

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. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Isaacson, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

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

4. RESOLUTION FROM TOWNSHIP COMMITTEE

- R2018-234: Area in Need of Redevelopment – Block 90, Lots 3 & 9

Ms. Morris said the Township Committee requested that the board investigate whether a particular area would be considered an area in need of redevelopment. The Township had done this a few years ago for Franklin Street.

Mr. Jackson said he has spoken to the Township Attorney concerning this and he indicated that the Committee is looking at this for a parking garage downtown. If the board is interested in hiring the services of a planner, he recommends Christine Cofone.

Ms. Morris believes the board would hire a planner to prepare a study and then they would bring that study to the board and would then make the determination if this area meets the condemnation requirements.

Mr. Flancbaum asked if they have a proposal from Ms. Cofone.

Mr. Jackson does not but he could request one.

A motion was made and seconded to recommend Cofone Consulting Group submit a proposal for review. All were in favor.

5. PUBLIC HEARING

1. **SD 2331 Country Club Temple Ave LLC**
Country Club Estates & 1455 14th St Block 25.05, Lots 41, 52, & 56
Minor Subdivision to realign lot lines

A review letter prepared by Remington & Vernick Engineers dated November 12, 2018 was entered as an exhibit.

Mr. Vogt said it appears no variances are required. Design waivers are required from providing a right-of-way dedication along 14th Street, from improving 14th Street with proposed pavement widening, curbing, sidewalk and street trees, from proposing sidewalk and street trees along the Martin Street and Pine Park Avenue frontage of new lot 56.01 and from improving the Temple Avenue unimproved right-of-way.

Ms. Miriam Weinstein, Esq. said this is a variance free minor subdivision application so this should be an as-of-right approval. The applicant is seeking to create two approximately 20,000 sf lots along Country Club Drive for the construction of single family homes. The balance of the subject property would be an undersized lot which is being appended to existing lot 51 to create an almost 2 acre parcel. No new construction is proposed on lot 56.01 which fronts on 14th Street. The piece getting appended to lot 56 is owned by a different owner than the lots along Country Club Drive. Therefore, they have two engineers. Brian Flannery is representing the owner of lot 56 and Mr. Lines is representing the owners of the lots on Country Club Drive. There are some waivers being requested, she particularly wanted to address the waiver being sought for the improvement of the paper street Temple Avenue that is off of Country Club Drive. This very same waiver was sought at the Zoning Board about three months ago in connection with an application for variance relief on the other lot which fronts on Temple Avenue and Country Club Drive. In connection with that application, the Zoning Board determined that there really is no need to improve Temple Avenue at this time. Not only did they grant the waiver, but they even granted that applicant a front yard setback variance of 15 ft to Temple Avenue. Essentially treating that setback as a side yard setback rather than a front yard setback as 30 ft would be required in the R-12 zone. They are not seeking any variances to Temple Avenue and they are not utilizing Temple Avenue at all. They have two oversized lots which have frontage on Country Club Drive and they would be built fronting on Country Club Drive so they see no reason to improve Temple Avenue as it will not be used in any way.

Mr. John Doyle, Esq. representing Sidney Krupnick/Mark Properties, LLC. Sidney owns property directly across 14th Street. He is also a principal of Mark Properties, LLC, owner of block 25.05 lot 53 on Temple Avenue.

Mr. Herzl asked if lot 53 has frontage on any other street.

Mr. Doyle said only Temple Avenue. Those 2 properties are 2 of 44 property properties shown on the applicant's map. There are at least a dozen separate areas where they have asked not to put in the street, shade trees, sidewalks, curbs, dedications, etc. There may be no variances but there are an abundance of waivers. With respect to the standard in granting those waivers, the law in the state and the Township ordinance both say the same thing. For each and every waiver, the applicant is required to show that there is either an incompatibility of doing what the standards are or that it would exert an undue hardship on the applicant which he doesn't think could be found with respect to Temple Avenue.

Mr. Herzl asked for the length of Temple Avenue.

Mr. Doyle believes it is 50 ft wide and 205 ft long. He asked that the board consider the testimony in terms of what they are prepared to do as the applicant. It is not about the Zoning Board application as that is a different board with a different burden of proof. The applicant should be judged based upon where this board is and his client is in agreement with that development is good but just live up to the standards.

Mr. Brian Flannery, P.E., P.P. and Mr. Glenn Lines, P.E., P.P. were sworn. Exhibit A-1 is the subdivision map prepared by Lines Engineering, exhibit A-2 shows existing conditions showing the two property owners. In orange there are two lots and in blue is his client's property which fronts on 14th Street. He added Mr. Krupnick's lot on the other side of 14th Street and Mark Properties, LLC lot on the other side of Temple Avenue. Exhibit A-3 is the proposed subdivision as previously explained by Ms. Weinstein. Exhibit A-4, if the board remembers, his client was here a little over year ago and received subdivision approval to create one big lot in the back where he intends to put his house and then subdivide two 17,500 sf lots. He has not yet perfected that subdivision. The application tonight is

just proposing to add 5,494 sf to the 2 acre lot. There is a comment in the report which suggests restricting access or to propose a back out driveway which they certainly would agree to for safety reasons.

Mr. Jackson said this plan has kind of an odd geometry, he asked what the reason is for that.

Mr. Flannery said the 5,000 sf really doesn't benefit the new 20,000 sf lot but it would benefit his client's lot as it would give him more frontage on that bend.

Mr. Sabel asked if that would be where he enters his property.

Mr. Flannery confirmed.

Mr. Herzl asked how much frontage he has there.

Mr. Flannery said when the board approved, he had 50 ft of frontage.

Mr. Sabel said that would give him an additional 50 ft of frontage.

Mr. Flannery confirmed.

Ms. Morris said she had indicated to Mr. Doyle that the additional subdivision on his client's property may be a creeping major subdivision but looking at it now, it would only be a minor subdivision.

Mr. Flannery confirmed that is correct. He understands Mr. Krupnick has property on 14th Street which is a very prominent area in Lakewood and this applicant is not trying to do anything in the future other than have a couple of nice houses there. At this point, they are only doing a minor subdivision and are not building anything. The plans do not currently show it but they are willing to revise the plans to dedicate the additional frontage required so that would take care of one of the issues in the engineer's report. As far as sidewalks, street trees, etc. it is a wooded area and he would provide those items when he builds which is typical in Lakewood. The other issue is Temple Avenue and this applicant is not using Temple Avenue and just like the property across the street requested not to improve Temple Avenue, again this applicant is not building at this point.

Mr. Herzl said there is going to be a piece of property deadlocked as a result of this subdivision. He questioned why everyone on Temple Avenue can't chip in and improve the road.

Mr. Flannery said it wouldn't be landlocked as it would have the same access after the board acts on this application as it does before the board acts on this application.

Mr. Sabel said the only lot which can access from Temple is lot 53, all other lots would have access on Country Club Drive.

Mr. Flannery confirmed.

Ms. Weinstein said it is not even a question of that, they are not going to utilize Temple Avenue as they have no reason to use it. These lots would front on Country Club Drive.

Mr. Herzl said it is still a waiver which needs to be granted by this board as they have frontage on Temple Avenue.

Ms. Weinstein brought up the application which was approved by the Zoning Board.

Mr. Doyle believes any reference to the Zoning Board application should be stricken from the record as this is a different board and application.

Mr. Jackson doesn't necessarily think it should be stricken but the board should give it the weight they believe to be appropriate.

Mr. Sabel asked if lot 42.01 is currently occupied.

Ms. Weinstein said that is the lot which received approval from the Zoning Board and is currently vacant.

Mr. Doyle believes the applicant still needs to demonstrate why that waiver from improving Temple Avenue should be granted.

Mr. Herzl questioned if Temple Avenue could be extended to 14th Street.

Mr. Flannery said there is a vacant lot behind but it doesn't come all the way out to 14th Street.

Mr. Doyle said there is no other way for his client's landlocked property to get to his property other than the development of Temple. He went on to list the waivers requested by the applicant and asked that none of them be granted by the board.

Mr. Flannery said at this point, they are not proposing to develop 14th Street, Pine Park, Martin or Temple. They are asking to take three lots and to chop them into three new lots. They are indicating that with respect to 14th Street, Pine Park and Martin Street, they would at time of development, put in all items as required by ordinance so they are not asking for relief. Concerning Temple Avenue, for this applicant, it would mean spending money for something he is not going to use. If this were a major subdivision or a site plan, then that would be the time to determine it but in this case, at the time the building permit is submitted for the lot that front Temple, would be a decision the Township would make in accordance with their normal procedures.

Mr. Jackson asked if there is any purpose of the MLUL advanced if a paper street is left in its naturally state before it is needed for development.

Mr. Flannery said yes, looking at the MLUL Section 40:55D-2 i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement. So it would certainly be more desirable looking at the trees at this point than a road that no one would use. He also would look to item j. to promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land.

Discussion ensued between Mr. Doyle and Mr. Jackson as to the applicant's requirement to show justification in granting the requested waivers.

Mr. Herzl said the applicant agrees to comply with all of the requirements except improving Temple Avenue.

Mr. Flannery confirmed.

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

Mr. Vogt said at time of plot plan, the applicant would show all necessary improvements except on Temple Avenue if the board grants that waiver.

Mr. Flannery confirmed.

A motion was made and seconded to approve the application and to grant the design waiver from improving Temple Avenue.
All were in favor.

2. SP 2303 Cornerstone Equities, LLC

Blvd of the Americas & Ave of the States Block 961, Lot 2.06
Preliminary and Final Major Subdivision and Site Plan for an office and daycare

Review letters prepared by Remington & Vernick Engineers dated November 15, 2018 were entered as exhibits.

Mr. Vogt said for the subdivision, submission waivers are required for the plat being clearly and legibly drawn or produced at a scale not smaller than one inch equals 50 feet, an environmental impact statement and a tree protection management plan. The waivers are supported with one additional clarification that they do have some environmental information under the CAFRA permit which has been filed for the property.

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

Mr. Vogt said per review, no variances are being requested. A design waiver is required from providing street trees along the project frontages. It should be noted, street trees are proposed for new lot 2.09 and lot 2.08 will remain vacant at this time, but the applicants engineer indicates that street trees will be provided with a future site plan application.

Mr. Jason Burneyko, P.E. and Mr. Andrew Dorin A.IA. were sworn.

Mr. Burneyko entered three exhibits, A-1 is a copy of the subdivision plan and A-2 is a colored rendering of the site plan, A-3 is _____ (inaudible). He said lot 2.06 is centrally located within the Cedarbridge Corporate Campus and it is bound by Avenue of the States and Boulevard of the Americas. The overall tract area is 4.99 acres and there is a subdivision proposed to create two lots which is being classified as a major subdivision because of previous minor subdivisions within the mother lot. The two lot subdivision is going to create lot 2.09 which is 5.3 acres and lot 2.08 which will be 19.69 acres. The lot considered for development is lot 2.09 and lot 2.08 is going to remain vacant at this time. The applicant is proposing to construct a four-story 74,000 sf professional office building with a daycare which are both permitted uses in the DA-1 zone.

Mr. Flancbaum asked how large the daycare would be compared to the office portion.

Mr. Burneyko said according to the numbers provided by the architect, 46,000 sf for the professional office and 28,000 sf for the daycare.

Mr. Franklin said the daycare cannot be rented out as office space as that would change the parking requirements as that happened on another application and now parking is a mess.

Mr. Burneyko said that isn't the intention here.

Mr. Herzl said they would require a deed restriction. He asked how many parking spaces are being proposed.

Mr. Burneyko said based on the requirements of the Lakewood code, there are 210 spaces required and they are providing 258 spaces.

Mr. Herzl questioned how many spaces would be required if the entire building was office.

Mr. Burneyko said it would be 296.

Mr. Sabel asked if they can add 40 more spaces.

Mr. Burneyko doesn't believe so. They are working on the construction documents and the cost of doing a daycare facility is significantly more because of the building code required for safety. The building designed right now is to fit the daycare facility. The existing grades (inaudible) from the southeast to the northwest and they are trying to keep with the existing topography and work with the architecture to develop a building that has two entrances at two different levels of the building. The ground level enters on the southeast side of the building and there is a lower level into the building which enters at the northwestern side. The layout of the building provides the best exposure to the intersection and opens up towards that intersection. They do have two points of access along Boulevard of the Americas and one point of access enters into the higher portion of the site and the other point of access enters at the lower point of the site and there is a third entrance at Avenue of the States, all entrances are two-way. There is stormwater in both Boulevard of the Americas and Avenue of the States and as far as stormwater management goes for the entire campus, when the construction of the two roadways went in, there was an overall general development plan prepared and there are several stormwater basins located in the campus. All of the buildings already constructed handle the runoff from the two roadways, this particular basin was always considered in the general development plan but it never had to be constructed until this site development went in. This basin picks up no runoff from the roadways, it is strictly picking up runoff from lot 2.06. A design waiver is being requested for buffer width as 25 ft is required and 20 ft is being proposed. The reason for that is for the DA-1 zone, the minimum parking setback requirement is listed as 20 ft which is in contradiction with the 25 ft buffer requirement. Any parking spaces which directly front an adjacent property they would provide shade trees as well as a row of hedges to provide screening.

Mr. Herzl asked if there are any comments in the engineer's report he cannot agree with.

Mr. Burneyko said no, they would work with the board engineer's office to work through the comments.

Mr. Sabel asked if there are going to be any school buses coming into the site.

Mr. Flancbaum asked how many kids and what age groups would be at this daycare.

Mr. Dorin said the age groups would be newborn/infant up to 4 or 5 years, before they go off to primary school. There are 25 classrooms and code dictates how many kids can attend so he doesn't have an exact number but it will be around 260 students. There is a drop off area located in the back of the building.

Mr. Flancbaum said you can't have school buses as the children are under 5 years old and this isn't a school.

Mr. Dorin said yes, it would be parents dropping off and picking up their children.

Mr. Herzl wants to be very clear in that if this applicant wants to change the use to a school or office then they must come back to this board as there isn't enough parking.

Ms. Morris suggested adding that as a condition of approval.

Mr. Flancbaum clarified the age groups would be infant through pre-kindergarten.

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. SP 2301 She'erit Ezra
1490 Lanes Mill Road Block 189.16, Lots 50.03, 50.04, & 50.05
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington & Vernick Engineers dated November 19, 2018 was entered as an exhibit.

Mr. Grunberger arrived and Mr. Flancbaum stepped down.

Mr. Vogt said submission waivers are requested for topography, contours and man-made features within 200 ft and an environmental impact statement. The waivers are supported since more than enough information has been provided for design and no known environmental constraints exist per NJDEP GIS mapping.

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

Mr. Vogt said no variances are being requested.

Mr. Adam Pfeffer, Esq. said this is a fully conforming application for a school. The applicant would request that the site be constructed in three phases.

Mr. Vogt said if approval is granted for phase 1, he recommends only preliminary approval be considered for phases 2 and 3 as the proposed design is not complete.

Mr. Herzl asked if the applicant would have to come back before the board for phases 2 and 3.

Mr. Vogt confirmed they would have to come back for final approval.

Mr. Glenn Lines, P.E., P.P. was sworn. Regarding phases 2 and 3, they have no problem providing that information during resolution compliance as it is basically the grading plan and stormwater which is incomplete.

Mr. Vogt said they are also lacking details in terms of pedestrian access way connection between the phases.

Mr. Lines said sidewalks would be provided.

Mr. Vogt argued that is something the board should see.

Ms. Morris said under the new procedures, this application was not deemed complete for phases 2 and 3. The only reason they are here is because phase 1 was deemed complete.

Mr. Pfeffer said they are here for preliminary and final approval for phase 1 and preliminary only for phases 2 and 3.

Mr. Sabel questioned if any variances would be needed if phases 2 and 3 are not approved.

Mr. Vogt said if they receive updated design documents which identify the need for variances, then those would have to be heard.

Mr. Sabel questioned if it would affect phase 1 as that would have already received approval.

Mr. Lines said in phase 1 they are proposing a parking lot off of Lanes Mill Road and a two-story yeshiva with a basement which would be on a separate sewer system. To bring in sewer for phase 1 is kind of restricted as they would have to go all the way over into Raintree and bring it up Lanes Mill Road.

Mr. Herzl asked what the parking requirements are for phase 1.

Mr. Lines said 10 spaces are required and they are providing 14.

Mr. Herzl questioned what the parking requirements are for phases 2 and 3.

Mr. Lines said phase 2 is an addition on the yeshiva with a larger bais medrash and some additional classrooms and the parking lot proposed would be 37 spaces. Phase 3 is a dormitory. None of the items they are proposing in phases 2 and 3 will require any variances.

Mr. Sabel asked what the purpose is of having this done in phases.

Mr. Lines said financial.

Mr. Pfeffer said not only financial but it is based on need. Right now there are about 30 students and it would go up to about 60 or 70 students so they'll have the room for growth with the new building. Later on as they expand, it would probably allow them to go up to about 100-120 students but they are nowhere near that today. This applicant is trying to do the right thing and plan for the future.

Mr. Sabel questioned how students are getting to the site as the report indicates there will be no busing and that parents/students will seldom drive to the site.

Mr. Pfeffer said there will be vans.

Mr. Avraham Massry was sworn. The school currently has private vans with no busing.

Mr. Pfeffer asked if he plans to continue to use the vans at the new site.

Mr. Massry confirmed. Right now there are only about 4 kids on each van as many live locally and either walk or bike.

Mr. Sabel asked if there is a circulation plan.

Mr. Lines said they could prepare one but garbage trucks would come in, turn around and go out. As far as everything else, cars can pull into the site with no problem and the vans are not much longer than a car. There are extra parking spaces so there should be empty spaces for people to pull in, perform a k-turn and pull back out.

Mr. Franklin suggested putting in a T driveway so people can pull in and back out.

Mr. Lines doesn't have an issue putting that in but they were trying to stay out of that 20 ft buffer.

Mr. Herzl said the only way this would work for garbage trucks would be if the parking lot is empty.

Mr. Lines said Mr. Franklin's suggestion would greatly help. They would put in a piece of pavement on the right hand side of the driveway.

Mr. Franklin said it would be better for the vans too. No parking should be permitted there.

Mr. Lines agreed, it would be 18 ft deep with no parking.

Mr. Herzl asked if a circular driveway can be provided.

Mr. Lines said they don't have enough frontage on the property per Ocean County.

Mr. Herzl asked if there is anything in the engineer's report they cannot agree with.

Mr. Lines said no but they now need a buffer waiver for the 20 ft buffer in the front of the property for that hammerhead.

Mr. Sabel suggested paving a larger area in that buffer so the vans could pull in and unload the children.

Mr. Pfeffer is concerned people would park there.

Mr. Isaacson said to stripe it yellow with no parking signs.

Mr. Lines said they would seek approval from DPW.

Mr. Herzl said the maximum number of students for phase 1 will be 60 students, the turnaround will be provided and for phases 2 and 3 the applicant will have to come back to the board.

Mr. Pfeffer said they are seeking preliminary and final approval for phase 1 and they feel they can give enough information during resolution compliance for final approval for phase 2 and phase 3 they are seeking preliminary approval only.

Mr. Herzl opened to the public.

Mr. David Matyas, Cindy Court, was sworn. He said the traffic study was done based on current traffic but the board has recently approved a yeshiva across the street, a yeshiva and a few developments down the block and he believes the traffic study did not take those projects into consideration. He said the school across the street has the same dismissal times as this school so it is going to be a mess with all of the buses and vans.

Mr. Pfeffer said the traffic study does take into consideration future developments as all traffic studies do.

Mr. Matyas understands but it takes into account theoretically what was approved, not what was actually just approved in this area. He said this is a very dangerous area with numerous accidents. There may be busing now but when more and more students attend this school, there will eventually be buses. He went on to say the buffer waiver should not be granted and that a front yard setback variance is required as they are only providing a 30 ft setback whereas 50 ft is required.

Mr. Vogt said on the plans, the setback looks to be 81.82 ft.

Mr. Lines said they are measuring from the new right-of-way line which is 43 ft from the baseline in Lanes Mill Road. They are already dedicating 9 or 10 ft to the County, then they go 81 ft from there to the front of the building.

Mr. Matyas said the trash enclosure should not be within that front yard setback as the fence cannot be higher than 4 ft.

Mr. Lines agrees the plan is incorrect as it should be 50 ft instead of 30 ft but the front setback does not apply to the trash enclosure. The fencing is along the property line and he disagrees a variance is required.

Mr. Herzl said they could just change it to 4 ft.

Mr. Matyas said the trees on the plans are not according to the buffering requirements of the Township and they do not provide sufficient screening. Per the way the code is written, dormitories should not be allowed as an accessory use. He expressed his concern about flooding and septic systems in the area.

Mr. Vogt said approving a waiver from providing an environmental impact statement does not relieve the applicant's obligation to design stormwater according to state standards which is what they will require. One of the reasons they do not recommend final approval for phases 2 and 3 is because they do not have that information.

Mr. David Wolf, Cindy Court, was sworn. He is concerned about garbage trucks and buses turning around on the site. The area is already congested and approving this school will only increase the volume of traffic on this corner.

Ms. Jacqueline Elkaim, 1 Juniper Lane, was sworn. She said these are older kids so they are mostly likely walking, riding their bike or carpooling.

Mr. Wolf said there are currently not sidewalks on that side of Lanes Mill Road so if kids are walking or biking then they are in danger as this is a highly trafficked road.

Mr. John Grossman was sworn. He said this a residential neighborhood and he asked the board not to grant any variances.

Ms. Azoolay was sworn. She said most of the boys currently live locally so now that it will be further away, it will be much more organized.

Mr. Herzl said if the applicant ever wants busing in the future, they would have to come back to this board with a circulation plan.

Mr. Grunberger said there is no question there will be busing in phase 1.

Mr. Lines said they could make the van pull off a little longer, they may have to move the driveway but they can work it out where they can accommodate a bus or two if necessary.

Mr. Herzl asked if it is possible to seek approval from Ocean County for a circular driveway.

Mr. Lines said no, the County has their standards and they stick by them. The County anticipates widening the road to 60 ft with 5 lanes.

Mr. Sabel said there must be a way to provide circulation for a bus, they may have to take away a portion of the building.

Mr. Pfeffer said this a fully conforming application and there was testimony that they are not using buses but they agree to provide a turnaround for a bus to safely enter and exit the site.

Mr. Franklin suggested the applicant come back with a circulation plan.

Mr. Pfeffer consented to the time waiver.

A motion was made and seconded to carry the application to the January 8, 2019 meeting.
All were in favor.

4. SD 2314 David Herzog

1052 West County Line Road Block 25, Lot 62
Preliminary and Final Major Subdivision to create seven lots

A review letter prepared by Remington & Vernick Engineers dated November 19, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers were granted at the 3/20/18 public hearing.

Mr. Alan Weiss, Esq. said they have revised the plans and this is now a fully conforming application.

Mr. Brian Flannery, P.E., P.P. said they have reduced the number of lots from eight to seven and it is now a completely conforming application. Exhibit A-1 is the tax map, exhibit A-3 is the eight lot application submitted where some variances were submitted, exhibit A-2 is the application this evening. As indicated in the board engineer's report, there is a 5 ft strip along the property line to the west which will be maintained by the HOA and what that 5 ft strip does is it provides a buffer. It also provides that the lots which adjoin there are not reverse frontage lots that have front yard setbacks on it.

Mr. Herzl asked if a fence is being provided.

Mr. Flannery said yes, a 6 ft fence will go from the front of the last house on the cul-de-sac all the way along the property line almost to the sight triangle easement. As indicated in the engineer's report, from the front setback which is 30 ft to the right-of-way line, the ordinance only allows 4 ft so they would either do a 4 ft fence or keep it at 6 ft if the board wants to grant that relief.

Mr. Isaacson questioned if a 6 ft fence would be safe.

Mr. Flannery thinks it makes sense to provide the 4 ft fence as it still provides sufficient buffering.

Mr. Herzl asked if any trees are proposed within that 5 ft buffer.

Mr. Flannery said they would agree to provide landscaping.

Mr. Weiss said there was a comment in the report regarding landscaping and the applicant would agree to any recommendations the board or professionals may have.

Mr. Flannery suggested providing arborvitaes. He went on to say that this it is a public right-of-way being proposed, a HOA will maintain that 5 ft strip and also maintain any of drainage out of the right-of-way. Under review comments in the engineer's report, the applicant agrees to item #2, concerning item #3, these are going to be custom homes and each buyer would buy a particular house but they have shown floor plans and driveways which

are typical and they would agree to comply with the ordinance in every respect. All of the submission waivers were previously granted and they have provided an AASHTO sight triangle on the plans to Ocean County. There is a one-time stormwater maintenance fee which would be given to the Township of \$5,250. The traffic study indicates a left turn movement at a level C which is an acceptable level and the other turning movements at level A's and B's. As indicated, they would provide any landscaping the board feels reasonable. There is a comment from the Shade Tree Commission and the applicant would agree to any reasonable requests.

Mr. Herzl asked if the drainage plan is incomplete.

Mr. Flannery said it was since revised. Some additional tweaking needs to be done as part of resolution compliance but it shows a drainage system which picks up all the drainage and brings it to an underground drainage system.

Mr. Weiss said the applicant agrees to make application to all outside agencies as required, including Ocean County Planning Board which has jurisdiction over County Line Road.

Mr. Flannery said they would request from the County that it be right-in/right-out only but he cannot promise they would approve it that way.

Mr. Herzl understands it is a County road but this board recommends it should be a right-in/right-out only.

Mr. Isaacson said it looks like the lighting plan has not been completed. He asked if there was any feedback from adjacent residents.

Mr. Flannery said the report indicates the intensities are too high and they would agree to reduce it.

Mr. Isaacson wants to ensure the applicant is working with the neighbors.

Mr. Flannery understands and they would agree to comply with the ordinance.

Mr. Herzl questioned the size of the cul-de-sac.

Mr. Flannery said it is a typical RSIS cul-de-sac.

Mr. Herzl questioned if garbage trucks can turn around.

Mr. Flannery said yes, if there are no vehicles parked there. RSIS requirements stipulate that it is the most you can do and it is the same for every municipality in the state and every other cul-de-sac built in Lakewood.

Mr. Sabel asked if there will be sidewalks.

Mr. Flannery confirmed on both sides.

Mr. Herzl asked where school buses would stop to pick up/off drop off children.

Mr. Flannery said it would be like every other cul-de-sac in Lakewood. The school buses can come in, there is enough room for them to turn around unless there are vehicles parked there.

Mr. Sabel asked if they can restrict parking along the cul-de-sac.

Mr. Flannery said they can make a request to the Township that there be no parking on the bulb part of it.

Mr. Herzl opened to the public.

Mr. Martin Rais, 1493 County Line Road, was sworn. He said this is not a safe road and he does not believe cars will not make the left out of this development even if it is not permitted. He is greatly concerned about safety.

Mr. Robin Gavin, 1514 Parkside Drive, was sworn. She said County Line Road is a very dangerous road and it is very difficult to make a left turn out of her street onto County Line. She is also concerned about traffic and drainage.

Mr. Harriet Riss, 1493 Cedar Row, was sworn. She is concerned about privacy as she has a pool in her backyard and trees currently buffer her property. She is also concerned about lights shining into her home.

Mr. Flannery said the street lighting would not shine onto her property. The people who are building houses which would be 100 ft away from her property line would have lights on their house and/or front porch which you may be able to see from the backyard but any development on that property is going to have a building with some lights on it. The 6 ft high fence and arborvitaes would provide more buffering than another permitted use would.

Ms. Riss is concerned about drainage.

Mr. Flannery said the water would be directed to the underground recharge system. Any of the runoff that runs away from the property, runs out to County Line Road. There are situations where you remove trees and it impacts the neighbors but this is not one of those situations.

Mr. Joyce Hirsch, 1060 West County Line Road, was sworn. She is concerned about safety as it is currently very difficult to turn onto County Line Road and adding this extra road would make it even more dangerous.

Mr. Grunberger asked if there are certain requirements by the County that driveways have to be a certain distance from each other.

Mr. Flannery said there are and they are not violating any County requirements otherwise they wouldn't get approval.

Mr. Edward Eichorn, 1441 Cedar Row, was sworn. He submitted a traffic report dated August 28, 2018, revised November 16, 2018.

Mr. Weiss asked if there is a professional here to testify as to the contents of that report.

Mr. Eichorn said no.

Mr. Jackson said it is up to the board whether the board wants to consider this report tonight.

Mr. Herzl doesn't feel comfortable as the board engineer didn't have a chance to review it.

Mr. Sabel asked if the board should even consider it as this is a conforming application.

Mr. Jackson said the law on a conforming use is that the zoning already takes into account that it is an appropriate location for the use proposed and the density proposed. In his view, a traffic study is not essential to a subdivision or site plan in a place where the use is permitted as that decision has already been made by the zoning. However, he doesn't know what the report says as he hasn't reviewed it and sometimes it makes comments as to turning movements, traffic counts, stacking, etc.

Mr. Vogt said he looked very briefly at the report and he remembers at previous meetings, there were concerns about things like sight distance which are valid concerns but they are not necessarily valid concerns for this board. This is a County road and the County would be looking at the access, the geometry and any necessary improvements to the roadway, etc. that they may see fit.

Mr. Isaacson recalls one of the issues with the applicant's traffic study was it was done on a Jewish holiday where dismissal times were earlier than usual but as their engineer said, this is a County road and it is ultimately their decision.

Mr. Herzl doesn't feel it is appropriate that this traffic report came in at the last second. The professional who prepared this report is also not present for cross examination.

Mr. Jackson said this is an individual who received a notice in the mail, hired an expert who prepared probably a very expensive traffic study, came to the board and wanted it to be considered but now due to technical procedural things he is not getting his voice heard. He thinks there are some things the board can do to allow it so that he can bring his expert in or give the board engineer time to review the report. He understands it is inconvenient but this development is going to be here for a long time and these people live right next to it and this is a democratic process and a court might view the board should give voices the opportunity to be fully heard.

Mr. Herzl said it is also not fair to the applicant.

Mr. Jackson understands

Mr. Herzl also questions why this report wasn't submitted on time.

Ms. Morris said the revised plans from the applicant were received about two or three weeks prior to the meeting. The neighbor would then need to take those documents to his traffic expert for him to prepare a report.

Mr. Isaacson argued that the new plans decreased the number of lots and eliminated all of the variances so there is less traffic and they had this issue since June.

Mr. Vogt said the original report is dated August 28th. He questioned if there is a copy filed from then.

Ms. Morris said no, the last public hearing was in June so it was after the last public hearing. She is unsure why they never received it in August.

Mr. Flannery said the MLUL is set up so you give enough notice and they have time to get these types of things done especially an expert that did the report in August. He has had ample time and now he can't even bring his expert to a meeting which in his opinion is out of the ordinary.

Mr. Jackson asked the board if they would like to consider this report and give the objector time to bring in his expert or are they satisfied with what they have based on discussion thus far.

Mr. Isaacson does not think they should table the application to bring in his expert. He is willing to listen to his testimony on the report right now.

Mr. Sabel is undecided.

Mr. Grunberger is concerned not considering the report in case it goes to court because they didn't give the objector a chance.

Mr. Jackson said that is risk they would have to take. Generally the courts will go out of its way to give people the opportunity to be heard.

Mr. Weiss said the professional who prepared the report already testified at a previous hearing.

Mr. Scott Kennel said based on his quick review, it looks to be consistent with his testimony.

Mr. Michael York, Esq. argued the report is being cross examined without the board even hearing testimony concerning its contents.

Mr. Jackson said he is satisfied if that witness has testified and this gentleman is trying to submit his report after he testified then the board shouldn't consider it.

Mr. Eichorn read section 40:55e-2 onto record. He said it is up to the board what they will do with the report but it reflects exactly the potential and the facts on that road. He is greatly concerned about the safety of his family and residents around him.

Mr. Herzl closed to the public.

Mr. York said there has been testimony that there will be basement apartments and it is the objector's opinion that the allowance of a secondary home turns the family into a multi-family home so in essence the board is granting a use variance.

Mr. Jackson said the board is approving a single family home as defined and whether someone gets a basement apartment is their choice and would have to take that up with the building department and that is really not a board decision.

Mr. York said the applicant did not provide the 200 ft requirement which is supposed to identify existing structures and topography and therefore makes it impossible to determine whether or not there is any negative impact the project may have on surrounding properties, specifically his client's property. Without topography data, it is going to be impossible to determine what the newly added sidewalk does to the neighboring property owners. This board is relying on resolution compliance to address most of the issues including one of them relying on the building department to address whether or not an apartment is permitted in the basement. Although the board didn't accept the traffic report, it did accept his client's traffic expert's opinion when presented to the board and would rely on that opinion as detailed at the prior hearing.

A motion was made and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Sabel, Mr. Herzl, Mr. Isaacson

No: Mr. Meyer

5. SD 2352 Miz Construction

Bradhurst Avenue Block 1035, Lots 1.01 & 1.02

Minor Subdivision to adjust lot line and dedicate a portion of vacated right-of-way back to the Town

A review letter prepared by Remington & Vernick Engineers dated July 25, 2018 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered a tax map into the record. This is a completely conforming application within the Oak Street Corridor. This subdivision documents the right-of-way that was vacated going back to the Township. The deal was the Township was going to vacate the right-of-way and then it was going to by quick claim be given back to the Township to be recreation area.

Mr. Herzl questioned why it is being done this way.

Mr. Jackson said the Township cannot use a right-of-way for a park an there is a fee, ownership to the underlying properties and you can only use it for a road.

Mr. Flannery confirmed. This is the way it was worked out from the Township standpoint so they could have, instead of a paved street, a recreation area. The property owners all agree to take the vacation and then immediately quick claim it back to the Township. This would have been an administrative approval but because of the right-of-way being given back, it doesn't meet the definition of the administrative minor subdivision but they are essentially the same thing. The builders would develop the parks and then the Township would maintain them.

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.

6. SD 2366 Shmuel Rabinowitz

Havens Avenue Block 1034, Lot 5

Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

A review letter prepared by Remington & Vernick Engineers dated November 21, 2018 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered a tax map into the record. This is a completely conforming application within the Oak Street Corridor. This subdivision documents the right-of-way that was vacated going back to the Township. The deal was the Township was going to vacate the right-of-way and then it was going to by quick claim be given back to the Township to be recreation area.

Mr. Herzl questioned why it is being done this way.

Mr. Jackson said the Township cannot use a right-of-way for a park an there is a fee, ownership to the underlying properties and you can only use it for a road.

Mr. Flannery confirmed. This is the way it was worked out from the Township standpoint so they could have, instead of a paved street, a recreation area. The property owners all agree to take the vacation and then immediately quick claim it back to the Township. This would have been an administrative approval but because of the right-of-way being given back, it doesn't meet the definition of the administrative minor subdivision but they are essentially the same thing. The builders would develop the parks and then the Township would maintain them.

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.

7. SD 2367 Samuel Neuman

Bradhurst Avenue Block 1034, Lot 4

Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

A review letter prepared by Remington & Vernick Engineers dated November 21, 2018 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered a tax map into the record. This is a completely conforming application within the Oak Street Corridor. This subdivision documents the right-of-way that was vacated going back to the Township. The deal was the Township was going to vacate the right-of-way and then it was going to by quick claim be given back to the Township to be recreation area.

Mr. Herzl questioned why it is being done this way.

Mr. Jackson said the Township cannot use a right-of-way for a park an there is a fee, ownership to the underlying properties and you can only use it for a road.

Mr. Flannery confirmed. This is the way it was worked out from the Township standpoint so they could have, instead of a paved street, a recreation area. The property owners all agree to take the vacation and then immediately quick claim it back to the Township. This would have been an administrative approval but because of the right-of-way being given back, it doesn't meet the definition of the administrative minor subdivision but they are essentially the same thing. The builders would develop the parks and then the Township would maintain them.

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.

8. SD 2368 Samuel Neuman

Wadsworth Avenue Block 1027, Lot 4

Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

A review letter prepared by Remington & Vernick Engineers dated November 21, 2018 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered a tax map into the record. This is a completely conforming application within the Oak Street Corridor. This subdivision documents the right-of-way that was vacated going back to the Township. The deal was the Township was going to vacate the right-of-way and then it was going to by quick claim be given back to the Township to be recreation area.

Mr. Herzl questioned why it is being done this way.

Mr. Jackson said the Township cannot use a right-of-way for a park an there is a fee, ownership to the underlying properties and you can only use it for a road.

Mr. Flannery confirmed. This is the way it was worked out from the Township standpoint so they could have, instead of a paved street, a recreation area. The property owners all agree to take the vacation and then immediately quick claim it back to the Township. This would have been an administrative approval but because of the right-of-way being given back, it doesn't meet the definition of the administrative minor subdivision but they are essentially the same thing. The builders would develop the parks and then the Township would maintain them.

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.

9. SD 2369 Jacob Muller

Wadsworth Avenue Block 1026, Lots 1.01 & 1.02

Minor Subdivision to adjust lot line and dedicate a portion of vacated right-of-way back to the Town

A review letter prepared by Remington & Vernick Engineers dated November 21, 2018 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered a tax map into the record. This is a completely conforming application within the Oak Street Corridor. This subdivision documents the right-of-way that was vacated going back to the Township. The deal was the Township was going to vacate the right-of-way and then it was going to by quick claim be given back to the Township to be recreation area.

Mr. Herzl questioned why it is being done this way.

Mr. Jackson said the Township cannot use a right-of-way for a park an there is a fee, ownership to the underlying properties and you can only use it for a road.

Mr. Flannery confirmed. This is the way it was worked out from the Township standpoint so they could have, instead of a paved street, a recreation area. The property owners all agree to take the vacation and then immediately quick claim it back to the Township. This would have been an administrative approval but because of the right-of-way being given back, it doesn't meet the definition of the administrative minor subdivision but they are essentially the same thing. The builders would develop the parks and then the Township would maintain them.

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.

10. SD 2370 Jacob Muller

Havens Avenue Block 1035, Lots 8.03 & 8.04

Minor Subdivision to adjust lot line and dedicate a portion of vacated right-of-way back to the Town

A review letter prepared by Remington & Vernick Engineers dated November 21, 2018 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He entered a tax map into the record. This is a completely conforming application within the Oak Street Corridor. This subdivision documents the right-of-way that was vacated going back to the Township. The deal was the Township was going to vacate the right-of-way and then it was going to by quick claim be given back to the Township to be recreation area.

Mr. Herzl questioned why it is being done this way.

Mr. Jackson said the Township cannot use a right-of-way for a park an there is a fee, ownership to the underlying properties and you can only use it for a road.

Mr. Flannery confirmed. This is the way it was worked out from the Township standpoint so they could have, instead of a paved street, a recreation area. The property owners all agree to take the vacation and then immediately quick claim it back to the Township. This would have been an administrative approval but because of the right-of-way being given back, it doesn't meet the definition of the administrative minor subdivision but they are essentially the same thing. The builders would develop the parks and then the Township would maintain them.

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.

11. SP 2293 Knesseth Bais Yaakov of Lakewood

James Street Block 338, Lot 1
Preliminary and Final Major Site Plan for a synagogue

Ms. Morris said the applicant failed to submit revised plans as required, this project will not be heard. She recommends the project be tabled until further notice.

Ms. Miriam Weinstein, Esq. agreed to re-notice.

6. APPROVAL OF MINUTES

7. APPROVAL OF BILLS

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary