

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Rennert, Mr. Follman

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

1. 2018 Planning Board Calendar of Meeting Dates

A motion was made and seconded to approve the resolution.

5. OAK STREET CORE RESIDENTIAL DEVELOPMENT SUBDIVISIONS

- **SD 2313AO Mark Properties, LLC**, Block 1032, Lots 1, 2 & 6

A motion was made and seconded to approve the application.

6. CORRESPONDENCE

- **SP 2190AA Bais Medrash of Medina Road, Inc** - Request to change from landscape buffering to fencing instead

Mrs. Morris said this request was previously before the board but there was concern about whether or not it had been noticed.

Mr. Mordechai Tolchinsky was sworn. They have provided notice and would like to change arborvitaes to vinyl fencing.

Mr. Herzl asked why they want to remove the trees.

Mr. Tolchinsky believes it will provide more privacy and blend in better with the neighborhood.

Mr. Herzl asked what sort of fencing is proposed.

Mr. Tolchinsky said 4 ft vinyl up to the house and from the house 6 ft vinyl and in the back is a 6 ft wood stockade fence.

Mr. Herzl opened to the public.

Ms. Raichel Rhoden was sworn. She lives catty-corner of this property and would like to clarify exactly what is being done because the fence in the back is a bit of an eyesore.

Mrs. Morris asked if she would prefer the white vinyl along the back as well.

Ms. Rhoden confirmed.

Mr. Rennert asked if she would prefer trees.

Ms. Rhoden prefers the fence.

After discussion, Mr. Tolchinsky agreed to properly treat, clean and maintain the existing 6 ft wood fence in order to make it more visually pleasing.

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

7. PUBLIC HEARING

1. SP 2233 Zichron Chaim Inc.

712 New Hampshire Ave & 1474 Oak St Block 1159.03, Lots 13 & 17
Minor Subdivision and Preliminary and Final Major Site Plan for a school

Review letters prepared by Remington & Vernick Engineers dated November 16, 2017 were entered as exhibits.

Mr. Ackerman arrived at the meeting. Mr. Rennert stepped down.

A question arose as to whether or not Mr. Ackerman has a conflict with this applicant.

Mr. Ackerman confirmed he has never made a donation to this school and he has no children which attend. He is familiar with this school but he is familiar with a lot of schools and feels he can sit on this application and give an unbiased decision.

Mr. Vogt said submission waivers requested include topography, contours and man-made features within 200 ft as well as an environmental impact statement. The waivers are supported.

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

Mrs. Miriam Weinstein, Esq. said they are before the board for site plan approval as well as minor subdivision approval. Essentially, they are taking land from existing lot 17 and appending it to lot 13. A school is proposed on the newly created lot 13.01. There are no variances associated with the subdivision approval. A girl's elementary school is proposed which is currently housed on a building on Pine Street but they have already outgrown that building. The school currently has primary through 5th grades with one class per level in the upper grades and parallel classes in the younger grades. They are building this new school to make more room for incoming classes.

The only relief sought is for buffer relief and they would defer to the board as to what they feel is appropriate. Currently the school has 4 school buses in the morning and on Friday afternoon dismissal. Otherwise, the dismissal times are staggered and at present there are never more than 2 buses at a given dismissal time.

Mr. Brian Flannery, P.E., P.P. was sworn. As indicated, this is for a minor subdivision to take a small piece of property off the residential lot on the corner of New Hampshire Avenue and Oak Street in order to make a larger 30,000 sf lot for a girl's elementary school where 32 parking spaces would be provided. Bus circulation is around the building to allow the buses to come in and the students will load and unload. As testified, they are looking for buffer relief and the applicant would defer to the board on what they think is appropriate. They have shown some landscaping to accommodate that where they feel the landscaping can provide the buffer in accordance with the intent of the ordinance.

Mr. Herzl asked if any variances are sought.

Mr. Flannery said no.

Mr. Vogt said the buffer relief requirements are under the 900 section so technically it is a variance.

Mr. Flannery said sometimes the board handles it as a design waiver and sometimes as a variance. If it is a variance then certainly it is a C-2 variance where they would have to demonstrate the benefits outweigh the detriments. This is an inherently beneficial use and they all know that schools are needed in Lakewood. It is located on New Hampshire Avenue which is an appropriate location for it and it is his testimony the benefits of providing this site in an appropriate location outweigh the only detriment being the aesthetics which can be accomplished by providing landscaping to the satisfaction of the board.

Mr. Herzl asked where this property is located.

Mr. Flannery said it is on Oak and New Hampshire. Oak comes into it because they took a piece off the lot on the corner in order to make the bus circulation work on the site. He believes this is what the board was trying to achieve where they provide for appropriate bus circulation rather than to just have a little place for the bus to stop. This allows for the bus to come in, unload/load the children and then go all the way around with a separate entrance/exit. The County has seen it and likes the plan.

Mr. Herzl asked where the children are being loaded/unloaded.

Mr. Flannery said in the southwesterly corner.

Mr. Vogt said bus drop off spaces are shown on the southerly side.

Mr. Flannery confirmed, there is sidewalk there to get to the back corner.

Mr. Franklin said there is a double arrow shown on the parking lot on the right side. If there is a car coming, the bus is not going to be able to make that turn.

Mr. Flannery said the reason for the double arrow is in case any of the teachers park there and do not want to go all the way around. Certainly the teachers are not doing those movements at the same time as the buses. This would be similar to any parking lot where you have sufficient width and a car is trying to move when the bus is going. It's not going to work but that is not a situation you run into with the teachers and the buses. He thinks it provides some ease for the cars in there without having to go all the way around the back.

Mr. Herzl said it is not a big deal to go around the building, he thinks it is safer to make it one way.

Mr. Franklin agrees it makes more sense.

Mr. Herzl asked if New Hampshire Avenue is a right in/right out.

Mr. Flannery confirmed.

Mr. Vogt believes the applicant is seeking a waiver from providing sidewalk along the frontage.

Mrs. Weinstein said the County doesn't want sidewalk there.

Mr. Ackerman questioned that.

Mrs. Weinstein said they are supposedly widening the road in the future and therefore don't want sidewalk there at this time.

Mr. Vogt said it is up to the board. If they want sidewalk then it could affect the final alignment and the final development of the property. He has not been in contact with the County so he is unsure as to what they want or don't want.

Mr. Herzl asked where the trash would be located.

Mr. Flannery said there is a trash enclosure on the back corner.

Mr. Franklin said that works.

Mr. Ackerman said there are 9 classrooms so there would be roughly 240 students with 6 or 7 buses.

Mr. Flannery confirmed.

Mr. Herzl asked if they agree with the rest of the comments in the engineer's report.

Mrs. Weinstein confirmed.

Mr. Ackerman asked if any variances are being created for the subdivision as they are taking land away from the residential lot.

Mrs. Weinstein said no, it is a fully conforming application.

Mr. Flannery said the remaining lot is 20,542 sf and needs no bulk relief.

Mr. Ackerman asked if the buffer relief requested is one of the neighbors' concerns.

Mr. Follman said this board doesn't give any waivers for sidewalks. They have to figure out a way to get it done even if the County doesn't want them. Perhaps they could put money into escrow for sidewalks.

Mr. Flannery said they would post a bond for the sidewalks and they would work with the County and Township to get it done.

Mr. Vogt said it should also be subject to Township approval.

Mr. Herzl opened to the public.

Mr. Yechiel Berger was sworn. He lives on the corner of Oak and Coral. Just like he is subject to restrictions on this property, this school should be no different. He understands schools are allowed but buffer relief should not be granted. There was already a small school there but to have a school with 240 students is going to be a big disturbance.

Mr. Flannery said there are two lots in between his lot and the school's lot. The ordinance requires 20 ft of existing vegetation then an 8 ft high fence would provide the same buffering especially when there are two lots in between. The applicant has agreed to provide landscaping or fencing to whatever degree the board feels necessary.

Mr. Berger said the parking lot would be backing up to Oak which would be right in front of his property. There is also a safety concern there as it is a dangerous corner and this would put more traffic on the roads. He is assuming part of the reason the County doesn't want sidewalk is they do not want people walking up and down there.

Mr. Herzl said no variances are being requested for parking and a school is a permitted use.

Mr. Herzl closed to the public.

Mr. Follman asked how it would work with the bond for the sidewalks. He wants to make sure it gets done.

Mr. Vogt recommends that if the board wants to act on that stipulation then it be subject to Township approval. It may get to the Township and after dealing with the County, they may decide it can't be done. The applicant and everyone involved would have to come back and find out a way to install sidewalks. He thinks, if the board acts favorably, it is the board's intent to have sidewalk somehow along the property frontage.

Mrs. Morris said the board would be approving the project with the provision that sidewalk be installed.

Mr. Vogt said they could say bond or similar methods.

Mrs. Morris said it would become part of the bond for any project. The applicant would either have to install the sidewalk or come back before the board to have that condition removed.

Mr. Ackerman asked if an 8 ft fence is being provided.

Mr. Flannery said they would provide an 8 ft fence in the back where it impacts the neighbor. They wouldn't install it down the side where they provide landscaping.

Mr. Herzl said it is a school so they should have a fence along the entire property.

Mr. Flannery said they would provide a 6 ft fence along the sides and 8 ft along the westerly property line.

Mr. Vogt asked if it solid fencing.

Mr. Flannery confirmed.

Mr. Vogt said it would be 6 ft except within the front yard setback where they would have to go down to 4 ft.

A motion was made and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Follman, Mr. Ackerman

2. SP 2257 Yeshiva Even Yisroel

50 Niemann Road Block 251.03, Lot 29

Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington & Vernick Engineers dated November 16, 2017 was entered as an exhibit.

Mr. Vogt said submission waivers are requested including a traffic study, proof of submission to the Ocean County Planning Board, an environmental impact statement and architectural elevations. The applicant will have to satisfy the board relative to the traffic study, the applicant's engineer indicates that less than an acre of impervious coverage is proposed and the project is not located on a County highway, the waiver from providing an EIS can be supported since the same submission waiver was granted under a previous application, finally testimony shall be provided to the board justifying the submission waiver request from providing architecturals.

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

Mr. Vogt said variance relief is necessary for aggregate side yard setback, off-street parking and buffer relief. Design waivers are required for the proposed driveway width and for the maximum mounting height of proposed site lighting.

Mrs. Weinstein said there was an application on a portion of this site several years ago for a change of use site plan exemption to convert the existing residence to a school. She believes at that time, the board had a lot of discussion about it being a temporary solution and about placing a 5 year time frame on that approval to encourage the school to get a full blown approval within 5 years. That change of use approval was granted on August 6, 2013. They are back before the board over 4 years later and the applicant has acquired additional property and is before them with a full blown application for a beautiful state of the art building. Since that approval, the school has grown from a fledgling school to a full blown boy's elementary school servicing grades primary through 4th grades. The school currently has 138 students and the busing is staggered. In the morning, primary through 5th grades come at the same time with a total of 3 buses. In the afternoons, there are staggered dismissals with no more than 2 buses at a given dismissal time. All students are bused to school other than the occasional student who misses the bus or has an appointment. They will not be requesting the variance for parking.

Mr. Glenn Lines, P.E., P.P. was sworn. They are proposing 35 spaces whereas 39 are required. They would make changes to the building in order to eliminate that variance.

Mr. Herzl asked what they will do to comply.

Mr. Vogt said they will have to reduce classrooms and/or offices to either meet or come under the 35 space requirement.

Mr. Lines said they will reduce the total number of rooms to get to where the 35 spaces are compliant. A minimum aggregate side setback of 32.12 ft is proposed whereas 40 ft is required. On the north side of the building, there is 14 ft and 17.2 ft on the south side. On the previous application approved by the board, they actually had 13 ft on each side for a total of 26 ft so they are improving the original design. They do encroach into the buffer with the north side of the building and two areas on the south side and along the parking. The zoning in this area is R-40 so they are very large lots but this lot is very narrow. They would request the buffer waiver and would provide fencing

or landscaping to the satisfaction of the board. There is a house on the lot to the south and the building is a good 30 to 40 ft away, the house to the north is over 50 ft away and it is wooded.

Mr. Herzl questioned the odd shape of the building.

Mr. Lines said it jogs in on the south side to comply with the angled property line and there is a wing of classrooms that go out to the rear.

Mr. Herzl asked why they can't square it out.

Mr. Lines said it just the way the classrooms, hallways and stairs were laid out.

Mr. Herzl asked if there are any wetlands on the property.

Mr. Lines said no.

Mr. Grunberger asked if architectural drawings were submitted.

Mr. Lines confirmed.

Mr. Herzl asked what the rear setback is.

Mr. Lines said the requirement is 30 ft and they are providing 188 ft. A design waiver is requested for the proposed driveway width of 39 ft whereas 30 ft is allowed. This is the driveway on the south side and they made it a little wider so they could get a nice stacking bus lane along the side property line and in front of the building. They would reduce the lights to the maximum permitted height of 25 ft therefore they are not requesting that waiver.

Mr. Herzl asked where the trash would be kept.

Mr. Lines said there is a trash enclosure at the front of the building on the northwest corner.

Mr. Herzl asked if they agree with the rest of the comments in the engineer's report.

Mrs. Weinstein and Mr. Lines confirmed.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

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

- 3. SD 2295 Madison Second LLC**
Madison Avenue Block 72, Lots 7.05-7.08
Minor Subdivision to create 3 single-family lots

A review letter prepared by Remington & Vernick Engineers dated November 6, 2017 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area, width, front, side, aggregate side yard setbacks and maximum building coverage.

Mrs. Miriam Weinstein, Esq. said this application concerns a parcel of land recently approved for 4 duplex units or a total of 8 families. The property was then sold to this applicant who is the same applicant who had requested a reduction in a unit count on a different project they bought. They purchased this property for their children and decided they prefer single family homes rather than duplexes. They are now asking for 3 single family homes with a maximum of 6 families instead of the duplex units with a total of 8 families.

Mr. Herzl asked which application has less variances.

Mr. Glenn Lines, P.E., P.P. was sworn. He said this application has less. Except for the lot area variances, the prior application approved had the same 5 ft side yard setbacks, the same lot coverage and the same rear yard setbacks. The front yard setback of 48 ft is an improvement from the previously approved 45 ft. The duplexes were really maximized on those lots so they are coming back to build nicer units.

Mr. Rennert questioned if a bank was approved on this site.

Mrs. Weinstein confirmed. After the bank was approved, another applicant came in and got the duplexes approved.

Mr. Grunberger asked when the duplexes were approved.

Mrs. Weinstein said within the past year.

Mr. Herzl asked if there is anything in the report they cannot agree to.

Mr. Lines said no, the rest of the report was acceptable. A lot of what they had done when they did the plan revisions for the duplexes has already been addressed.

Mr. Rennert said there would be a maximum of one basement apartment per unit.

Mrs. Weinstein confirmed.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

A motion was made and seconded to approve the application.

All were in favor.

- 4. SD 2297 Lakewood Equity LLC & Township of Lakewood**
15 America Avenue Block 549.01, Lot 2
Minor Subdivision to create 2 lots and courtesy review of parking lot

A review letter prepared by Remington & Vernick Engineers dated November 6, 2017 was entered as an exhibit.

Mr. Vogt said submission waivers are requested from providing topography and contours. Those waivers are supported as the proposed subdivision is for lot line adjustment only.

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

Mr. Vogt said variances sought include minimum lot area, width, front yard setback, maximum building height and off-street parking.

Mrs. Miriam Weinstein, Esq. said the subject property contains a four-story 60,582 sf state of the art office building which is already occupied and has 149 parking spaces. This application is for subdivision of a portion of the lot to be conveyed to the Township upon which additional parking stalls will be created at the expense of the applicant and for the benefit of the public. The Township Manager, Tom Henshaw, sent a letter to the Planning Board in support of the application.

Mr. Rennert asked if this is the building where a lot of people were parking on the street.

Mrs. Weinstein confirmed. She wants to clarify that the variances read onto the record were pretty much already granted at the time that the site plan was approved for the office building several years back. The lot to be created is an undersized lot in the B-6 zone and it is deficient in its required lot width. Those are the new variances requested today but all of those other variances were granted, the building has already been constructed and occupied.

Mr. Vogt said the board has to take in account that they are not building a principal structure on this newly created lot.

Mr. Rennert said it would only be used for a parking lot.

Mrs. Weinstein confirmed.

Mr. Herzl asked how many additional spaces are proposed.

Mr. Joseph Lalka, P.E., P.P. was sworn. There is a piece of unused land adjacent to the Public Works property which was part of the original tract of 2.8 acres. They will be cutting off a piece of that property to create a parking lot to help alleviate parking on America Avenue. There are variances because the property is only .308 acres and approximately 40 ft wide. The newly created parking lot proposes 11 spaces.

Mr. Herzl asked if there is still a variance for parking.

Mr. Lalka confirmed, 202 spaces were required and 149 spaces were approved.

Mr. Grunberger questioned why the Township is acquiring this lot. He asked why the applicant can't just add more parking on their property.

Mr. Lalka said they are restricted to 149 spaces under CAFRA so by separating it out they are able to build the extra parking. A newly self-created variance is for front yard where they were granted a 40 ft variance but the building is actually 39.7 ft from the street so they would request that relief as well.

Mr. Rennert asked if it is possible to get more than 11 spaces. He asked why they aren't going further back.

Mr. Lalka said there is an environmental buffer they can't cross in the back.

Mr. Rennert is familiar with this building and knows there is a big problem with parking. He asked if they could get more spaces if they angled the parking.

Mr. Lalka said they may be able to get one or two more spaces but there is no turn-around.

Mr. Vogt said they should keep it simple.

Mr. Lalka reviewed the engineer's report and agrees to the comments.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

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

5. SD 2299 Jonathan Rubin

319, 323, 327 Ocean Ave, Ocean Ave Block 246, Lots 40, 41, 42.01, & 67
Minor Subdivision to create seven lots

A review letter prepared by Remington & Vernick Engineers dated November 16, 2017 was entered as an exhibit.

Mr. Vogt said a submission waiver is required from providing proof of submission to the Ocean County Planning Board. The applicant's engineer indicates that the applicant shall make an application if and when approval is granted.

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

Mr. Vogt said one of the proposed lots may or may not be developable based upon the extent of wetlands and transition areas. Variance relief for side yard setback is no longer being requested.

Mrs. Miriam Weinstein, Esq. said this application is for a minor subdivision to create 7 lots, 4 of those lots would be zero lot lines upon which duplexes would be built. The other 3 lots are proposed as vacant lots. This is a fully conforming application without any variances.

Mr. Vogt asked if the design waiver from improving Sampson Avenue is being sought.

Mrs. Weinstein confirmed.

Mr. Vogt said a design waiver is also required for proposed side lot lines which are not perpendicular to the right-of-way.

Mrs. Weinstein said lot 40.07 is comprised of mostly wetlands and wetland buffers and would not be buildable at this point in time. The applicant is requested that this lot be created because the wetlands that exist on this lot has been exacerbated by the pipe filled in by a previous developer on a neighboring lot several years ago. They have had several applications over the last few years which will be rectifying this pipe and was made a condition of those approvals. Those projects are currently under construction and their environmental professionals have advised that it is their professional opinion that once this situation is rectified, the wetlands area on this lot will shrink dramatically enabling a fill permit to be granted from the NJDEP. The applicant is requesting that this lot be granted now as once they sell the duplex on the lot that's in front of it which fronts on Route 88, they would no longer be able to subdivide this lot as that buyer's mortgage will encumber this lot. They understand that nothing can be built on this property without approval from the NJDEP and Sampson Avenue would have to be improved to access that lot.

Mr. Charles Surmonte, P.E. was sworn.

Mr. Herzl asked what is being proposed on lot 40.03.

Mrs. Weinstein said at this point it will be a vacant lot and would be subject of a future application.

Mr. Herzl asked if they are going to use that lot to access lot 40.07.

Mrs. Weinstein said that lot is probably going to be subject to a future site plan application but at this point it is just a vacant lot but they would have to pave Sampson Avenue. If they can't pave Sampson, then they can't build on lot 40.07.

Mr. Franklin said there is no turnaround on Sampson Avenue.

Mrs. Weinstein said they would have to deal with it at that point in time. At this point, the applicant is asking to create that lot so he doesn't have a situation where it is part of the duplex lot and thus cannot subdivide it at a later date.

Mr. Herzl feels the applicant is asking the board to approve a lot which would give them the right to build on it.

Mrs. Weinstein said it will be clear in the resolution. The board would grant the lot but it is subject to NJDEP approval and access from a paved road.

Mr. Rennert asked where Sampson Avenue extends to.

Mr. Franklin said it ends there. He said all of the Dewey Avenue water is still going down into that basin. He doesn't see any pipe lines where they are taking that water out of this area. They did it for a piece further up but not in this area.

Mrs. Weinstein thinks it is in the process of being addressed for a couple of applications along Route 88. The board specifically made it a condition of those approvals. Those projects are not yet built.

Mr. Franklin said they did not take into consideration of what they are doing up here as the water from Dewey ends up here.

Mrs. Weinstein said it is certainly the idea to clean that all up and once that happens, hopefully these wetlands will shrink.

Mr. Franklin doesn't see any plan of tying pipes together to get this drained.

Mrs. Weinstein believes it is being done by applicants on other projects. They believe the result of what is being done on those projects is going to shrink the wetlands on this lot. If that doesn't happen, they won't be able to build on this lot because they won't get approval from the NJDEP.

Mr. Franklin said they don't see any of that here.

Mrs. Weinstein understands but this applicant is not doing it.

Mr. Franklin questioned why that can't get done before these lots are created.

Mrs. Weinstein said it is going to take some time. They would like to be able to sell the duplexes in the meantime.

Mr. Rennert questioned why they can't make it part of lot 40.03 and create one larger remainder lot.

Mrs. Weinstein said lot 40.03 is probably going to be dealt with in the not too distant future. They could do that but then they would come back with the same request at time of the site plan approval.

Mr. Herzl said they should come in showing how the drainage is being rectified.

Mr. Franklin said if they are going to attach to the other drainage already under construction then something has to be done to pick up all of that Dewey Avenue drainage.

Mrs. Weinstein said the applicant would keep the extra land as part of lot 40.01 and hold that duplex unit until all of this is resolved.

Mr. Rennert asked what needs to be done if the applicant gets DEP approval for lot 40.07.

Mr. Vogt said they would have to construct road access including a turnaround per applicable Township and RSIS standards.

Mrs. Morris said a plot plan and road improvement plan would be submitted for review and approval.

Mr. Rennert said Sampson Avenue would be improved but not necessarily with sidewalks.

Mrs. Morris said it would be improved per Township standards unless some board grants them a waiver including curb and sidewalk.

Mr. Rennert said the board likes 32 ft wide roads. He asked what the RSIS standards are.

Mrs. Morris recommends the board put those requirements in now.

Mr. Franklin said there is still a wetlands buffer there.

Mrs. Weinstein said it would have to be approved by the DEP. The applicant knows the odds of being able to use this lot are slim but if he doesn't create it now, he would lose the ability to do that in the future.

Mr. Rennert confirmed with the board engineer that if they want to build on lot 40.07, they would have to improve Sampson Avenue to RSIS standards and Township standards which include sidewalk and curb. They are not sure of the width but the street doesn't really go anywhere anyway.

Mr. Franklin argued that has nothing to do with the Dewey Avenue drainage.

Mr. Rennert asked if the DEP would look at the drainage situation before granting approval.

Mr. Franklin said they have done a lot of work to rectify the drainage in the area but it is still not completed. It has to be done before this can be done.

Mrs. Weinstein knows that. They are just asking to create the lot and are aware they cannot build on the lot until that happens. The applicant would agree to the stipulation that they would have to come back before this board before building on it.

Mrs. Morris said the applicant agrees to come back before the board for their review and comments in general before any construction on that lot.

Mrs. Weinstein confirmed. Their objective is that lot be created now so they do not lose the ability to create it at a later date. She understands Mr. Franklin's concerns and thinks they are valid.

Mr. Rennert asked what they are proposing to do with lot 40.06.

Mr. Weinstein said no plans at this time.

Mr. Herzl asked if they would have frontage to Dewey Avenue.

Mrs. Weinstein confirmed. Concerning item #26 in the engineer's report, the two duplex lots are not going to trigger a requirement for stormwater management but there is going to be a separate site plan approval for lot 40.03. At that point it will be dealt with.

Mr. Vogt said they have no problem addressing this further in compliance if the applicant's engineer can make the case that this does not defeat the stormwater rule. The road itself may or may not trigger the rule.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Rennert, Mr. Follman

No: Mr. Grunberger, Mr. Franklin

6. SP 2138 Flea Market Developers LLC

117 Route 70 & Locust Street Block 1077, Lots 22 & 23

Extension of Preliminary and Final Major Subdivision and Site Plan for a mixed use development

Mr. Adam Pfeffer, Esq. said they are before the board for a statutory extension as they are currently going through resolution compliance.

A motion was made and seconded to approve two one year extensions.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Follman

Abstain: Mr. Rennert

7. SP 2268 New Hampshire Avenue, LLC

1088 Route 88 Block 189.03, Lot 91.01

Preliminary and Final Major Site Plan for a car dealership

A review letter prepared by Remington & Vernick Engineers dated December 11, 2017 was entered as an exhibit.

Mr. Vogt said they issued an updated letter issued today in response to some zoning clarifications by the applicant's engineer and planner. Submission waivers requested include topography, contours and man-made features within 200 ft which are supported.

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

Mr. Vogt said variances include a free standing sign for setback, area and height, wall mounted signage and for off-street parking. Buffer relief is required, providing concrete sidewalk along Route 88 and planting of street trees. He asked if relief is being sought for the utility easement.

Mr. William Stevens, P.E., P.P. was sworn and said they can provide a utility easement.

Mr. Vogt said there is an issue with planting the trees depending upon what is there.

Mr. Stevens confirmed.

Mr. Vogt said lastly, relief from lighting.

Mr. Stevens said this is a state of the art Subaru facility on the corner of New Hampshire Avenue and Route 88. This facility will be their flagship facility where people from all over the country will be coming to this dealership.

Mr. Herzl asked if there are variances associated with this application.

Mr. Raymond Shea, Esq. said yes, all the ones associated with a car dealership along Route 88.

Mr. Stevens said they are asking for some minor variances for the free standing sign out in front. Directly across the street there is the Pine Belt sign which is the biggest sign in town but this sign is nothing like that. This will be a typical brand sign, similar to the Chrysler sign down the street. Per ordinance, a signage area of 60 sf per building face is permitted whereas 4 separate wall mounted signs totaling 185 sf are proposed on the front elevation of the building. They also need a parking variance as they are providing a total of 77 spaces whereas 87 is required. They have 146 stalls on the site but the majority of those stalls are going to be utilized to display new Subaru cars. Pine Belt owns, runs and manages car dealerships so they know they have enough parking here to make it work but technically they do need a variance.

Mr. Vogt said there are a number of display spaces on the property which are not being counted. For argument sake, if they built this and found they don't have enough parking, they would simply convert some of the spaces.

Mr. Herzl asked if there are sidewalks along Route 88.

Mr. Williams said there is new curb and sidewalk along New Hampshire Avenue but they did not show sidewalk along Route 88. If the board recalls, they were originally going to build a Chrysler dealership which was approved by this board which did include a waiver for sidewalks on Route 88. The reason why they are continuing that waiver request is that there is a lot of equipment in Route 88 along this frontage and there are no sidewalks on either side. They could put it in but it won't be easy as there are a lot of utility poles, a traffic light, traffic signal boxes.

Mr. Herzl asked if they would lose any parking spaces if sidewalks were installed.

Mr. Williams said no, it would have to fit into the space they have left between the edge of the parking and Route 88.

Mr. Franklin and Mr. Follman believe sidewalks should be installed.

Mr. Shea asked if they would give them the right to not maintain a strict sidewalk in a linear direction but to make adjustments along the way.

Mr. Rennert would like to see how they are going to meander the sidewalk.

Mr. Vogt said they are not going to be able to tell until they identify all of the potential conflicts. He would imagine it is not going to meander more than 5 to 10 ft into the property, if that.

Mr. Williams hopes less than that. He would like to see it very close to the curb but it is going to take some work to make that happen.

Mr. Rennert said looking at the aerial map, it looks like they can put the sidewalks inside the poles.

Mr. Williams said there are some significantly sized NJDOT signs and they would have to see what they can do about that.

Mrs. Morris said the lot immediately to the east does not have sidewalks but one lot further they do have sidewalks along the frontage.

Mr. Rennert thinks the sidewalks should not meander in any way and perhaps to move it inside the utility poles.

Mr. Vogt said that may not be the only conflict. He would recommend giving the applicant some latitude. If they make it subject to dealing with the utility companies you are going to add substantial delays.

Mr. Williams said the northern property line of their project technically abuts the residential development, Woodlake Greens, so there is a buffer requirement of 50 ft and they would like to put up a fence between the two uses but it is important for the board to realize that there is no residential use adjacent to their property, it is where the road comes in and there is a wooded buffer that will remain on their side of the property so all you would see would be the fence.

Mr. Rennert said the point of the requirement is to buffer between a commercial and residential use in order to protect the residential use.

Mr. Shea said it is but there is always an alternative and a fence serves the same purpose.

Mr. Herzl asked if trees are required as well.

Mr. Vogt said the UDO allows fence and/or vegetation. He doesn't believe landscaping is required.

Mr. Rennert asked how many feet between the commercial use and the nearest residential property.

Mr. Williams said it is at least 50 ft.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

Mr. Rennert questioned the sidewalk.

Mr. Shea said the board can make the design subject to the board engineer's approval.

Mr. Vogt said they have had occasions where they had to deal with meandering sidewalks otherwise you are talking about moving poles and that takes a lot of time and money.

Mr. Shea said they are under tremendous time pressure from Subaru so he asked if they can proceed with grading and restoration.

Mr. Vogt said they need to reach out to the engineer's department as soon as possible.

Mrs. Morris said the applicant did speak with the township engineer who said typically that procedure is reserved for non-profit schools and synagogues and that if they are looking to start that on a commercial site then they would be required to get the endorsement of either the committee or manager. If the board is in favor of this application and does not have reservations about them moving forward with site clearing and grading only then it would certainly be helpful to have some comment from the board to that effect in the resolution.

Mr. Follman feels it is better to do it for a ratable.

Mr. Vogt said they would require a soil erosion permit, a bond must be posted and a hold harmless agreement to be submitted.

Mr. Rennert questioned the ingress/egress.

Mr. Williams said this site plan mirrors the Chrysler site plan which was approved by this board. There is a right in/right out only on Route 88, a right in/right out only in the center of the project on New Hampshire Avenue and a full movement driveway located as far to the north basically across from the Auto Zone driveway.

Mr. Rennert is concerned about the left turn onto New Hampshire Avenue.

Mr. Williams said it is under County jurisdiction and the County has already granted approval. He actually questioned this turning movement as well and the traffic engineer said the problem is that anybody who wants to go back west onto Route 88, it is the only way to be able to do that.

Mr. Rennert is concerned. New Hampshire is a four lane busy highway.

Mr. Franklin said the traffic lights do hold that traffic up so there should be a big opening.

Mr. Scott Kennel was sworn. It is opinion that it is best to provide the full movement driveway on the northern part of the site. In addition, if you do not allow left turns out of that driveway then you are forcing more traffic to the north on New Hampshire Avenue up to Ridge Avenue and more local roads. This type of use is predominately oriented towards Route 88 as well as New Hampshire Avenue south. It is his opinion to leave that as a full movement instead of imposing the restriction.

Mr. Rennert asked if it is 4 or 5 lane highway over there.

Mr. Kennel said it is transitioning. There are two south bound lanes and one north bound lane at that point.

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

8. SD 2298 David Herzog

E Kennedy Blvd, 1127 E Co Line Rd, E Co Line Rd Block 183, Lots 1, 2, & 4
Preliminary and Final Major Subdivision to create seven lots

Mrs. Morris said insufficient notice was provided for this project.

A motion was made and seconded to carry the application to the January 9, 2018 meeting.
All were in favor.

- 8. PUBLIC PORTION**
- 9. APPROVAL OF MINUTES**
- 10. APPROVAL OF BILLS**
- 11. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Sarah L. Forsyth
Planning Board Recording Secretary