

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 Terence Vogt 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. Garfield, Mr. Stern, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Raitzik

3. SWEARING IN OF PROFESSIONALS

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

4. SP 2310 Testimony Request

Mr. Herzl stepped down for this matter.

Mr. Jackson said, as the board recalls, there was an issue as to whether the individual who prepared the fiscal impact report had to testify. The applicant’s attorney does not believe they do, and Mr. Jackson sees this as a submission item and not necessarily something the applicant must do. The board cannot decide this tonight as there is not a quorum so it should be carried to the next hearing, but his recommendation would be that it is up to the applicant whether they want to produce that witness or not.

Mr. Flancbaum questioned if this can be decided by the board attorney and/or administrator.

Mr. Jackson said the MLUL vests in the chairman the authority to make certain decisions as far as evidence, proceedings, which witnesses to call and not to call. He thinks it is a good practice to get the consent of the board.

Mr. Flancbaum said they do not have a quorum as they need a Zoning Board member so he thinks the chairman should make that call as he is unsure if there will be a quorum for the next meeting.

Mr. Jackson said he will have a conversation with Mr. Stern during the week and he would send an email to the board secretary as to his decision.

Mr. Stern asked if they can check the record as he is fairly sure Ms. Donato was going to produce or not produce a memo and then they would talk and make a decision at that time.

Mr. Jackson does not recall exactly but he thinks Mr. Flancbaum is correct. The chairman can make those decisions as to who gets called or does not get called as a witness.

Mr. Stern said they would decide after the meeting.

Mr. Jackson confirmed. The agenda indicated this matter was to be in closed session, but it is not a closed session type of matter.

5. CORRESPONDENCE

- **SD 2183 Bais Rifka Rochel, Block 127, Lot 4** – addition of coverage variance to a previously approved conforming Major Subdivision to create 5 lots

Mr. Meyer arrived. Mr. Rennert stepped down for this item.

Mr. Jackson asked if the applicant noticed this correspondence request.

Mr. Adam Pfeffer, Esq. said yes.

Mr. Jackson understands that there was an application which was denied. The applicant modified the design and came back for approval, so he requests that Mr. Pfeffer testify that this was something not already decided and how it is different than the first case.

Mr. Pfeffer said the original applicant had no less than four variances and was denied. The applicant went back to the drawing board and came in with a fully conforming application. The applicant would like to modify the units and requests the board grant building coverage variances for duplex lots, 4.01 and 4.02, of 35% whereas 30% is the maximum allowed. He does not believe this is a res judicata issue as they are coming in on an amended approved resolution. He would agree if they came in requesting the same variances, which included rear and side yard setbacks, but they are not requesting those variances. They are only asking for lot coverage as the end users are asking for the house to be a bit different.

Mr. Jackson said while the building coverage is going up it would not trigger any setback variances.

Mr. Pfeffer said correct. Only the duplex is being affected, the triplex is not changing.

Mr. Brian Flannery, P.E., P.P. was sworn. This property is in the B-4 zone where the lot coverage requirement is normally 30% and in most duplex zones, the coverage is 35%. This would be typical of what other zones are and it is a classic C-2 variance where they have to show that this is a specific piece of property and that the benefits outweigh any detriments. His testimony is there are no detriments as the only people who would be affected are the end users. The benefit would be that it would provide more suitable housing.

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

A motion was made and seconded to approve a building coverage variance of 35% for lots 4.01 and 4.02. All were in favor.

6. PUBLIC HEARING

1. **SD 2396 Mordechai Eichorn**
326 & 332 River Avenue & 12 Birch Street Block 417, Lots 20, 21, & 23
Minor Subdivision to create six lots

A review letter prepared by Remington & Vernick Engineers dated July 18, 2019 was entered as an exhibit.

Mr. Vogt said a submission waiver is requested from submission to the Ocean County Planning Board. The waiver can be supported for submission purposes only with the understanding that the OCPB would have to ultimately approve.

A motion was made and seconded to approve the submission waiver as recommended by the board engineer and planner.

Mr. Vogt said variance relief includes minimum front yard setback from Route 9 and from Henry Street.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the minor subdivision map submitted, exhibit A-2 is a copy of the tax map. There are three existing lots with existing structures which they would replace with duplexes on conforming lots. The variances mentioned are the existing setback variances and they are not increasing any of the setbacks beyond what is there today. There was a neighbor who could not be here tonight, but the applicant met with him.

Mr. Herzl said they are requesting a setback variance from Route 9.

Mr. Flannery said yes, the desired typical section is not being disturbed and the units are being set back. The units all front on the side street, not on Route 9.

Mr. Herzl said Route 9 is technically a side yard.

Mr. Flannery said yes but the front yard setback required is larger than other front yard setbacks but the existing front yard setbacks to the existing buildings to Route 9 is what they held, and all the development occurs to the west. The neighbor requested that the driveways be three car lengths wide in order to limit on-street parking. He would also like the curb area from Route 9 to the first driveway to be designated as a no-parking area. He knows the board cannot approve that, but they would make a request to the Township as a condition of approval.

Mr. Vogt asked that these changes be confirmed in writing.

Mr. Flannery said these are larger duplex lots than what is required by ordinance. Variances requested include the existing front yard setback of 33.5 ft for lot 20.04 and 29.8 ft for lot 20.05 whereas 75 is required. As testified, those are the existing setbacks and they would be closer to Route 9 than it is today. His opinion is that it is really not a variance as the ordinance under a section of existing non-conformities indicates that if they have an existing setback, they can build on that lot as long as they respect that existing setback.

Mr. Meyer questioned if it would be an issue if Route 9 is widened.

Mr. Flannery said the State had given a desired typical section which is the maximum width they think they would need for Route 9 in the future. The desired typical section is shown on the plan and they respect that.

Mr. Garfield has seen plans showing Route 9 being widened from Route 528 to Second Street.

Mr. Flannery confirmed, they are widening the intersections and they have more than enough room.

Mr. Stern said currently there are two families and this application would create the possibility of having twelve families. He is concerned as to people making lefts from Birch onto Route 9 and from Route 9 onto Birch and the firehouse is one block down.

Mr. Flannery said there is the option of driving a different way and avoid Route 9. The density is in accordance with the Master Plan and ordinance.

Mr. Flancbaum asked if the applicant would agree to provide a white vinyl fence along the Route 9 property line.

Mr. Flannery said yes.

Mr. Stern questioned that even though the existing buildings are being demolished, Lakewood allows that existing non-conformity to continue.

Mr. Flannery said correct. The governing body, he believes in 2007, added that provision to the ordinance because they felt it made more sense in order to allow people to improve their properties. He referenced sections in the Master Plan and MLUL to justify the variances requested. The applicant agrees to comply with items 12, 13, 14, 19, 20 and 21 in accordance with the ordinance and as directed by the Township engineer. The applicant would change the tree species as requested by the Shade Tree Commission.

Mr. Garfield questioned where the garbage cans would be placed.

Mr. Flannery said all of these units have access to the street from their rear yards, so the trash cans are put in the back and they roll them out to the curb.

Mr. Herzl asked if they are providing a concrete pad.

Mr. Flannery said there is not a requirement to do that. If a concrete pad is proposed, they would give the engineer any details required.

Mr. Herzl is concerned as the garbage cans tend to block driveways and cars coming through.

Mr. Flannery understands but the residents have to anticipate the garbage schedule and it would be the same as every other street in Lakewood.

Mr. Pfeffer said that is one of the reasons the neighbor wanted additional parking on-site so they could get cars off the street.

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

Mr. Meyer requested that there be no curb cuts along Route 9.

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

2. SP 2339AA Khal Bnei Torah

828 Ridge Avenue Block 189, Lot 26

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

A review letter prepared by Remington & Vernick Engineers dated July 2, 2019 was entered as an exhibit.

Mr. Vogt said design waivers are requested as indicated in the review letter. There are pre-existing non-conforming variance conditions including minimum rear yard, side yard and aggregate side yard setbacks. A new variance would be needed for perimeter buffer relief.

Ms. Miriam Weinstein, Esq. said this application is for a change of use site plan exemption to convert an existing home located on Ridge Avenue into a shul. The shul will have a main sanctuary of 796 sf so there would be no parking requirement, however, the applicant is willing to provide a gravel parking lot where they could provide 18 spaces.

Mr. Vogt said if the parking lot is not proposed to be paved, that would be a design waiver as well.

Ms. Weinstein would like to request that design waiver.

Mr. Herzl is pleased the applicant is providing parking even though it is not required as it is a dangerous area.

Ms. Weinstein said this is a temporary situation for the shul and it would not make sense for them to pave the parking area.

Mr. Raitzik said it is not an ideal situation as the spaces will not be designated.

Ms. Weinstein understands but this is temporary situation and it would not be their permanent building.

Mr. Herzl went out to this site and there is plenty of room.

Ms. Weinstein said they do have a letter, which they would submit to the board, from a neighbor who owns a number of properties along Ridge Avenue including 828 Ridge Avenue where he would allow for overflow parking where they could fit an additional 10 cars.

Mr. Brian Flannery, P.E., P.P. was sworn. As indicated, this is an application to convert an existing building into a shul. The parking requirement is zero whereas 18 spaces are being proposed. A waiver is being requested for the gravel parking lot. The engineer's report indicates the setback variances which are existing variances and it is his testimony these variances are not needed as it is an existing structure. The existing minimum rear yard setback is 9.98 ft whereas 20 ft is required, the existing minimum side yard setback is 9.84 ft whereas 10 ft is required, the existing aggregate side yard setback is 19.97 ft whereas 25 ft is required. Perimeter buffer relief is necessary, a 9.84 ft buffer is proposed to the east and a 10.13 ft buffer is proposed to the west whereas 20 ft is required. This is a neighborhood shul and they are familiar with the situation so they would know how to park. All of the other comments in the engineer's review letter would be addressed. He referenced sections in the Master Plan and MLUL to justify the variances requested. Exhibit A-1 is the site plan showing the proposed 18 parking spaces, A-2 is a copy of the tax map.

Mr. Vogt asked for testimony as to perimeter buffer relief.

Mr. Flannery said it is an existing condition and they are not proposing a new buffer. The adjoining residents were given notices and it is his testimony that what is existing complies with the intent of the ordinance.

Mr. Flancbaum asked about the house at the front.

Ms. Weinstein said it would remain.

Mr. Flancbaum asked if there is parking for the home.

Mr. Flannery said yes, there is an existing driveway.

Ms. Weinstein said that driveway could also provide additional overflow parking. There is no basement so technically only two spaces are required whereas the driveway could probably fit four cars.

Mr. Meyer said the review letter indicates there will be a warehouse.

Mr. Flannery said any area not being used for the shul would be used for storage.

Mr. Stern asked if this will be anything other than a shul.

Mr. Flannery said the other area would be storage. The owner of the property would store items.

Mr. Stern asked if there are food deliveries with trucks coming in and out.

Ms. Weinstein said there is not going to be food deliveries.

Mr. Flancbaum said the storage room is going to be 860 sf which is catching the board's eye.

Mr. Flannery said that is the area remaining which the shul does not need.

Mr. Stern asked if there will be any business activity on this site.

Mr. Flannery said no.

Ms. Weinstein said the applicant indicated it would not be used for active business matters.

Mr. Stern questioned what exactly is being stored.

Ms. Weinstein said the owner is storing some of his belongings there. The shul did not need that much space.

Mr. Stern suggested that a fence be provided for safety reasons.

Mr. Flannery said the applicant would agree to provide fencing to the satisfaction of the board engineer to separate the residential area from the area the shul uses for parking.

Mr. Herzl wants to ensure there are not trucks coming in and out of this property which would interfere with parking.

Ms. Weinstein understands.

Mr. Herzl asked if sidewalks are being proposed.

Mr. Flannery said yes, sidewalks would be built on their property, so they would not need County approval.

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

Mr. Stern asked that the 4 ft high fence be extended to the sidewalk.

Mr. Flannery said a fence would be provided in proximity of Ridge Avenue but far enough back so that it does not create any traffic problems and would be subject to the board engineer's approval.

Mr. Herzl said the shul would not be used for active business purposes.

Mr. Meyer said there also should be no on-street parking allowed.

Mr. Flancbaum said two off-street parking spaces would be dedicated for the residence.

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

3. SP 2343 Congregation Torah Utefilah
141 Miller Road Block 12.02, Lots 8 & 18.02
Minor Site Plan for a parking lot addition

A review letter prepared by Remington & Vernick Engineers dated July 15, 2019 was entered as an exhibit.

Mr. Vogt said the applicant is voluntarily coming back to provide additional parking on this property. The lots would be consolidated, and a perimeter buffer is required. It is noted that a continuous row of arborvitae buffering is proposed along the northerly property line.

Ms. Miriam Weinstein Esq. said this applicant realized they do not have enough parking and therefore have acquired the parcel next door where they propose a parking lot. The shul is upstairs, and the basement is currently unfinished and being used for a mikvah.

Mr. Raitzik asked if the applicant plans to finish the basement.

Ms. Weinstein said not in the imminent future. The parking lot has nothing to do with the basement, there is no Simcha hall there and there is no plan for a Simcha hall. The shul simply realized they do not have enough parking for their congregants.

Mr. Herzl asked if any new variances are being requested.

Mr. Brian Flannery, P.E., P.P. was sworn. There is an existing gravel parking area there now and as indicated, they need extra parking. The board engineer indicates a variance is needed for the perimeter buffer, but they have provided sufficient landscaping which meets the intent of the ordinance. He referenced sections in the Master Plan and MLUL to justify the variances requested.

Mr. Raitzik asked how many congregants currently attend this shul.

Ms. Weinstein said approximately 60.

Mr. Raitzik asked how many spaces there are currently and how many are being proposed.

Ms. Weinstein said currently there are 17 and they are proposing an additional 35 spaces.

Mr. Meyer is familiar with this property as it near his house. Every single day and night there is overflow parking on Miller Road and he agrees this parking lot is greatly needed.

Mr. Herzl opened to the public.

Mr. Caril was sworn. He said there is a four-way stop intersection right there which is very dangerous, but he is glad this applicant is alleviating traffic on the street.

Mr. Herzl closed to the public.

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

4. SD 2299 Jonathan Rubin

Ocean Avenue & Pearl Street Block 246, Lots 40, 41, 42.01, & 67
Extension of Minor Subdivision to create seven lots

Mr. Brian Flannery, P.E., P.P. was sworn. The applicant has some title issues on the property, so he is unable to close at this point. A one-year extension is being requested.

A motion as made and seconded to approve a one-year extension.
All were in favor.

5. SD 2409AO Pinehurst Partners, LLC

Halsey Street Block 1019, Lot 1.02
Oak Street Core Administrative Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated July 24, 2019 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. said no variances are being requested. The applicant agrees to any comments in the engineer's report.

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

6. SD 2410AO Pinehurst Partners, LLC

Halsey Street Block 1019, Lot 1.03
Oak Street Core Administrative Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated July 25, 2019 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. said no variances are being requested. The applicant agrees to any comments in the engineer's report.

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

7. SD 2411AO Pinehurst Partners, LLC

Halsey Street Block 1019, Lot 2.03
Oak Street Core Administrative Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated July 25, 2019 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. said no variances are being requested. The applicant agrees to any comments in the engineer's report.

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

7. APPROVAL OF MINUTES

8. APPROVAL OF BILLS

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary