a retaining wall

Mr. Vogt said under zoning, there is a variance required for 9.8-foot side yard setback for Lot 3.01 versus 10 required.

Mr. Herzl asked if this is a new variance because of the retaining wall.

Mr. Vogt said that is my understanding.

Mr. Sabel said that's like 4 inches.

Mr. Vogt said about 3.

Mr. Lines said two and a half.

Mr. Vogt said under design waivers, the wall is going to be 1 foot off the property line with a maximum height of 5.7 feet.

Mr. Glenn Lines, P.E., P.P., was sworn in. He said this application is to allow a retaining wall around the rear of the property. Basically, the elevation drops from 99 by the southeast corner of the property down to 92 by Central Avenue.

Mr. Herzl asked for clarification on the maps submitted.

Mr. Lines said one is a survey, the other has a dark line where the wall is proposed. He said basically the backyard has a 10 percent slope down to Central Avenue. This was approved probably 15 years ago.

Mr. Isaacson said Mr. Tress wasn't the original applicant, he would have been in high school then.

Mr. Lines said no, he is the current property owner.

Mr. Herzl asked what the drop is from the highest to the lowest.

Mr. Lines said it is 7 feet from the back of the house to the northeast corner of the property by Central Avenue.

Mr. Herzl asked if the house is built already.

Mr. Lines said yes.

Mr. Herzl asked why they are coming back to the Board now.

Mr. Lines said the Township Engineer said since they're changing the grading to provide the retaining wall, they have to come back for an Amended Major Subdivision.

Mrs. Morris said changes in grading to an approved subdivision require Board action.

Mr. Sabel asked who is making changes in grading.

Mrs. Morris said the individual property owner submitted a permit to build a retaining wall.

Mr. Sabel asked if there was a plan for a wall at all.

Mr. Lines said no.

Mr. Stern asked what event occurred to trigger the retaining wall.

Mr. Lines said the owner of the house would like a wall so that when his kid drops a ball at the back of the house, it doesn't roll all the way down to Central Avenue.

Mr. Stern said you're grading it to make it more level.

Mr. Lines said correct.

Mr. Herzl said you need a lot of fill.

Mr. Lines said we'll bring the backyard up.

Mr. Isaacson asked about water runoff.

Mr. Vogt addressed Mr. Lines and said you're not changing the overall drainage pattern, you're changing the slope. It will be slower because it's going to be flatter.

Mr. Lines said yes. The water that flows towards the northeast is still going to go in the direction, it's just going to go slower. It's going to hit the wall and then flow over.

Mr. Isaacson said so any adverse waterflow will be for the homeowner. It's a slower runoff, so in a heavy rain it will pool.

Mr. Lines said most likely, yes.

Mr. Stern asked if it will dump into the cul-de-sac.

Mr. Lines said no it will go up to the east on the right.

Mr. Stern said so it will flow to the same spot.

Mr. Lines said yes, instead of flowing very quickly down the slope and none of it percolating into the ground, at a slower slope more water will percolate into the ground. So, it's very minor but we're actually reducing runoff.

Mr. Raitzik asked if there is any drainage in the street at that corner.

Mr. Lines said yes, there is an inlet in the street and one behind the curb because there's a detention basin 2 lots over between the two houses. The outfall from the basin is through the drainage easement on the property so there is a storm drain in the street 25 to 30 feet away.

Mr. Herzl asked if there is a gate at the top of the retaining wall.

Mr. Lines said yes, they are proposing a chain link fence on top of the wall.

Mr. Herzl said the wall is pretty high.

Mr. Lines said at its highest it is just under 6 feet high.

Mr. Raitzik asked if there is a recharge trench on the property to take the runoff from the house.

Mr. Lines said that was installed when the house was built.

Mr. Raitzik asked if its effective despite the fact that there is still a lot of runoff.

Mr. Lines said the recharge trench that is built for a new home is only for the runoff from the house.

Mr. Raitzik said so the water we're talking about is only from the property, not from the building.

Mr. Lines said correct.

Mr. Herzl asked if they put on the record why they are requesting the variance.

Mr. Lines said the variance is for 9.8 feet where 10 is required. Basically, it's a minor difference in surveying, he's not sure if the house was built 0.2 feet incorrectly or if their survey doesn't quite match the original survey. If they hadn't surveyed the property, nobody would have ever known. It doesn't affect the neighbor, it's a little over 2 inches. The retaining wall doesn't need a variance but it's beneficial to the neighbors.

Mr. Stern asked if Mr. Vogt is ok with the drainage.

Mr. Vogt said yes, with the understanding that what they have out there now, as indicated they are going to have less slope. So the rate of runoff is actually going to be a little less.

Mr. Stern said, which is good.

Mr. Vogt said yes.

Mr. Herzl opened to the public and no one came forward.

Mr. Stern asked about the easement in the back to the Township.

Mr. Lines said that is an existing easement from the detention basin out to Central Avenue.

Mr. Isaacson moved to approve. Mr. Meyer seconded. All were in favor.

Mr. Raitzik said the street there is called New Central rather than Central. The paperwork says Central. He wanted to clarify.

5. SP 2337 Congregation Chasam Sofer Inc
490 Manetta Avenue Block 236, Lots 6.03 & 6.04
Preliminary and Final Major Site Plan for a synagogue

Mr. Vogt said in his report, under submission waivers he has A21 Traffic Study, A22 proof of submission to Ocean County Planning. B waivers B2, B4, B10, topo and manmade features, C6 utilities and C13 EIS. The rationale given for the traffic study waiver is that it is a small synagogue in a residential area, obviously the Board is going to have to be satisfied with that. He agrees with the applicant's interpretation that Ocean County Planning Board is not required. He can support the B waivers as indicated. For plans and profiles, he supports that for hearing purposes only. Some profiles may be required during compliance. He supports the EIS waiver.

Mr. Herzl asked for a motion to go along with the Engineer's recommendations.

Mr. Meyer moved, and Mr. Isaacson seconded. All were in favor.

Mr. Vogt said under zoning, there is a minimum rear yard setback required. There may be a building coverage variance required, we need testimony on that. Relief is required from the perimeter buffer requirement. Under design waivers, there is a waiver with respect to a road widening easement in lieu of a dedication. And then also a waiver from UDO 18-807C4 relative to driveways within 30 feet of an intersection with public streets.

Mr. Sabel asked how close it is proposed.

Mr. Lines was sworn in. Maurice Rosenberg, attorney for the applicant, was introduced.

Mr. Isaacson left the meeting.

Mr. Lines said from the corner to the driveway it's 27.5 feet, from Ridge Avenue to the driveway. They are proposing to widen Ridge and Manetta to 16 feet from the centerline, which would give you 32 if someone on the other side developed. He said if they didn't do that, they wouldn't need that waiver. By providing that, he thinks it's a better situation to have the road widened by the corner. If they moved the driveway over, they would lose parking. Parking is very important on this application.

Mr. Herzl asked about variances.

Mr. Lines said they are proposing a 3700 square foot synagogue building on the corner of Ridge and Manetta. Terry has identified that they have a 10-foot rear setback variance where 20 is required. The rear of the building is the south side. They are proposing a white vinyl fence along the rear of the property and the Shade Tree Commission has requested 6 to 8-foot arborvitae and or 5 to 6-foot privet hedges along there.

Mr. Sabel asked what's behind there, is it residential?

Mr. Lines said yes, residential.

Mr. Sabel asked if they are new duplexes or old stuff.

Mr. Lines said he believes it's a newer house on Seventh and maybe a duplex.

Mr. Sabel said nothing new, it's already built up.

Mr. Lines said correct. There is an existing house on Lot 7 behind us, and it looks like a duplex next door.

Mr. Herzl said you aren't asking for any parking variance.

Mr. Lines said no. The letter says they may need a parking variance because they have, in comment 8, the architectural plans show the main footage of the sanctuary as 1,820 feet which would require 19 parking spaces, they have 18. One issue with the architectural plans is that the building is 4 inches too big. He indicated in his review letter that the revised architectural would be four inches smaller. The sanctuary space would then be 1,799.5 square feet, under the 1,800 square feet so they don't need the parking variance.

Mr. Herzl said so the only variance is the rear setback where you need 20 and you have 10, and they're giving trees and a fence.

Mr. Lines said that's also the buffer waiver where you need 20 on the side and the rear. And they're providing the fence and trees, which the Ordinance recommends if you're going to give a waiver.

Mr. Stern asked if the three stalls on the lower left corner of the map were to be head-in, and then back out into the oncoming traffic to get out.

Mr. Lines said yes. On Manetta, they are close to the corner, people are slowing down.

Mr. Stern said so there is no ingress or egress off of Ridge.

Mr. Lines said correct. They don't access Ridge at all, but the current house has its driveway backing out onto Ridge.

Mr. Stern asked if Mr. Vogt is ok with that, backing into Manetta.

Mr. Vogt said it isn't ideal, but it's been done before.

Mr. Stern asked if they took those spaces away, would they have enough parking.

Mr. Lines said no, they would need a variance for those three spaces.

Mr. Sabel said they had this on Oakland two weeks ago and it wasn't a good idea.

Mr. Lines said there are a lot of synagogues that have it where everybody backs out.

Mr. Stern said that doesn't mean it's a good idea.

Mr. Lines said he understands. The majority of the parking will be in the front, which does not back out onto Manetta.

Mr. Herzl asked if there is anything in Mr. Vogt's letter that Mr. Lines doesn't agree with. He asked if they are proposing sidewalks around the whole property.

Mr. Lines said yes, they are doing the road widening and need the waiver from providing the dedication. They are proposing easements which in his opinion are the same thing. If they dedicate, then the lot is smaller and they need a lot area variance. This serves the same purpose. All new sidewalks, new curb, paving the road, widening it, handicapped ramps...

Mr. Herzl asked if garbage is going to be picked up on the corner by DPW.

Mr. Lines said yes. Curbside they have a dumpster adjacent to the enclosure for the cans, adjacent to the building.

Mr. Rosenberg discussed the use of the premises as a shul. He stated it would not be a minyan factory. It is to serve a small congregation. It's an Ashkenaz shul, there will not be a hall downstairs or a simcha room. It's going to have a matzah bakery for Pesach only, and a mikvah for congregants. It will not necessarily attract too much traffic to the area, and is beneficial for the area and congregants. The shul will be led by Rabbi Frand.

Mr. Herzl said there is nothing else in the basement besides the matzah bakery?

Mr. Rosenberg said and the mikvah.

Mr. Herzl said the mikvah is only open for the people who pray there?

Mr. Rosenberg said correct. This is an existing congregation moving into the shul. It's a small, well-run congregation.

Mr. Herzl asked where the members live.

Mr. Rosenberg said within walking distance. We have Mr. Weber of the shul to testify.

Mr. Mordy Weber was sworn. He said the shul is in the neighborhood already, on 7 New York Avenue. Rabbi Frand is the Rabbi. Mr. Weber lives the furthest, in White Oak off Ridge Avenue. All the congregants are within a 10-minute walk. The shul has been around for over 2 years, and it's expanding at a fast rate. They are looking for a new home. This is an appropriate location being that 95 of the congregants are within the 10-minute walk. There is to be no simcha hall and it won't be a minyan factory. It's mainly a weekend shul, nothing taking place during the week, only weekends right now.

Mr. Herzl said even if it takes place during the weekdays, it would only be one in the morning and one at night.

Mr. Weber said yes, that's correct. They aren't looking for multiple, or to serve the neighborhood in that way. There are other synagogues that do that in this area.

Mr. Herzl said parking has been a big issue in Lakewood.

Mr. Weber said he is aware of that.

Mr. Stern asked if there is on-street parking.

Mr. Weber said yes, on Manetta.

Mr. Stern asked if you could park on both sides of Manetta and still have cars go through.

Mr. Isaacson said no.

Mr. Weber said you'd have to have one side on Manetta. There is currently parking on one side. And there is one side parking on Ridge as well, and they are planning to widen it.

Mr. Sabel asked about the balcony area not being included in the parking calculation.

Mr. Vogt said the calculation is based on the UDO, which would not include the balcony.

Mr. Sabel said so only the main sanctuary?

Mr. Vogt said correct.

Mr. Lines said that's the way the Ordinance reads, main sanctuary only.

Mr. Sabel asked about the two secondary rooms, maybe offices.

Mr. Lines said those don't require parking at all.

Mr. Sabel said so only in a school do offices require parking.

Mr. Lines said that is correct.

Mr. Herzl opened to the public but no one came forward.

Mr. Raitzik said currently the streets, you enter from Manetta but not Ridge for the parking lot.

Mr. Lines said no there is no entrance from Ridge.

Mr. Raitzik asked if there is any reason they would want a right-out-only from that parking lot, because of proximity to the corner.

Mr. Lines said there is enough room for two cars to stack.

Mr. Vogt said obviously if you have cars stacked there waiting to turn, they're going to have to wait to come out. But there is room if there's no cars there.

Mr. Sabel asked where the garbage is going to be.

Mr. Lines said on the left side of the building, up against the building, there is an enclosure.

Mr. Herzl said he doesn't see it on the plan.

Mr. Lines said sheet 3 of 17.

Mr. Sabel said yes, he sees it. He said isn't that the walkway, the main entrance. He asked if they're going to roll it out.

Mr. Lines said no. They will roll it down to the street.

Mr. Herzl opened to the public but no one came forward.

Mr. Meyer made a motion to approve, Mr. Raitzik seconded.

Affirmative: Mr. Stern, Mr. Herzl, Mr. Meyer, Mr. Raitzik

Negative: Mr. Sabel

6. APPROVAL OF MINUTES

7. APPROVAL OF BILLS

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary