

## 1. CERTIFICATION OF COMPLIANCE

Chairman Michael Neiman 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. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

### 1. Court Room Recording Procedure

This resolution will be tabled until further notice.

2. **SD 2025** (Variance Requested)  
Applicant: 319 Cedarbridge, LLC  
Location: Cedarbridge Avenue  
Block 548 Lot 170.47

Preliminary & Final Major Subdivision to create 8 fee simple duplex lots, 2 open space lots, and 1 commercial lot

A motion was made by Mr. Rennert, seconded by Mr. Neiman to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Rennert

Abstain: Mr. Flancblum

3. **SD 2033** (Variance Requested)  
Applicant: 319 Cedarbridge LLC  
Location: Boulevard of the Americas  
Block 548 Lot 170.49 & 170.32

Preliminary & Final Major Subdivision to create 8 lots

A motion was made by Mr. Rennert, seconded by Mr. Neiman to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Rennert

Abstain: Mr. Flancblum

## 5. PUBLIC HEARING ITEMS

- **Franklin Street Study Area – Preliminary Investigation**

Review/Determination to the Township Committee whether to recommend that the Franklin Street Study Area should be classified as a Condemnation Area in Need of Redevelopment

Mrs. Morris stated that they have had issues getting a quorum and had reached out to the Zoning Board members but at the last meeting but only one member was able to attend. Mr. Jackson has some history that gives the Board the option to hear and act on this item even without a quorum.

Mr. Neiman asked if he should try reaching out to some members.

Mr. Jackson said the problem is they can't get them to come and the statute provides that the Zoning Board members are supposed to come in. It is a dilemma because the applicant has to be able to go to somebody. The Doctrine of Necessity says when there are conflicts and there is no alternative then the members with the conflict can vote on it. It was discussed at length with Mr. Secare, Township Attorney, and he believes that is what they should proceed under.

Mrs. Morris stated that the professionals for this were not able to attend tonight and have looked at scheduling a special meeting possibly on the 29th.

Mr. Neiman said if that that is the case then they should not have to schedule a special meeting. They would just hear it at a regular planning board meeting and the board members who have a conflict would have to vote if there is no quorum.

Mrs. Morris stated that the professionals cannot make the July 21st meeting. She suggested that this be carried to the August 4th meeting.

Mr. Jackson said they have exhausted all reasonable efforts to get extra board members to attend therefore, the Doctrine of Necessity applies.

Mr. Neiman suggested that this be renoticed.

A motion was made by Mr. Franklin, seconded by Mr. Herzl to this matter to the August 4, 2015 meeting. Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

## 6. PLAN REVIEW ITEMS

1. **SP 2125** (No Variance Requested)  
Applicant: Gary R. Huhn  
Location: 760 Vassar Avenue  
Block 1602 Lot 5  
Preliminary & Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated June 17, 2015 was entered as an exhibit.

Applicant is requesting combined plan review and public hearing at this meeting.

Mr. Neiman asked if the applicant noticed for both.

Mrs. Morris said yes.

Mr. Neiman is ok hearing this in full tonight.

Mr. John Doyle, Esq. showed a colored rendering of the proposed site to the Board. The tan portion is the existing building, the red color is the proposed addition. The existing building is about 29,000 sf and the addition is just under 8,000 sf. There has been some outdoor storage and work which would all be brought indoors once this addition is built. There is some need for additional parking, lighting, landscaping, storm drainage which can be complied with. The Industrial Commission is in favor of this application. This is a two generation family business that has operated without issue. They would like this addition in order to help clean up the site.

Mr. Vogt asked if he agrees to all the technical comments in his letter.

Mr. Doyle said yes.

Mr. Neiman asked if there are any waivers.

Mr. Vogt said not in the traditional sense. They do not have information has noted in the review letter. The applicant has agreed to provide that information.

Mr. Neiman asked if they will be providing sidewalks.

Mr. Doyle said there are no sidewalks within the industrial park and they would ask for a waiver from providing them.

Mr. Vogt said that is typically waived.

Mr. Banas said there are more and more schools in the industrial park and perhaps they should start enforcing this.

Mr. Neiman said the schools should not be allowing students to walk along the streets as there are no sidewalks. Perhaps they should write a letter to the Industrial Commission asking for guidance.

Mrs. Morris said she does not know how much jurisdiction the Industrial Commission would have for requiring sidewalks.

Mr. Vogt said they can give the Board guidance.

Mr. Franklin agrees.

Mr. Neiman would like input from the Industrial Commission.

Mr. Doyle said perhaps it should start with the schools themselves.

Mr. Charles Surmonte, P.E. was sworn in. He attested to Mr. Doyle's previous comments and would agree to everything in the engineer's review letter.

Mr. Rennert asked if there is a variance required for parking.

Mr. Doyle said ultimately there should not be. One parking space is required per employee on the maximum work shift which is 28. They would be providing one additional space for a total of 29.

Mr. Neiman asked if there are currently parking issues.

Mr. Doyle said there is because there are outdoor work activities which would be cleaned up. The space provided would allow for sufficient parking.

Mr. Neiman said it may work for this use but if it is sold and another company comes in there may be an issue.

Mr. Jackson said they could add a condition that this was approved based on the needs of this specific business.

Mr. Doyle said the ordinance is driven by who the owner is in effect because it doesn't say so many spaces per square foot, it says on maximum shift.

Mr. Neiman would still like to add it as a condition of approval as a safety measure.

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

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 2. SP 2121** (No Variance Requested)
  - Applicant: Growing Feet, Inc.
  - Location: Second Street  
Block 125 Lot 3
  - Preliminary & Final Major Site Plan for a 3 story office building

A review letter prepared by Remington, Vernick & Vena Engineers dated June 3, 2015 was entered as an exhibit.

Mr. Vogt stated there are various submission waivers requested as listed on page 2 of his review letter.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to grant the waivers as supported by the Board Engineer. All were in favor.

Mr. Vogt stated a side yard setback variance is requested.

Mrs. Miriam Weinstein, Esq. said this does not require a side yard setback variance because it is in the B-2 zone. Testimony shall be provided at the public hearing.

Mr. Franklin asked what they would do with the trash/recycling.

Mr. Kociuba, P.E. stated that it would be stored in the building. They would put it out in the parking area in the rear.

Mr. Franklin asked if the trash would take up any of the parking spaces.

Mr. Kociuba said no. They do have a 10 ft setback in the rear so there is room to put the cans back there.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 3. SP 2071B** (Variance Requested)  
Applicant: Bais Medrash of Coughlin Street  
Location: 1201 Manor Drive  
Block 1051 Lot 90  
Minor Site Plan for addition to existing synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated June 29, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mrs. Morris stated that the applicant is requesting that this be heard in full tonight. The notice did advertise as such.

Mr. Vogt stated that submission waivers are requested for landscape, lighting, topography and proposed grading. The topography waiver is supported, however, landscaping and lighting should be provided.

A motion was made and seconded to grant the waivers as supported by the Board Engineer. All were in favor.

Mr. Vogt stated that variances are requested for minimum rear, side yard setback and maximum building coverage. Relief is also required with respect to the 25 ft perimeter buffer. Design waivers are required as listed in the review letter.

Mr. Neiman asked if there are sidewalks.

Mr. Vogt said there is existing sidewalk along both frontages.

Mr. Lines said that is correct.

Mr. Vogt said pedestrian sidewalk is proposed within the interior of the property extending from Chestnut Street towards the proposed addition.

Mr. Lines said that is correct as well as sidewalk from Manor Drive to the front door of the building.

Mr. Neiman is not comfortable hearing this as a public item tonight. He needs to see more information.

Mr. Lines said there are six parking spaces in the driveway. They are not proposing any additional worship space in the synagogue. This addition is just for the mikvah.

Mr. Neiman said he is fine as long as they are not enlarging the shul portion.

Mr. Lines said they are not.

Mr. Glenn Lines, P.E., P.P. was sworn in. A side yard setback of 8.65 ft where 10 ft is required, a rear yard setback of 4 ft where 20 ft is required. The lot to their rear is a 40 ft x 800 ft tree protection lot which was dedicated when the subdivision was created so the nearest lot is 40 ft away. A maximum building coverage variance of 30.8% is proposed where 30% is required.

Mr. Neiman said there should be some landscaping or fencing to provide privacy.

Mr. Lines said they could provide some landscaping along the residential side, lot 89, but would still request a waiver for the rear. All other comments in the engineer's review letter can be met.

Mr. Neiman asked what kind of landscaping would be provided along the residential side.

Mr. Lines said they would provide cypress trees. Landscaping is shown on the front and side of the building. A waiver from providing lighting is requested because they did not want to light up a six car parking lot and it would only create a bright spot in a residential neighborhood.

Mr. Vogt asked if there are any proposed night time activities.

Mr. Lines said he is not sure. The shul is mainly for prayer services and it would not be rented out.

Mr. Vogt asked if there would be any building or security lighting.

Mr. Lines said there is lighting by the front and rear entrances.

Mr. Vogt would like that added to the plans if approval is granted.

Mr. Lines agreed.

Mr. Herzl would like to see a walkway added that leads from the driveway to the addition entrance.

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

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum

- 4. SP 2126** (No Variance Requested)  
Applicant: ARM Development and Construction  
Location: East Seventh Street  
Block 231 Lot 34  
Preliminary and Final Major Site Plan for a shul

A review letter prepared by Remington, Vernick & Vena Engineers dated June 25, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours, man-made features, environmental impact statement and tree protection management. All of the waivers are acceptable except for tree protection management plan. If approval is granted, compliance with the township tree protection ordinance will be required.

A motion was made and seconded to grant the waivers as supported by the Board Engineer. All were in favor.

Mrs. Miriam Weinstein, Esq. stated they have reviewed the engineer's review letter and can comply with all comments.

Mr. Neiman asked how many parking spaces are being provided.

Mr. Lines said 14.

Mr. Neiman asked if there is a proposed Simcha hall.

Mr. Weinstein said there is.

Mr. Neiman said if that is the case, then 14 spots will not suffice.

Mr. Weinstein said it would only be used on Shabbos.

Mr. Neiman said that is fine but it would be a condition of approval.

Mrs. Weinstein understands.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 5. SP 2127** (Variance Requested)  
Applicant: Congregation Ohr Yisroel Sadigura Inc  
Location: Holly Street and Stirling Avenue  
Block 189.01 Lots 169, 170.01, & 186  
Preliminary and Final Major Site Plan for a shul with a mikva and Rabbi's apartment

A review letter prepared by Remington, Vernick & Vena Engineers dated June 30, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for environmental impact statement and tree protection management plan. The waivers are supported, if approval is granted, compliance with the tree protection ordinance is required.

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

Mr. Vogt said according to State GIS mapping, there is nothing on the site.

Mr. Neiman asked if there are any wetlands in the area.

Mr. Vogt said the map he has shows nothing within hundreds of feet within the property.

A motion was made by Mr. Flancbaum and seconded by Mr. Herzl to grant the waivers as supported by the Board Engineer. All were in favor.

Mr. Vogt stated that variances are requested for minimum front yard, rear yard setback and maximum building height. Relief is required from the perimeter buffer.

Mrs. Miriam Weinstein, Esq. that this neighborhood is in dire need of a synagogue.

Mr. Neiman asked how many parking spaces are being provided.

Mr. Warren Hilla, P.E. stated there are 21 spaces where 17 are required.

Mr. Neiman asked if there will be a Simcha hall.

Mrs. Weinstein said yes but it would only be used on Shabbos.

Mr. Flancbaum said there is a note that no sidewalks will be proposed along Stirling Avenue.

Mr. Hilla said there is existing sidewalk along Holly Street and would agree to provide sidewalk along Stirling Avenue as well.

Mrs. Weinstein said there is only one comment that must be addressed concerning the grading.

Mr. Hilla said per the engineer's review letter, they should raise the basement floor 2 ft higher than the seasonal high water table which is generally what they would do but in this case, the architect will be providing waterproofing for the basement.

Mr. Vogt asked for additional information as to what is being proposed for the public hearing. As a general practice, you like to have that separation but there are ways of dealing with it if you can't.

Mr. Flancbaum asked if that is something that the building department typically looks at.

Mr. Vogt said they do look at it during compliance.

Mrs. Weinstein said that information would be provided prior to the public hearing.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert



- 6. SD 2057** (No Variance Requested)  
Applicant: Avenue of the States, LLC  
Location: Avenue of the States  
Block 961 Lot 2.01

Minor Subdivision to create two lots

*See SP 2128 for the site plan application on proposed lot 2.02.*

A review letter prepared by Remington, Vernick & Vena Engineers dated June 24, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated this is a minor subdivision to create a 3.5 acre lot upon which a 3 story office building will be constructed (SP 2128).

Mr. Vogt stated that design waivers are required for street, shade trees and utility easements along project frontages.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 7. SP 2128** (No Variance Requested)  
Applicant: Avenue of the States, LLC  
Location: Avenue of the States  
Block 961 Lot 2.01 (Proposed Lot 2.02)

Preliminary and Final Major Site Plan for a 3-story office building

*See SD 2057 for the minor subdivision application.*

A review letter prepared by Remington, Vernick & Vena Engineers dated June 29, 2015 was entered as an exhibit.

Mr. Vogt stated a submission waiver is requested for an environmental impact statement. Further information shall be provided concerning the wetlands.

Mr. Joe Kociuba, P.E. said this is part of the Cedarbridge Corporate Campus which has obtained an overall CAFRA permit as well as stormwater management design.

Mr. Vogt stated that variances are requested for off-street parking for front yard setback, number of off-street parking spaces and for the width of an off-street loading and unloading space. A design waiver is required for buffer width and design waivers for construction of curb in the parking lot and from providing a shade tree/utility easement along the Avenue of the States.

Mr. Neiman asked about the parking variance.

Mr. Kociuba said right now they have 203 off-street parking spaces proposed where 209 is required. At the public hearing they will discuss their plan to bank parking spaces. The plan in total allows for 258 parking spaces if there is a need for those spaces.

A motion was made by Mr. Herzl, seconded by Mr. Franklin to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 8. SD 2058** (Variance Requested)  
Applicant: 11 James Street Associates, LLC  
Location: James Street  
Block 415 Lots 17, 18, & 24  
Preliminary and Final Major Subdivision to create eight fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 30, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are required for topography, contours and man-made features within 200 ft. The waivers are supported since the plan shows sufficient information.

A motion was made by Mr. Banas, seconded by Mr. Franklin to grant the waivers as supported by the Board Engineer. All were in favor.

Mr. Vogt stated that variances are requested for minimum side yard setback for proposed lots 17.01 through 17.08.

Mr. John Doyle, Esq. said the applicant has an accepted well known plan for 28 ft wide units. He would like to keep to that which would mean to shrink the side lines by six inches. That is the only variance requested.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum

Abstain: Mr. Rennert

- 9. SP 2129** (No Variance Requested)  
Applicant: Mesivta Nezer Hatorah  
Location: Essex Avenue  
Block 1123 Lots 1 & 8  
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington, Vernick & Vena Engineers dated July 2, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested including topography, contours and man-made features within 200 ft as well as EIS. The waivers are supported as they have sufficient design information since much of the property is already developed.

A motion was made by Mr. Banas and seconded by Mr. Herzl to grant the waivers as supported by the Board Engineer. All were in favor.

Mr. Vogt stated that no variances are necessary, however, sidewalk is shown along the Essex Avenue frontage but not shown along the property's unimproved Vermont Avenue frontage.

Mr. Noah Burton said this is a very straightforward application for a boy's high school with no variances requested.

Mr. Neiman asked about busing.

Mr. Lines said there is space for 5 buses across the front of the building which is more than enough for the existing 100 boys. The buses would come in the easterly driveway, would unload at the front of the building and come out the westerly driveway back to Vine Street or Vermont to Chestnut Street.

Mr. Neiman asked if there is any proposed hall.

Mr. Burton said no.

Mr. Lines said Vermont Avenue from Essex Avenue to Oak Street is unimproved. A waiver will be requested from providing any improvements along Vermont Avenue at this time.

Mr. Neiman said he was speaking to a land owner next door who had a concern with a drainage basin near his property.

Mr. Lines said there is a septic system proposed on the corner. He also spoke to the neighbor and one of the issues is if they move it then this becomes an area that would be more of a play area. He has 50 ft setbacks to Grand Avenue and Vine Street so there is plenty of space to fit a septic system in the street setback.

Mr. Rennert asked if Vermont Avenue will eventually be improved. He asked if they should require sidewalks.

Mr. Neiman said yes, it will eventually be improved. When that happens, sidewalks should be provided.

Mr. Flancbaum asked if Vermont Avenue is currently a paper street or a dirt road.

Mr. Lines said it is currently a dirt road because it is used by NJAW to get to some wells in the area.

Mr. Neiman said the Board would like to see sidewalks along Vermont Avenue when it is improved.

Mr. Vogt said they are talking about waiver of bonding of public improvements. He is not sure that is the purview of this Board. It may be something that can be incorporated into the developer's agreement. They would have to discuss a way to not require them to have a bond if there is another way outside of it.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 10. SP 2131** (Variance Requested)  
Applicant: Congregation Chasidei Viznitz c/o Abe Appel  
Location: Clifton Ave & Harvard Street  
Block 107 Lot 1  
Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated July 2, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft as well as environmental impact statement and tree protection management. The waivers are conditionally recommended with the understanding that if approved, the applicant would comply with the tree protection ordinance and necessary site design information.

A motion was made by Mr. Banas and seconded by Mr. Flancbaum to grant the waivers as supported by the Board Engineer. All were in favor.

Mr. Adam Pfeffer, Esq. asked if this could be heard in full tonight.

Mr. Neiman said there are objectors and he is not comfortable hearing this as a public item tonight.

Mr. Joe Kociuba, P.E. stated a minimum rear yard setback of 10 ft is proposed where 20 ft is required. Further testimony will be provided at the public hearing.

Mr. Neiman asked if there is an existing kiddish.

Mr. Pfeffer said this is an existing shul which will be knocked down and a new two story synagogue will be built. They do agree to limit the hall to members only but if any of the members would like to use it during the week, they do request they have the right to do so.

Mr. Neiman asked about parking.

Mr. Kociuba said there are six parking spaces on the Hudson Street side which is an increase from two. There is a cemetery located across the street where there is available on-street parking.

A motion was made by Mr. Rennert, seconded by Mr. Flancbaum to advance this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

## 7. PUBLIC HEARING

1. **SD 2038** (Variance Requested)  
Applicant: Irving Heilbrun  
Location: 7<sup>th</sup> Street  
Block 46 Lot 9

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 6, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, lot width, combined yard setback and for the number of off-street parking spaces.

Mrs. Miriam Weinstein, Esq. stated this property is in the R-12 zone but it is located in what they call the "Yeshiva Area" which is between two college campuses, Georgian Court College and Bais Medrash Govoha. There are many lots that do not conform to the standards of R-12 and that the lots as designed are keeping in character of the neighborhood.

Mr. Brian Flannery, P.E., P.P. was sworn in. A copy of the plan submitted was entered as Exhibit A-1 and a copy of the tax map as A-2. The tax map shows undersized lots in the area as well as lots that are no longer residential. This is a neighborhood that certainly has issues because it is a Yeshiva area. It is an area that the parking is a mess. The applicant is asking for 50 ft wide lots where there are 19 other similar sized lots in the area. They are not asking for relief concerning the parking as four parking spaces will be provided per unit. If this property were to be sold to either of the college campuses, they would be allowed to have residential dwellings of 28 units per acre which means they could fit 10 units on this property. The campus setback would be 4 ft, they are providing 10 ft. The campus allows 1 parking space per unit with 45% building coverage. It is a very unique area that is not a typical R-12 zone. Variances requested include minimum lot area of 7,500 sf where 12,000 sf is required, minimum lot width of 50 ft where 90 ft is required and combined side yard setback of 20 ft where 25 ft is required. The other items in the engineer's review letter are minor and nature and can be met. The variances can be granted without substantial detriment to the public good as it is only one additional unit as opposed to nine additional units. The variance will not impair the intent and purpose of the zone plan and zoning ordinance as there are 19 lots that are 50 ft wide in the area.

Mr. Neiman opened to the public.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in. She is concerned about the parking.

Joseph and Rebecca Goldberg, 640 7th Street, were sworn in. They are against this application. She complained about the traffic, parking and the overall effect this application would have on their quality of life.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn. He does not live in this neighborhood but believes this is indicative of the problem that Lakewood is facing.

Ms. Paula Cukier was sworn in. She is against this application.

Mr. Fishel Goldberg, 640 7th Street, was sworn in. He is against this application.

Ms. Gitel Kaluszner, 666 8th Street, was sworn in. She is against this application.

Mr. Neiman closed to the public.

Mr. Herzl asked how many lots are undersized in block 46.

Mr. Flannery said he shows 46 lots that are undersized, one of which is 50 ft wide.

A motion was made by Mr. Banas, seconded by Mr. Franklin to deny the application based on the variances requested.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 2. SP 2112** (Variance Requested)  
Applicant: Monlu LLC – Stuart Lubowsky  
Location: Princeton Avenue  
Block 162 Lots 2 & 4  
Preliminary and Final Major Site Plan for a building addition

Mrs. Morris stated that the applicant has requested to carry this item until further notice. The plans are being redesigned based on meetings with the neighbors. New notices will be provided.

- 3. SP 2124AA** (Variance Requested)  
Applicant: Moreshes Bais Yaakov  
Location: Faraday Avenue & Esti Court  
Block 508.02 Lot 1  
Change of Use/Site Plan Exemption to convert existing garage/warehouse into a school

Mrs. Morris stated that the applicant has requested to carry this item to the September 8<sup>th</sup>, 2015 meeting. No further notices.

Mr. Jackson said there is a deed restriction on this property. The applicant's attorney may have to get a consent order from the court with a judge's signature or there is a good chance the Board will not hear this.

- 4. SD 2045** (No Variance Requested)  
Applicant: 902 Ocean Ave, LLC  
Location: Ocean Ave & Dr. Szold Way  
Block 548.01 Lot 288  
Minor Subdivision to create three lots

Mr. Rennert stepped down.

A review letter prepared by Remington, Vernick & Vena Engineers dated June 15, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area and front yard setback.

Mrs. Miriam Weinstein, Esq. stated that this is a minor subdivision to create 3 lots with a duplex and single family home. There are many townhouses developments surrounding this property, therefore, single family homes on small lots are very much in keeping with the character of the neighborhood.

Mr. Brian Flannery, P.E., P.P. was sworn in. The property is in an area where development has occurred on all sides of it and this is the remaining property to be developed. He entered a copy of the plan as exhibit A-1, a copy of the subdivision that was done in the same block a few years ago as exhibit A-2 and a A-3 shows the overall area. Concerning comment 10 in the engineer's review letter, they are easements that can coexist with the driveway. He does not believe any redesign is needed.

Mr. Neiman said normally this Board would not approve a home on such a small lot but because it is in such a dense area.

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

Mr. Flannery said it is a very shallow lot so they are asking for a front yard setback variance. They are consistent with what is there already. The side yards are compliant.

Mr. Flancbaum asked if access would be from Dr. Szold Way.

Mr. Flannery said yes. None will be accessed from Route 88.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve.  
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum

- 5. SD 2005** (Variance Requested)  
Applicant: River Avenue Holding LLC  
Location: River Ave & Edgcomb Ave  
Block 1020 Lot 1  
Preliminary and Final Major Subdivision to create 20 fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 17, 2015 was entered as an exhibit.

Mr. Vogt stated there is a front yard setback variance as well as design relief relative to the radial right-of-way dedications.

Mr. Brian Flannery, P.E., P.P. was sworn in. The plans have been revised and now show a total of 18 lots for 8 duplex structures. A front yard setback of 50 ft is proposed where 75' ft is required along River Avenue which is consistent with other applications along Route 9.

Mr. Neiman asked how close it is to Route 9.

Mr. Flannery said it is 50 ft to the right-of-way and another 15 ft to the pavement for a total of 65 ft. The desired typical section is a little bit into the property and the desired typical section is not where the pavement would be either. Down the road they are probably look at close to 50 ft from any pavement.

Mr. Rennert asked if this would affect the widening of Route 9.

Mr. Flannery said the desired typical section is the amount of right-of-way that the NJDOT says is the most they would ever need in order to construct a widened Route 9. The State allows some additional area beyond the paved cartway for construction, grades, sidewalks, etc.

Mr. Neiman asked about garbage pickup.

Mr. Flannery said it would be picked by the Township. They will have a meeting with Public Works. They did have an adjoining property owner who was concerned about the original design. They have a retaining wall along Halsey Street because the road goes downhill and the sewer comes from Route 9 and goes uphill. They did agree with her on the terms of it and would like it to be part of the resolution.

Mr. Pfeffer said they do not have a signed copy as of yet. They have provided it to their attorney and it has been agreed upon. He will provide a signed copy to the Township Attorney to be attached to the resolution.

Mr. Franklin asked about the catch basins in the corners of the property.

Mr. Flannery said a control structure will be put at the right-of-way and the owners would be responsible for maintenance off the roadway so the DPW does not need to go into the yards. Public Works will maintain the structures that can be reached from the roadway.

Mr. Neiman opened to the public, seeing no one, he closed to the public.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

## 8. CORRESPONDENCE

- Seymour Investments vs The Enclave and Lakewood Township Planning Board

Mr. Stephen Pfeffer, Esq. said this matter was before Judge Grasso and he remanded this matter back to this Board. During the last year, Mr. Gasiorowski, the Enclave and his clients have been going back and forth and have come to an agreement. His client has written a check in the amount of \$87,500 and has prepared an amended resolution per Mr. Gasiorowski's request.

Mr. Neiman said he will have the Board attorney forward this to Mr. Gasiorowski as he is not here tonight. If he does not respond by the next hearing, then they will adopt this resolution.

## 9. PUBLIC PORTION

### 10. APPROVAL OF MINUTES

### 11. APPROVAL OF BILLS

### 12. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth, Planning Board Recording Secretary