

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. REORGANIZATION

A. OATH OF OFFICE

- Class I Member-one year appointment to December 31, 2017
- Class II Member-one year appointment to December 31, 2017
 - Justin Flancbaum
- Mayor's Designee to serve to December 31, 2017
 - Angela Zografos
- Class III Member-one year appointment to December 31, 2017
 - Albert Akerman
- Class IV Member-four year appointment
 - Israel Grunberger
- Planning Board Member alternatives
 - Eugene Cautillo

B. ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2017

- Chairman
 - Yechiel Herzl
- Vice Chairman
 - Eli Rennert
- Secretary
 - Ally Morris
- Recording Secretary
 - Sarah Forsyth

C. SELECTION OF CONSULTANTS AND OTHER PERSONNEL

- Attorney
 - John J. Jackson, Esq., King, Kitrick, Jackson & McWeeney, LLC
- Planner
 - Mr. Terrance Vogt, P.E., P.P., C.M.E., Remington, Vernick & Vena Engineering
- Engineer
 - Mr. Terrance Vogt, P.E., P.P., C.M.E., Remington, Vernick & Vena Engineering

3. ROLL CALL

Mrs. Zografos, Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Follman, Mr. Cautillo

4. SWEARING IN OF PROFESSIONALS

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

5. PLAN REVIEW ITEMS

- 1. SD 2181 Cedarwood Hills Homeowners Association**
Flannery Avenue & Quick Chek Drive Block 1603.01, Lot 21
Preliminary and Final Major Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated November 30, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers requested include topography, contours and man-made features within 200 ft, shade trees, an environmental impact statement, tree protection management plan, soil erosion and sediment control plan as well as design calculations. We can support these submission waivers since all of these items were addressed with the Quick Chek major site plan and Cedarwood Hills major subdivision projects.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said variances requested include minimum lot area and width on proposed lot 21.01 as well as a design waiver for non-radial lot lines which is common.

Mr. Brian Flannery, P.E., P.P. said the application is for an open space lot on the end of Flannery Avenue out by Quick Chek. Currently the Quick Chek entrance comes through that open space property so this is an application to improve the site. As indicated on the map, the lot with the driveway will be consolidated with the Quick Chek lot creating a larger lot and a separate open space lot. There is a comment in the board engineer's review letter concerning lot line location and suggests moving it a bit but both the HOA and Quick Chek have already agreed on this plan. Ultimately, they would like the plan approved as is but they would go back to them if there is a better way to do it.

Mr. Sam Brown, Esq. said this is simply a lot realignment to make the site better. Quick Chek has agreed to take title to the parcel being discussed.

A motion was made and seconded to advance the application to the February 21, 2017 meeting. All were in favor.

- 2. SP 2207 36 Airport Road, LLC**
Airport Road Block 1160.12, Lots 263, 263.01, & 263.02
Preliminary and Final Major Site Plan for an addition to an existing office building

A review letter prepared by Remington, Vernick & Vena Engineers dated December 20, 2016 was entered as an exhibit.

Mr. Vogt said a submission waiver is requested from providing an environmental impact statement. We can support the waiver request since the site has previously been developed.

A motion was made and seconded to approve the waiver as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said there is a pre-existing non-conformance with respect to lot area. The applicant is seeking relief for sign area as well. Design waivers include providing sidewalks and shade trees along the project frontage.

Mrs. Miriam Weinstein, Esq. said the board may recall that this was an application they recently approved for the second office building on this site. At this point, this project is going to be a phased approval for a second story addition on that newer building. Once that is done, the second phase would be to demolish the older building which is 40 Airport Road and replace that with a three-story building above parking.

Mr. Graham MacFarlane, P.E., P.P. said the project proposes the addition of a second story addition to building #36, demolition of the existing #40 building and construction of a new three-story building.

Mr. Follman asked how large the existing building is.

Mr. MacFarlane said it is a single story 15,000 sf building.

Mrs. Weinstein said there are currently two single story buildings on the property.

Mr. MacFarlane said the two-story addition to building #36 will have a total floor area of about 30,000 sf. The new three-story building will be about 18,000 sf total floor area. There will be 174 parking spaces on site so they do satisfy ordinance requirements.

Mr. Franklin asked if they have the required number of handicapped spaces.

Mr. MacFarlane confirmed, 6 ADA spaces are being provided.

A motion was made and seconded to advance the application to the February 21, 2017 meeting.

Affirmative: Mrs. Zografos, Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Mr. Cautillo

Abstain: Mr. Rennert

3. SD 2182 BBC Capital Group, LLC

Central Avenue

Block 79, Lot 10

Minor Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 22, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area and width. No waivers are being requested.

Mrs. Morris did receive a call from someone in opposition and advised that this is a tech meeting. It looked like a minor application and anticipated the board may open to the public but given there are objectors, she is not sure that is the best course of action.

Mrs. Miriam Weinstein, Esq. said they were not intending on asking for a combined hearing as they are requesting variances. This is an application to create two 11,250 sf lots in the R-12 zone. The applicant is also requesting a 75 ft lot width variance whereas 90 ft is required.

Mr. Rennert asked if a prepared a Percal map was prepared.

Mr. Glenn Lines, P.E., P.P. did not. There are a number of 50 ft wide lots in the area with houses on them. He would provide that at the public hearing.

A motion was made and seconded to advance the application to the February 21, 2017 meeting.
All were in favor.

4. SP 2213 Congregation Neustadt

East County Line Road Block 172.01, Lot 2
Preliminary and Final Major Site Plan for a house of worship

A review letter prepared by Remington, Vernick & Vena Engineers dated December 28, 2016 was entered as an exhibit.

Mr. Grunberger arrived at the meeting.

Mr. Vogt said submission waivers are requested for topography, contours and man-made features within 200 ft, an environmental impact statement and a tree protection management plan. The waivers are supported with the understanding that a tree protection management plan will be provided during resolution compliance, if the application is approved.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner.
All were in favor.

Mr. Vogt said variances requested include minimum lot area, lot width, rear, side yard and combined yard setbacks. The number of off-street parking spaces and for proposed parking located closer than 5 ft from the side property line. Relief is also necessary with respect to perimeter buffer.

Mr. Brian Flannery, P.E., P.P. said the lot area and lot width variances are due to the existing lot. At the public hearing they would provide justification for the variances.

Mr. Herzl asked about parking.

Mr. Flannery said 7 spaces are provided whereas 14 are required which includes parking for the Simcha Hall. They are trying to secure an off-site location to provide additional parking for the Simcha Hall. Obviously, at the public hearing if they do not have enough parking for the hall, it will most likely not be approved. Without the hall, they have enough parking based on the size of the sanctuary space.

Mr. Herzl said there is no where to park on County Line Road.

Mr. Rennert asked how the applicant would ensure the board that off-site parking will always be provided for the Simcha hall.

Mr. Flannery said that is something they would have to satisfy the board at the public hearing. It can be accomplished with a 99 year lease or purchasing the property. The property would be deed restricted which the applicant is trying to accomplish.

Mr. Sam Brown, Esq. said the board will be satisfied that there is sufficient support for the application, otherwise they would drop the parts of the application which are not supported by parking or whatever circumstances that exist on the property. The applicant understands the site must work not only for the approval aspect but for the use aspect as well.

Mr. Rennert is concerned about people parking on County Line Road.

Mr. Brown understands. There is no parking on County Line Road and it will not work under any circumstances that he can think of. They would need to show they have parking within a reasonable distance and guaranteed to a certain extent so that the board can be comfortable.

Mr. Rennert asked what is next to this property.

Mr. Flannery said there is a Wawa on one side and an older house on the other side. The applicant has spoken with the neighbors concerning the side and rear yard setback variances.

A motion was made and seconded to advance the application to the February 21, 2017 meeting.
All were in favor.

5. SP 2218 Lakewood Shopping Village, LLC

Avenue of the States Block 961.02, Lot 1
Preliminary and Final Major Site Plan and Minor Subdivision for a shopping center

A review letter prepared by Remington, Vernick & Vena Engineers dated December 22, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are requested including plans and profiles of proposed utility layouts, an environmental impact statement and a tree protection management plan. The waivers are recommended for hearing purposes. The site has already been looked at pretty vigorously as part of the CAFRA permit process. Plans and profiles of proposed utility layouts can be dealt with during resolution compliance if approval is granted.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner.
All were in favor.

Mr. Vogt said variances requested include off-street parking front yard setback as the parking lot is proposed within 6 ft from Avenue of the States, whereas 20 ft is required. A variance is also required with respect to loading spaces in the front yard setback. Design waivers are necessary including curbing and street trees along the Pine Street frontage as well as shade tree and utility easements along the Pine Street and Boulevard of the Americas frontages.

Mr. Michael J. Gross, Esq. recognizes there are concerns in the area from the neighbors with respect to traffic. Mr. Kennel is their traffic expert and he will have a full traffic report submitted for the public hearing. They do plan to meet with the neighbors and Mr. Kennel to try and explain to them what they are going to do with respect to traffic and to hear and try and address their concerns.

Mr. Brian Flannery, P.E., P.P. said the application is for 13 retail buildings on a 48 acre site which is being proposed in two phases. The property is in the Cedarbridge Development tract on the corner of Pine Street and Avenue of the States. As indicated, there a couple of small variances being requested and at the public hearing they would show the justification for those variances. In order to accommodate extra room in front of the buildings, the parking was moved back. They are providing 877 parking spaces which is more than required by ordinance.

Mr. Rennert commented that variances shouldn't be requested as this is a huge piece of property to work with.

Mr. Flannery said they could eliminate the variances but the plan wouldn't be as good. The front of the building has a 30 ft wide concrete area so they are short 14 ft. They could reduce that down but it is not as good of a project. At the public hearing they would provide testimony supporting that but if the board would rather eliminate that variance, they would comply but again he thinks when the board sees the plan they would agree it makes sense. This is on Avenue of the States near the stadium and all of the other development.

Mr. Herzl remarked that technically this could be a variance free application.

Mr. Flannery said it could be variance free but it would not be as good of a project.

Mr. Jackson asked that he provide testimony as to the permitted uses in this zone.

Mr. Rennert wants to know how Pine Street traffic is going to be addressed.

Mr. Flannery said they have entrances out onto Avenue of the States. When the traffic report is submitted and they see the capacity of Pine Street, there is actually traffic benefits to this in that people don't have to drive to the other side of town to shop. All of those details will be addressed in the traffic report.

Ms. Brittany DeBord, Leiberman and Blecher, representing Pine River Village and Somerset Walk. She said there are many residents in opposition. Their clients are very concerned about traffic. They would like to be part of the discussion in terms of traffic calming methods and ensuring the safety of their residents. They do not oppose this application, they are just very concerned about traffic.

Mr. Gross recognizes that there is a traffic issue and they would like to address it before the public meeting.

Mr. Rennert said currently on Pine Street you could sit in traffic for 25 minutes. Pine Street can't handle even one more car. Something has to be done in order for this development to move forward and to have any outflow onto Pine Street.

Mr. Rennert asked that the board engineer review the traffic report as well.

Mr. Vogt said they could do that.

A motion was made and seconded to advance the application to the February 21, 2017 meeting.
All were in favor.

6. SD 2183 Bais Rifka Rochel
Fourth Street Block 127, Lot 4
Preliminary and Final Major Subdivision to create 5 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 22, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are requested including an environmental impact statement, a tree protection management plan and drainage design calculations. We can support waiving of the EIS due to the developed nature of the site, tree protection management can be waived with the understanding that if approved, the applicant would need to comply during resolution compliance. Finally, drainage design calculations are supported with the

understanding this is not major development by definition, however if approved, they are going to require some recalculations at a minimum to document that there are no drainage impacts.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said variances requested include the front stagger for the proposed building on the combination of new lots 4.01 and 4.02, minimum rear yard setback for proposed lot 4.02, rear yard setback for townhouses on proposed lots 4.03 through 4.05 and a side yard setback for proposed lot 4.03.

Mr. Adam Pfeffer, Esq. has spoken with the applicant and they are agreeing to eliminate all variances. He asked that the board approve this application at one meeting as this was recently before the board.

Mr. Herzl would like to see a revised plan without the variances.

Mr. Pfeffer said they would comply with all of the comments in the board engineer's review letter.

Mr. Jackson said to submit revised plans, the board engineer will look at it and determine whether another review letter is necessary.

A motion was made and seconded to advance the application to the January 17, 2017 meeting. All were in favor.

7. SD 2186 Pinchos Wolhendler

East Seventh Street

Block 208, Lots 134.03 & 134.04

Minor Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 27, 2016 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot width, side yard and combined yard setbacks on various lots.

Mr. Herzl said a lot of variances are being requested. A Percal map shall be provided at the public hearing.

Mr. Flancbaum doesn't care what else is in the area, too many variance are being requested.

Mr. Glenn Lines, P.E., P.P. said these two lots were recently created and there is one existing house on the entire piece of property that would be demolished. This application proposes a duplex and a single family house.

Mr. Herzl asked if any variances would be required for two single family homes.

Mr. Lines said probably lot width. The reason for a lot of the variances is due to the lot being narrow and deep.

Mr. Pinchos Wolhendler said it is an unusually large lot as it is 250 ft deep. The duplex proposed will be on a 12,000 sf lot and would have 75 ft backyards.

Mr. Herzl said they should look at this and try to eliminate some of or all of the variances.

A motion was made and seconded to advance this application to the February 21, 2017 meeting.

Affirmative: Mrs. Zografos, Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Follman, Mr. Grunberger, Mr. Cautillo

No: Mr. Flancbaum

Abstain: Mr. Rennert

8. SP 2220 Pine Holdings, LLC

Pine Street

Block 961.01, Lot 5

Preliminary and Final Major Site Plan for a daycare

A review letter prepared by Remington, Vernick & Vena Engineers dated December 29, 2016 was entered as an exhibit.

Mr. Vogt said a submission waiver is requested from providing an environmental impact statement. The EIS may be waived if the conditions of CAFRA permit #1514-90-0023.11 are adhered to.

A motion was made and seconded to approve the waiver as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said it looks like the project exceeds township impervious coverage requirements. Variances are requested including the number of off-street parking spaces, off-street loading and unloading, a front and side yard off-street parking setback as well as off-street parking relative to Pine Street. Design waivers are required including landscape buffer, from providing sidewalks along Boulevard of the Americas frontage and curbing along Pine Street frontage.

Mr. Adam Pfeffer, Esq. said they are in midst of eliminating a lot of these variances including parking. This will be close to, if not a fully conforming application when it comes back before the board.

Mr. Glenn Lines, P.E., P.P. said the application is for a four-story 80,984 sf office building and day care.

Mr. Vogt said it is unclear as to whether they comply with parking requirements.

Mr. Pfeffer said they would comply.

Mrs. Morris said the applicant should provide testimony at the public meeting as to the size of the daycare.

Mr. Pfeffer is not sure if the architectural have been finalized. The intent is for a four-story building, two of those stories are going to be used for the daycare. The daycare will actually be servicing some of the offices in the building and will help ease traffic flow as parents would not have to drop off their kids in other locations in town, they would be able to come to work, drop off and pick up their children in the same building.

Mr. Rennert likes this idea.

Mr. Jackson said this seems to be an example where plans are not complete yet. Perhaps they don't go to a public hearing until the plans are more complete because so many times the applicant comes back to the board and the plans are still inadequate.

Mr. Rennert would like to see how drop offs and pickups are going to work at this site.

Mr. Lines said there is a canopied area on the south side of the building where people could pull up and drop off their kids. There is also access from the Boulevard of the Americas side.

Mr. Pfeffer said there won't be any buses, it will be parents in cars dropping off.

Mr. Herzl is concerned about Pine Street traffic.

Mr. Rennert asked if a traffic report is being provided.

Mr. Lines confirmed.

A motion was made and seconded to advance this application to the February 21, 2017 meeting.
All were in favor.

9. SP 2214 Torah Temimah of Lakewood Inc

Lanes Mill Road Block 187.15, Lot 14
Preliminary and Final Major Site Plan for a school and Rabbi's dwelling

Applicant did not submit plans in time for this meeting. This project will be carried to the January 17, 2017 meeting.

6. PUBLIC HEARING

1. SD 2185 Mark Properties, LLC

Netherwood Drive Block 435, Lot 6
Minor Subdivision to create 2 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 22, 2016 was entered as an exhibit.

Mr. Vogt said the application is fully conforming, however as indicated, they do not have improvement plans. Based on that, design waivers are required including improvements along Netherwood Drive and Biltmore Avenue, from providing curbing, sidewalks, street trees and street lighting along the project's road frontages. The applicant may have testimony but they can't review what they don't have.

A motion was made and seconded to carry this application to a future meeting as the application is incomplete.
All were in favor.

Mr. Jackson asked if the applicant would agree to a time waiver otherwise he would advise the board to take a vote.

Mr. Rennert said this is just a subdivision and there are no buildings currently proposed.

Mrs. Morris said in this case if the board were to grant waivers for improvements along any of those roads, when they come in to build those houses and submit a plot plan to the engineering department, if the board had approved those waivers then those waivers are upheld.

Mrs. Weinstein said they are only requesting minor subdivision approval. No waivers were being requested.

Mrs. Weinstein agreed to a time waiver until March 1, 2017.

Mr. Brian Flannery, P.E., P.P. would revise the plans indicating they are not constructing anything and would agree to the construction of those improvements at time of plot plan. All they will do is put a note on the plan.

A motion was made and seconded to carry the application to the January 17, 2017 meeting.
All were in favor.

2. SP 2219 Congregation Mishkan Hatorah Inc

East County Line Road Block 174, Lots 20.02 & 20.03
Preliminary and Final Major Site Plan for a school with a dorm

A review letter prepared by Remington, Vernick & Vena Engineers dated December 12, 2016 was entered as an exhibit.

Mrs. Morris said this application is being continued from the January 20th meeting. The following members were present: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Herzl and Mr. Cautillo.

Mr. Sam Brown, Esq. said they are prepared to present the full testimony for public hearing so whomever wants to sit on this application is invited to do so.

Mr. Jackson said if the board is okay with the applicant rescinding all of their prior proofs and testimony and want to start from scratch, then it is acceptable.

Mr. Bernard Riley, Esq., representing Elyahoo Corcus. Schools are permitted in the zone, however, this application includes a dormitory component which are not permitted in this zone. Currently only two zones permit dormitories including the Planned Educational Campus zone and the Oak Street Core Neighborhood zone both of which allow residential dormitory use as part of a school use. This zone does not. Frankly, there is nothing in this zone that would even hint that a dormitory use would be permissible or a permitted use. He argued this application should be referred to the Zoning Board as a use variance is required.

Mrs. Morris said it is her understanding that the board historically interpreted a dormitory as an accessory use to a school. She does understand where the references are coming from. The first time dormitory was actually mentioned in the ordinance was when the campus ordinance was added. At that time, it kind of threw a wrench into the fact that it has always been an assumed accessory use to these permitted school uses.

Mr. Riley said there are zones that provide for dormitory use. It wouldn't be in certain zones if it was permissible under a school use. A school is a place where students go in the morning and they leave in the afternoon, it is not something where they stay overnight. He thinks the recognized definition of a school is something like that. Now when you have a college or a boarding school, it is customarily considered a boarding school. A boarding school is permissible in the Oak Street Core Neighborhood zone. This is a 24 hour operation and it's quite different than one might normally perceive as a school.

Mr. Jackson said unless the board is willing to reject the board administrator's determination that this application should be before this board then the applicant's recourse would be to either ask for an interpretation from the board of adjustment or go to court and appeal this decision. In the past, the board has considered dormitories as an accessory use to a school. Mr. Riley says everybody knows a school doesn't have a dormitory but he thinks the experience in Lakewood is a little different than that but it would be up to the board.

Mr. Franklin said after reading the board engineer's letter he can see that this is another incomplete plan. The board does not design the plans for the applicant.

Mr. Herzl reiterated that plans should be completed before reaching the board.

Mr. Glenn Lines, P.E., P.P. was sworn in. When they submitted the application, they requested a waiver of site plan submission so basically the plan they have which shows the two existing buildings with the addition in between and the existing driveways was what they were going to testify about. They are not proposing any parking lots, curbs, sidewalks, landscaping. There are two existing two-story houses and they are building a classroom, lobby and dining room in between the buildings in order to connect the buildings together.

Mr. Herzl asked if additional parking is required.

Mr. Lines said no. There are currently 8 to 10 spaces in the driveway which are in use today.

Mr. Franklin said the spaces are not shown on the plan.

Mr. Vogt said typically you want to identify where the spaces are, the size of the spaces, what the dimensions of the drive aisles and driveways are so you can make an interpretation if parking and circulation is adequate. Going back, Mr. Lines raised a point that this started as a site plan waiver. The problem with that as far as the board goes is they can only act upon site plan waivers for building additions no more than 1,500 sf. This particular plan proposed approximately 2,600 sf. What would be extremely helpful in these kind of applications, is a detailed written application rider explaining what exactly they are doing so they can comment based on what they understand is being proposed but if they do not see specifically delineated parking, they can't assume.

Mr. Franklin said the plan does show a driveway but it is a stone driveway. The driveway should be paved.

Mr. Vogt said he is right and that would require a waiver from the board.

It was determined by the board that the plans are not complete and the application should be carried to a future meeting.

Mr. Brown would like to go back to the jurisdiction issue. It is not only his reading of the ordinance but it has been the action of the board for several decades now that a school consists of whatever ancillary services necessary for that school. The points raised by the objecting attorney are good points and he does not question where he is coming from but in terms of a practical application, he thinks the applicant would be well served to move forward at its own peril so long as the board accommodates them.

Mr. Follman agrees it has been the practice of this board for many years and feels comfortable hearing this application.

Mrs. Morris said prior to the campus ordinance, dormitory wasn't listed as an ancillary use or permitted in any zones which the board has always interpreted it as an unspoken ancillary use to a school. The latest two zone changes did reference dormitory and trying to be proactive in making sure they explicitly said that dormitories were permitted but in her opinion it wasn't on the Committee's mind to include it in all of the other places where it should be.

Mr. Brown has been advised that the dormitory use has already been approved as a change of use many years ago.

Mr. Jackson said that wouldn't matter if they are expanding a prior non-conforming use.

Mr. Brown said they are not expanding the use, they are expanding the facility to house the same services.

Mr. Flancbaum agrees that the board has always considered a dormitory as an ancillary use to a school.

Mrs. Zografos questioned whether there were any approvals after the ordinance change.

Mrs. Morris confirmed, the subject has come up a number of times especially when they had objectors with attorneys and she is fairly confident the board has approved dormitories since. There were some cases where they had the dormitory stand alone on their own and the board was not as comfortable with that but when there was a school and a dormitory specifically as an ancillary use she believes the board was fine with that.

Mr. Brown asked for a vote from the board as to the jurisdiction issue.

A motion was made and seconded to approve the dormitory as a permitted ancillary use to the school.

Affirmative: Mrs. Zografos, Mr. Franklin, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Grunberger

No: Mr. Hibberson, Mr. Cautillo

Mr. Jackson said the board has affirmed the placement of this matter before the Planning Board by the administrative officer.

Mr. Joshua Schmuckler was sworn in. He said what the board sees in this case is not what they have. This school was under the guidance of a developer at one point in time and construction was started on the site without the rabbi fully understanding what was going on. The building department issued a stop work order and subsequently the developer was fired and a different developer was brought in. Right now they have a hole in the ground between the two buildings with the foundations coming in. They told the rabbi he needs site plan approval so they quickly plotted a plan showing there are no variances and to come before the board explaining their dilemma. This hole has been in the ground for a number of months and now they put steel up and poured concrete in order to hold the buildings together. The County is actually coming in right now moving utilities over and they are going to be improving the whole frontage there including curb and sidewalk. This is not someone coming in wanting to do a major site plan, their words in the application was that they would actually like to do a plot plan to get this site tidied up quickly. The rabbi just wants to get this done properly. He does understand the board's concerns with the plans not being complete but he asked to please be heard in order to get this done before the winter.

Mr. Franklin reiterated that the drawings should be complete.

Mr. Cautillo said waivers are being requested for sidewalks.

Mr. Lines said the County has plans for County Line Road including sidewalks on the north side from Somerset Avenue all the way to Brook Road. They are not proposing to construct sidewalks on the south side of the street. There are no curbs in the entire development. That was part of the CAFRA permit granted when that entire development was built that there would be no curbing as the intent was that water would run off the road and soak in the edge of the road so it reduced the total amount of the drainage system. So if they put curbing along Lucerne Drive, they would be going against the CAFRA permit and would have to go back to the State to get that waived.

Mr. Cautillo's concerns stems from the fact that part of the problem in Lakewood with courtesy busing and the costs is due to the lack of installing sidewalks in the past.

Mr. Lines said there will be sidewalks on the side and front of the property. If they install them now, there is a 50% change that the County is going to come along when they fix the road and rip them out again.

Mr. Brown emphasized that at the end of the day, there will be sidewalks.

Mr. Vogt said going forward on future applications, they need to be advised of these sort of things.

Mr. Rennert asked if the applicant is willing to bond the sidewalks.

Mr. Brown agreed. The bond would be released upon the County putting them in.

Mr. Flancbaum asked how long the bond would be held.

Mr. Brown asked for two years as the County is doing work as they speak.

Mr. Rennert definitely doesn't want it to be on him if these two buildings fall down so he would like to get this moving as quickly as possible.

Mr. Brown agrees that the board cannot act upon plans that are incomplete but he requests that the board listen to the testimony and if they are still missing pieces to advise them.

Mrs. Zografos said a picture is worth a thousand words and if the applicants take the time to paint the picture, they would all be looking at the same thing but if you are only describing it then they are all imagining something different. It is important to have a plan and she feels more comfortable when there is a plan and does agree with Mr. Franklin. A few things previously said were kind of contradictory and she would like clarification so she can understand where they are coming from. Mr. Schmuckler opened up with saying what the board has is not what they see which is exactly the point why they need plans because they are describing something they are not looking at. After that, he spoke about how the applicant went forward with construction without permits and now they want to do it the right way which from the board's perspective could be that they have to have plans.

Mr. Schmuckler said the applicant was under the impression that they didn't need permits or site plan approval. When they found out they did need approval, they stopped work including leaving a hole between two foundations. The school currently exists and they are adding this small addition between these two buildings. Looking at this plan, it is incomplete but after hearing an explanation it is easier to understand. The goal is not to provide a full site plan but to continue construction and get this done safely.

Mrs. Zografos asked how unsafe the property is if this were to be put off until another meeting for proper plans.

Mr. Schmuckler said once they get approval they are going to have some compliance issues. The buildings were secured with some concrete and steel beams but he is not a structural engineer and they would really like to see this done as soon as possible.

Mrs. Morris asked if any plan revisions were done since the December 12th review letter issued by the board engineer.

Mr. Schmuckler said revisions have been made.

Mr. Rennert said the applicant needs to explain to the board what they propose to do and then come back to the next meeting with that plan showing what was agreed to and if so, the board can approve the resolution as well.

Mr. Franklin disagrees. The applicant can winterize the hole to be safe. The applicant has more than enough time to draw up these plans and answer any questions posed by the board engineer.

Mr. Brown said they are not here to present a safety argument. The board should vote as to whether they want to hear this application with the plans before them.

Mrs. Morris said there was testimony that revisions have already been made to the plans.

Mr. Schmuckler asked which waivers the board is willing to grant.

Mrs. Morris said they should do as much as they can and request as little waivers as possible and make good choices on what waivers they are requesting rather than force the board to make a decision on that now.

Mr. Brown agrees. The applicant should submit a plan and whatever is not shown, it should be explained in detail as to why.

A motion was made and seconded to carry the application to the February 7, 2017 meeting.
All were in favor.

3. SP 2221AA Cong Bais Yesocher Tiferes Aryeh

Ridge Avenue

Block 175, Lot 85.02

Change of Use/Site Plan Exemption to convert existing house into a school

A review letter prepared by Remington, Vernick & Vena Engineers dated December 27, 2016 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt said design waivers are necessary including sidewalk, curbing, lighting, use of existing gravel on-site parking and landscaping.

Mr. Abe Penzer, Esq. said the rabbi has been evicted and appreciated that the board hear this quickly. The plan is to have a maximum of 22 students, 12 live in the area and 10 will be picked up in the area. There is no plan to do any outside improvements, it will all be interior renovations.

Mr. Brian Flannery, P.E., P.P., was sworn in. This application is to convert a house into a school. They currently have two classes, 10 children in one and 12 in the other. The bedrooms will be converted into classrooms and there will be one office. The most they would be looking to do to this site, before they come back with a proper site plan for a proper building, would be three classes so they would be looking at 32 to 36 maximum students. There are no changes proposes to the outside and they would have to comply with all of the building codes to change the existing rooms into classrooms and an office. There is a driveway in front and a gravel parking area on the side. There is more than enough space to accommodate two vehicles at this point and a maximum of four at some point in the future. The applicant is looking for this site plan exemption as a temporary measure and ultimately plans to come back for a proper school.

Mr. Penzer misspoke as the maximum number of students should be 36.

Mr. Herzl asked if the students would be bussed.

Mr. Flannery said a majority of the students live in the area. The school does contract to have a van to drop the students off, there will be no school busses.

Mr. Herzl inquired as to garbage pickup.

Mr. Flannery said they would meet with Public Works. They are proposing one rollout container to the curb.

Mr. Herzl asked if there is a dormitory on this property.

Mr. Flannery said no, it is only a school. The rabbi has indicated that he prefer the maximum number of students to be 42.

Mr. Franklin said floor plans were not submitted and there are not enough bathrooms for 42 kids. Again, the board received plans which are incomplete.

Mr. Flannery said there is a house layout plan.

Mr. Flancbaum said there is a floor plan of the existing house but it should not be up to the board as to the maximum number of students allowed. The maximum occupancy will be up to the building department.

Mr. Penzer agreed.

Mr. Jackson said there will be a maximum of 42 students unless the code prohibits it.

Mr. Herzl asked how many parking spaces are required.

Mr. Flannery said per the ordinance, they would need one for the office and one for each of the classrooms for a total of four spaces. The driveway can easily fit two cars, a third car could go in the garage and to the left is a gravel area which is currently used for parking where you could probably fit ten cars.

Mr. Franklin asked if that gravel area will be paved.

Mr. Flannery said currently they only need three spaces which they can accommodate with the driveway and garage.

Mr. Franklin asked if the garage will be converted into a classroom.

Mr. Flannery said no, it will remain a garage. The applicant indicated they only need two spaces but he has the gravel area if there is an overflow situation. The applicant would really prefer not to pave that gravel area as his intention is to come back to this board with a site plan.

Mr. Herzl asked if there are any present wetlands.

Mr. Flannery said there are no wetlands in the area they are asking to use but there are some to the rear of the site.

Mr. Herzl asked if there is sufficient room for future growth on this property with the wetlands.

Mr. Flannery confirmed.

Mr. Herzl opened to the public.

Mr. Bill Hobday, 300 Schoolhouse Lane, was sworn in. He is confused as to what the maximum number of students will be.

Mr. Herzl said the applicant would like a maximum of 42 students if the building department allows it.

Mr. Hobday asked if there is a basement.

Mr. Flannery said there is an unfinished basement. It would be used for storage.

Mr. Hobday asked for the number of bathrooms.

Mr. Flannery said two.

Mr. Hobday asked if there are any restrictions as to the number of students using only two bathrooms.

Mr. Herzl said that would be up to the building department.

Mr. Hobday thinks these issues should be settled before they come before this board.

Mr. Shlomo Klein, 189 Chateau Drive, was sworn in. He said the building department requires architectural as to what is being proposed. He asked why this board doesn't require same.

Mr. Flannery said the applicant comes to the Planning Board first so that the public has an opportunity to hear what's going on and are not surprised with a new school. They still have to follow all of the codes and that is the protection the board has knowing that there's other agencies with rules which they must follow as well.

Mr. Klein assumes the applicant will have temporary trailers for the future interior renovations. He thinks the applicant should apply to this board for trailers as well.

Mr. Herzl thinks he has to come back before the board for trailers.

Mrs. Morris said no, once there is an approval for a school, the zoning officer can issue temporary trailer permits.

Mr. Flancbaum said testimony was provided that there would be no trailers.

Mr. Penzer said that is correct. They have no interest in going outside of the building. They want to contain and control the students in the building. If they do decide they need trailers, they would agree to come back before this board.

Mr. Klein said if you're are seeking a change of use approval, the ordinance requires sidewalks and curbs. He questioned why they are asking for that waiver.

Mr. Flannery said they are asking for a waiver from installing curbs and sidewalks at this time because it is temporary and all of that would be disturbed when they come back with a site plan to build a proper school.

Mr. Klein asked how long that would be.

Mr. Flannery thinks 3 or 4 years.

Mrs. Morris asked if this portion of Ridge is a County road.

Mr. Franklin confirmed that it is.

Mr. Jackson said they would require County Planning Board approval.

Mr. Flannery said no, it is a site plan exemption. It is an existing building with no proposed outside improvements.

Mrs. Morris said unless they installed curb and sidewalk.

Mr. Klein asked if the ordinance requires them to install curbs and sidewalks.

Mr. Flannery said it is not his opinion that the ordinance does not require it. When a site plan is submitted or other construction is proposed, then you are required to do so.

Mr. Vogt said the site is being utilized for a new use, it is their recommendation to either provide or seek waivers. It is a design waiver, not a variance.

Mr. Franklin asked if there is public sewer, water and gas.

Mr. Flannery confirmed that it does.

Mr. Bruce Ballance, 1215 Del Mar Road, was sworn in. He said there should be no plans for private vehicles to drive students as it would be a safety problem. As the board is aware, Monmouth County line is only about less than an eighth of a mile from this property and it's basically a country road with a 45 mph speed limit and coming around a blind curve, he is concerned about the safety of the neighbors and students. There is a sidewalk on the southbound side but there are no crosswalks and there is also a blind curve on the other side. He is concerned about students walking along that area to the school. He is not opposed to the school but he is greatly concerned about the pedestrian traffic and the fact that is not a low speed road. There is also a very narrow pull out so there is really no room for a vehicle to get by. Perhaps the County should put up adequate markings, crosswalks or perhaps change the speed limit.

Mr. Jackson asked his opinion as to waiving of the sidewalks.

Mr. Ballance said it depends on where the students would cross. There are sidewalks on the southbound side which would be directly across from the school. His concern is safety for both the students and drivers coming down those tight curves.

Mr. Cautillo asked how old the students are.

Mr. Flannery said 14 to 17 years old.

Mr. Herzl said no students will be driving to this school.

Mr. Penzer said no, they are not old enough.

Mr. Herzl closed to the public.

Mr. Penzer said this application is very limited in scope as they do not intend to do anything outside.

A motion was made and seconded to approve the application.

Affirmative: Mrs. Zografos, Mr. Hibberson, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Mr. Grunberger

No: Mr. Franklin, Mr. Cautillo

7. CORRESPONDENCE

- **SD 2157 Dovid Berger** – lot coverage variance request

Mr. Jackson asked if this was noticed.

Mr. Glenn Lines, P.E., P.P. confirmed. They received a subdivision approval but they missed this variance. The Township increased lot coverages by 5% and when the ROP zone was done, they increased by the 5% for duplexes but not for single family houses so they need a 30% lot coverage which would be normal with the way everything was increased but they are limited to 25% because that's what the ordinance says.

Mrs. Morris asked what the single family lot requirement is in the ROP zone.

Mr. Lines said 10,000 sf.

Mrs. Morris asked what the R-10 zone permits for coverage for single family homes on 10,000 sf lots.

Mr. Lines said 30%.

Mrs. Morris said this zone currently only permits 25% so she believes it was an oversight.

Mr. Lines said that is correct and they didn't ask for this variance because they thought it was 30%.

Mr. Flancbaum doesn't feel comfortable saying what the town did or didn't do. He can't assume something was left out.

Mr. Jackson asked why this could have been an oversight.

Mrs. Morris said part of the ordinance when it was written to increase the permitted lot coverage, the town attempted to do it across the board for all residential uses by bumping them up in the residential zones by an additional 5%. This one appears to have been overlooked given that single families are permitted in the R-10 zone on 10,000 sf lots with a 30% lot coverage. In this zone, single families are permitted on 10,000 sf lots but only with 25% coverage.

Mr. Jackson believes that type of variance requires the correct proofs and the board should look at the overall plan. He asked if the resolution was adopted yet.

Mr. Lines is not sure.

Mr. Jackson said then the applicant can reopen the case if it has not been adopted. He doesn't believe this should be heard under correspondence. The board should look at the positive and negative criteria, surrounding area, etc. They can't just say the town made a mistake.

Mrs. Morris said the resolution was adopted November 15, 2016. The issue probably came up during resolution compliance.

Mr. Jackson said if the map is not filed then the applicant could come back with an amended application.

Mrs. Morris said it was agreed in the past that if the applicant is asking for a variance and are noticing for correspondence, it really shouldn't be correspondence. It should be an amended application.

Mr. Herzl said to come back with revised plans.

- **SP 2022AA** – update on construction schedule of approved school building

Mr. Herzl stepped down.

Mrs. Morris said this is a site plan exemption approval. The applicant just wants to update the board on when they anticipate construction is moving forward with a full site plan.

Mr. Flannery said that is correct. There was nothing in the approval of the site plan exemption requiring them to come back before the board within 3 years but the testimony at the time was that they expected to be done in 3 years. The applicant is currently using an existing house for a school while they prepare the site plan. Their office is currently working on the site plan which they can't finish until the architectural plans are completed. The application should be submitted within the next 6 months but if anyone on the board drove past saying it was supposed to be done in 3 years, they wanted to do it the right way and advise the board of such.

Mr. Rennert asked how much longer they would need.

Mr. Flannery said about a year and a half.

Mr. Rennert said they are working on the plans. He questioned why they needed a year and a half.

Mr. Flannery said they will probably have an application submitted within the next six months and then another year until they get through resolution compliance and approval from the County. He doesn't think they need any board action but this was done out of caution.

8. PUBLIC PORTION

Mr. Jackson recognizes there are a lot of residents present for an application that has been put off. The public must understand that the board is a quasi-judicial body and they have a due process requirement they must follow. Part of that procedure is they can't hear cases when all of the people involved in that case has left. That case was put off and given a new date. It is improper to come up and complain about that specific project because they could taint the consideration of the board as the applicant isn't here to defend themselves. People are more than welcome to speak about general matters but he is asking to please respect the constitution and the rights of everybody and not to address a particular application.

Mr. Sharon Applegrad, 23 Washington Avenue, said they moved to Pine River Village with the expectation of a scenic, quiet environment. She is concerned about new development down the road and the congestion it will cause.

Mr. Feivel Cohen, 24 Goldcrest Drive, he stressed his concern about the nearby development.

Ms. Rachel _____, 2 Goldcrest drive, she has an issue with notices only being within 200 ft of the property as well as only being in the Asbury Park Press and Tri-Town News.

Mrs. Morris said the Township Committee designates the newspapers for notifications so that would not be up to the board.

Changes in Planning Board Procedures

Mr. Jackson said based on a meeting he had with the mayor and other professionals, there were suggestions regarding the board's procedure and he was asked whether he had any input regarding ways they could make the Planning Board more user friendly to the public. As the board knows, there have been incidences where members of the public have come out to the meetings and have been frustrated as they had taken time off from their lives, hired experts and they've sat in the audience until 9 to 9:30 at night just to have the case adjourned and then to have to come back and that process has happened a couple of times. His recommendation is that the board adopts a procedure as is practice in most other towns, where you would have a technical review meeting that is not before the board at all, no members would be present. It would be with the board attorney, engineer and administrator. That would be for the purpose of advancing things, giving administrative waivers and the concept of that is that the professionals should know the board well enough to request certain things including sidewalks, buffers, etc. so that when the plan comes before the board it has already been scrutinized at a meeting with the board's professionals.

Mr. Herzl said this procedure would eliminate the plan review meetings.

Mr. Jackson confirmed, all matters before the board would be for public hearing.

Mrs. Morris had spoken with Mr. Jackson as well and she believes the intent is to stick essentially with the schedule that they typically had for applications. They would just be holding the plan review meeting with the professionals during the day on the first Tuesday of the month. Mr. Jackson's initial concerns were that given the volume of applications before the board and the backlog they have had, they still may want to hold two public hearing meetings per month but each application would essentially be heard at only one meeting unless they are carried or tabled for whatever reason. The board would still be meeting twice a month unless the schedule clears up and there's no need for that first meeting of the month.

Mr. Franklin wants to ensure plans are complete and ready before they are heard at a public meeting. This technical committee should ensure that.

Mr. Jackson thinks that is a very good observation. A lot of times the board is requested to use too much imagination as to what the plans will be or won't be.

Mr. Franklin said even though the board approves the plans, they are still revised afterwards and they don't know what the finished product looks like.

Mr. Jackson said there will be a little bit of a learning curve but he thinks Mr. Franklin is right but some of that will always happen because the board might impose some changes.

Mr. Herzl said if an application is missing parking or sidewalks then it shouldn't be deemed complete.

Mr. Jackson believes the professionals have enough experience with this board where they would know what the board wants or doesn't want. The purpose behind this is to have more finished plans before the board that have already been reviewed and scrutinized which would free up time and the public would not have to come out twice.

Mr. Herzl said there may be situations where they are unable to finish an application in one night if there is an objecting attorney and there are a lot of people speaking against it.

Mrs. Morris thinks that is why it is helpful to still have the first Tuesday meeting of the month because anything that was not finished at the public hearing, they could schedule it for the following meeting two weeks later.

Mr. Rennert likes this idea. The application is not going to be deemed complete until it passes the tech review meeting.

Mr. Vogt said they have to be careful with that. An application can be submitted, for example, with an incomplete or infeasible drainage design but the fact that they have a drainage design makes it complete. He hears what Mr. Jackson is saying and agrees. They have a similar process they have used for years in Woodbridge Township where they have a technical review committee and an application doesn't leave the technical review committee until everyone is comfortable that it's ready to go to the board. So if they get a very bad design that just doesn't work, maybe it has to go back before the technical review committee again and then go to public.

Mr. Rennert said the applicant should be required to meet with Public Works before the public hearing meeting.

Mr. Vogt said that is a great opportunity.

Mr. Franklin said it is very important to know the details before this board hears the application.

Mr. Flancbaum said the application may need two public hearing meetings. Just because the application went through the technical review committee doesn't mean it will automatically get approved at the public hearing.

Mr. Vogt said absolutely not. It just means it is in technical condition to go before the board but the board still may not like the plan.

Mr. Jackson said the reason why the board members would not go to the technical review meeting is so that they are removed from that process. All decisions are made solely based on what is before the board at the public hearing.

Mr. Vogt said if the application requires any kind of variance or design waiver relief then that would be subject to the board.

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