

## **1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE**

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

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

## **2. ROLL CALL**

Mr. Sabel, Mr. Stern, Mr. Herzl, Mr. Rennert, Mr. Meyer

## **3. SWEARING IN OF PROFESSIONALS**

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

## **4. MEMORIALIZATION OF RESOLUTIONS**

### **1. SP 2315 CBRC, LLC**

Cedarbridge Avenue Block 961.02, Lot 1.04

Preliminary & Final Major Site Plan for a retail strip mall and pad site

*A review letter prepared by Remington & Vernick Engineers dated June 17, 2019 was entered as an exhibit.*

Ms. Morris said the board had approved this application but required that the applicant provide a circulation plan prior to adopting the resolution.

Mr. Jackson had the opportunity to discuss this with Mr. Doyle, Mr. Flannery and Mr. Vogt. The board said in order to adopt the resolution, the truck circulation pattern had to be satisfactory for tractor trailers. He believes Mr. Vogt's office looked at it and said it was not satisfactory and the applicant responded that it is not a requirement that a plan be provided to show circulation for tractor trailers. The applicant had advised that there is an easement on the adjoining property which allows access and Mr. Flannery assured them that the circulation would work. He was also advised that the applicant can accommodate, if there were an issue with trucks, allowing access by trucks only during off hours. He has no issue with this provided that the applicant provides the plan to Mr. Vogt as a condition of resolution compliance as well as the appropriate easement documents to support that access is available.

Mr. Brian Flannery, P.E., P.P. said at the meeting they indicated that they would provide a place for the tractor trailer to park, not that the tractor trailer would have access through the site. The tractor trailer would park on the access easement, which is part of the application, on the adjoining lot. They have an agreement from the adjoining owner to indicate he is aware of that. The applicant does not anticipate tractor trailers but if one shows up, they would provide the appropriate signage and anything else to assure there is a safe means for this activity.

Mr. Herzl asked where the truck would enter the site.

Mr. Flannery said it would come in through the main access aisle where there is plenty of availability for the truck to come in and out. The truck cannot get in behind the buildings as the types of stores they are anticipating are not going to require tractor trailer deliveries.

Mr. Stern asked if the back road can accommodate box trucks.

Mr. Flannery said yes, that is the circulation shown and what is intended for these types of stores.

Mr. Vogt said they have looked at the circulation plan for the single unit truck and they have no issue with that. The issue is trying to have a semi access this site only without the easement. If the applicant can demonstrate that this functions by use of the common easement, then that is acceptable.

Mr. John Doyle, Esq. said lots 1.04, 1.05 and 1.06 will continue to work in a sense as a unit as they have common drainage, traffic circulation and this will be apart of it. He asked that due to financial circumstances that the recordable document be in the form of a lease.

Mr. Jackson said the representation made to him was that there was in place an easement on the adjoining property that provided access. As long as that is true, and they are satisfied with the language that it is existing.

Mr. Doyle said the easement is in existence.

A motion was made and seconded to approve the resolution.

*Mr. Raitzik arrived.*

2. **SD 2390 Joseph Lipschitz**  
406 Lexington Ave      Block 118, Lot 11  
Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

3. **SP 2327AA Ephraim Lesser**  
50 Freeman Road      Block 83, Lot 3  
Withdrawal of a Change of Use/Site Plan Exemption to convert an existing house to a school

A motion was made and seconded to approve the resolution.

4. **SP 2329AA Chaim Abadi**  
555 Joe Parker Road      Block 189.04, Lot 62.01  
Change of Use/Site Plan Exemption to convert an existing house to a school

A motion was made and seconded to approve the resolution.

5. **SP 2317 Beis Medrash of Albert Corp**  
699 Albert Avenue      Block 855.06, Lot 15  
Preliminary & Final Major Site Plan for a synagogue

A motion was made and seconded to approve the resolution.

6. **SP 2268A New Hampshire Avenue, LLC**  
Ocean Avenue Block 189.03, Lot 91.01  
Preliminary & Final Major Site Plan for a car dealership

Mr. Jackson said the plans showed a sign of a certain height and it was represented it would be moved across the street and installed on the new lot. Inadvertently there were architectural details included in the plans that had a different height specified which was reflected in the resolution. Since the testimony and the minutes were clear he recommends amending the resolution to show what the board's original intent was.

A motion was made and seconded to approve the resolution.

## 5. CORRESPONDENCE

1. **SP 2288 Congregation Machzikei Hadath** – change in Route 88 access drive turning movements

Mr. Jackson said the board has conditioned this approval that there will be a right in/right out only access design and that was what the resolution was based upon. However, the design was denied by the NJDOT: Bureau of Major Access Permits office as it does not comply with the highway access code design standards relative to the edge clearance requirement or the access classification for Route 88 which permits left turns from the site. The NJDOT has overriding authority on the state highway and he thinks they have to defer to them and recommends this be administratively changed to reflect the full movement.

Mr. Vogt agrees the NJDOT has ultimate approval on the access.

Mr. Rennert questioned if there were variances granted based on the right in/right out access.

Mr. Jackson said that takes a presumption that the board has a better sense of the traffic safety than the NJDOT, but it is really the other way around as a matter of statute as they are the higher authority. Since the site plan was approved with that access point, variances or no variances, he believes the board has to defer to the NJDOT.

Mr. Sabel thinks the board should review this further.

Mr. Brian Flannery, P.E., P.P. said the resolution states, 'subject to the NJDOT' and the discussion at the meeting was to limit access, if possible, but the board recognized if the NJDOT said differently then that is what it is going to be. This access would be similar to other properties along Route 88.

Mr. Jackson read the resolution and believes the only variance requested was for a rear yard setback of 10 ft whereas 15 ft is required.

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

## 6. PUBLIC HEARING

### 1. SP 2314 TMV 70, LLC

1255 Route 70 Block 1160.01, Lot 253

Preliminary and Final Major Site Plan for a medical office building

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

Mr. Vogt said submission waivers are requested for topography, contours and man-made features within 200 ft and an environmental impact statement. These waivers can be granted since the proposed limited area of disturbance is within the topographic area already provided and the site is already developed.

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

Mr. Vogt said parking relief is necessary, however, after talking with the applicant's professionals there has been a change to the concept which would alter parking. A minimum front yard setback is required from the Airport Road right-of-way line and the existing site identification sign encroaches into the Airport Road right-of-way. Design waivers are requested from providing curb along the Route 70 frontage, sidewalk, shade tree/utility easements and street trees along the Route 70 and Airport Road frontages and finally a design waiver is required from providing buffers.

Mr. Brian Flannery, P.E., P.P., Mr. Scott Kennell, traffic expert, Patrick Ahearn, CEO of Community Medical Center, Dr. Joseph Morelos, Dr. Ronald \_\_\_\_\_, and Mr. Dan Sernotti, AIA were sworn.

Ms. Christina Costanzo, Esq. said currently on the site there is a three-story medical and professional building, a one-story bank building and a pad site which was previously approved for a one-story 7,200 sf retail building in 2007. The applicant is seeking to replace the previously approved retail building with a medical building of the same foot print and size.

Mr. Flannery said exhibit A-1 is a copy of sheet 2 of the plan submitted. The applicant met with the neighbors and agreed that instead of proposing a two-story building they would propose a one-story building due to parking concerns. The parking variance relief needed indicated in the board engineer's report was 377 parking spaces whereas they have 259 so they would be 118 spaces short. By revising the application, they are now 30 spaces short. Exhibit A-2 is a rendered plan of sheet 3 of the plan submitted, exhibit A-3 is an aerial photograph of the site, exhibit A-4 is an architectural rendering of the proposed one-story building and A-5 is a floor plan of the building. Testimony will be provided by the owners who have their practices there and who certainly would not do anything to adversely impact their practice as well as Scott Kennel who has studied the site and taken traffic counts.

Mr. Stern asked what the parking ratio is for retail versus medical.

Mr. Flannery said retail is 1 per 200 and medical is 1 per 150. Barnabas is going to be the user and testimony would be provided that they would need less than the 1 per 150.

Dr. Morelos has had his practice in this building for five years along with three other physicians. It is a busy practice and they could use the extra space for additional medical equipment. He has not been aware of any parking issues at this site, nor does he anticipate any issues with parking for the proposed project. They are bringing in a radiology medical administration which is a less intense use than a medical practice.

Dr. Ronald \_\_\_\_\_ also has a medical practice in the building. He has been in the building since 2012 and is not aware of any parking issues or does he anticipate any parking issues for the proposed building.

Mr. Ahearn said the plan is to bring services to the community as increased outpatient services are really what's required. They view this as the ideal location and ability to do that as it is between Monmouth South and Community Medical Center with easy access from the parkway. He believes the parking proposed with this application would be sufficient for the proposed uses. He has visited the site many times and he has never witnessed a parking issue with the existing site and he does not believe this proposed facility would cause any detriment.

Mr. Stern asked how long the lease is for the new tenant.

Mr. Ahearn said at minimum, 10 years.

Mr. Stern asked if there are any early termination options.

Ms. Costanzo said they have not ironed out the terms of the lease at this point.

Mr. Stern asked if there is a letter of intent and if the base term is 10 years.

Mr. Ahearn said that is not specified as it is still to be worked out. The amount of money they are committing to this facility, their normal procedure would be at least 10 years in order to depreciate their investment over.

Mr. Flannery said they met with the Lakewood Industrial Commission in 2018 and they agree this is a beneficial use for the area.

Mr. Stern is concerned the terms of the lease have not been finalized as the tenant could leave after a year.

Mr. Flannery said the applicant has been interested in this site for a long time, it is the ideal location and they are ready to expend this money.

Mr. Stern asked if the applicant would agree that the approval be conditioned upon the execution of the lease.

Mr. Flannery agreed. Going through the variances, the bank would need 8 parking spaces, the existing three-story medical portion requires 193 and the balance of that building is general office which requires 40 spaces. The proposed building would require 48 additional parking spaces which would be a 30 space deficit.

Mr. Rennert asked if they looked into reducing the footprint of the building.

Mr. Flannery said yes but based on the site that is there, it was set up for a 7,200 sf building. In order to get the same reduction in parking would have meant having a building half the size on two floors and all that would have given them was some area between the parking and the building which would not have served any purpose. Per the ordinance, the total number of spaces required would be 289 whereas they are providing 259 spaces.

Mr. Sabel questioned how many additional parking spaces would be needed if the office was converted to medical.

Mr. Flannery said they could not convert the entire space due to the lobby area and other unusable areas; it would be about 20 more spaces if they converted half of the office space. The maximum they counted was 163 spaces and if you add the additional 20 spaces, they would be at 231 which is still substantially below the 259.

Mr. Sabel asked if they would have to come back before the board to convert the office to medical.

Mr. Flannery said in order to convert from general office to medical then they would have to come back to the board.

Ms. Morris said the zoning officer can approve a change of use from one permitted use to another provided it is not residential to non-residential.

Mr. Flannery said she would also have to look at the parking requirements.

Mr. Rennert asked how many parking spaces would be needed if everything was converted to medical.

Mr. Flannery said 40 spaces plus the 30 for the proposed building so it would be 70 additional spaces needed. A minimum front yard setback variance of 52 ft whereas 100 ft is required is an existing condition. The existing site identification sign is within the Airport Road right-of-way which they would move back onto their property, but they are asking for the 15 ft front yard setback from the property line because, in this particular case, that is 150 ft from the road so an extra 15 ft would be meaningless.

*Mr. Isaacson arrived.*

Mr. Flannery said these are C-2 variances where the benefits outweigh the detriments. He referenced sections in the Master Plan and MLUL to justify the variances requested. Design waivers are requested for curbing along the Route 70 frontage and sidewalk along Airport Road but if the board feels they should put sidewalks along Airport then they would provide that.

The board requested sidewalks along Airport Road.

Mr. Flannery withdrew that waiver. A design waiver is required from providing buffers and again, this is an existing site, and they are not changing anything relative to the buffer. A design waiver is required from providing a shade tree and utility easement along the Route 70 and Airport Road frontages. A design waiver is also requested from providing street trees along the Route 70 and Airport Road frontages as there are a lot of trees between Route 70 and the site. This is an existing developed site that has a pad where they are proposing the new building.

Mr. Sabel asked if the sidewalk can be extended all the way to Route 70.

Mr. Flannery agreed.

Mr. Stern asked if it would be cost prohibitive to lift the building and have underground parking.

Mr. Flannery said yes it would be.

*Mr. Stern left the meeting.*

Mr. Kennel prepared an analysis where he compared the prior use, retail, versus the medical office space. Retail, on a traffic generation standpoint, has a higher trip turnover and as a result with this proposal the site would generate 60 less trips during the pm peak hour. So, from that perspective, it is a benefit as it would generate less driveway movements than a retail use on this location. There was an NJDOT permit issued for the prior approval that considered the retail and this change of use and since it is less intensive, would not require a revisit to the NJDOT so the permit is still valid for this proposal. The medical use equals 6.7 spaces per 1,000 sf which is appropriate for a medical use when it is less than 10,000 sf where you have a single or maybe two practitioners and you do not have

the common space in the buildings with elevators, hallways, and other things of that nature. When a medical building increases in size you increase the common space, the number of practitioners and practitioners generally operate at different hours and have offices in other areas of the county, so they are not all open at the same time. With that, it has been his experience that parking for a medical office building of this size is generally in the 4 per 1,000 sf range. Their office has studied at least 40 locations that have had buildings of this size and never have found a parking demand in excess of 4.5 per 1,000 sf because of the dynamics of this type of use and the common space within the building. The Institute of Transportation Engineers have just updated their parking generation manual and they indicate that 85% is at 4.6 and that's studying at least 200 locations. As part of this application, his office conducted extensive parking studies from 10 am to 3 pm on four occasions. Not only in September of 2018 but also in 2016 when there was a consideration at that time for converting the retail space to office. The peak parking demands, which is generally four hours of the twenty hours they had staff on site, show that there were at least 75 to 80 parking spaces available. For the most part, there are over 100 parking spaces available when they conducted their traffic counts which equated to a parking demand of about 3.9 per 1,000 sf. If the existing and proposed buildings were all medical office and given the parking supplies and subtracting out what is required for the bank, the supply provided would be at 5.1 per 1,000 sf which well exceeds what was observed, what is recognized nationally by the ITE as well as the Urban Land Institute which does extensive studies on medical offices. Based on his opinion, the parking provided is more than adequate to support the new building, the old building if it were all medical and the occupancy of the bank building with a new tenant.

Mr. Herzl opened to the public.

Mr. Klein was sworn. He asked how many parking spaces would be lost if they complied with buffer requirements.

Mr. Flannery said he did not look into it, but it would be less.

Mr. Klein asked if they are all existing buffers.

Mr. Flannery said yes.

Mr. Klein asked if they are technically required to provide sidewalks along Route 70.

Mr. Flannery said yes.

Mr. Klein stressed the importance for sidewalks.

Mr. Ray Went, Esq. represents a number of entities including 1245 Airport Road, LLC and their affiliates, all of whom are managed by a company known as Cedarcom, LLC whose director of operations is here today and is in support of this application. They are located immediately adjacent to this property and all the way down Airport Road. His client was not happy with the original application proposing a two-story building and this applicant took the time and met with his client.

Ms. Kathy Mulhern, Leisure Village, was sworn. She is in support of the application as it is an alternate way to access healthcare.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He asked if the neighbors would prefer sidewalk along Route 70 as well as people walk and ride their bikes along the highway. There is going to be future development along Route 70, so the sidewalks would connect eventually.

Mr. Herzl closed to the public.

Mr. Sabel asked if they can condition this applicant to install sidewalks when the adjacent property gets developed.

Mr. Jackson questioned why the board does not require sidewalks now. He asked how many feet of sidewalk would be needed along Route 70.

Mr. Flannery said about 400 ft, but the sidewalk would go to nowhere. The applicant could post a bond for two years and if there is an approval in that timeframe then they would install sidewalks.

Mr. Sabel said unless the adjacent property is developed, there should not be sidewalks as it would encourage pedestrians to cross Route 70.

Mr. Flannery said the applicant would agree to a bond for five years and if the adjacent site is developed then they would provide sidewalks.

The board was in general agreement they would like to see sidewalks along Route 70.

Mr. Raitzik asked what the intended use for the basement is.

Mr. Flannery said storage and mechanicals only.

A motion was made and seconded to approve the application. Conditions include a 10-year lease, a 10-year bond for sidewalk and curb as well as requiring the applicant to come back before this board if any of the office space is converted to medical.

Affirmative: Mr. Sabel, Mr. Herzl, Mr. Rennert, Mr. Meyer

No: Mr. Raitzik

Not voting: Mr. Isaacson

**2. SP 2326 Shiras Chaim Inc**

1400 Pine Street & 279 Albert Ave Block 854, Lots 1 & 3

Preliminary and Final Major Site Plan for a school addition

*A review letter prepared by Remington & Vernick Engineers dated June 11, 2019 was entered as an exhibit.*

Mr. Vogt said a submission waiver is being requested for the traffic study, the applicant's engineer indicates that a waiver is requested since the bus circulation is not changing and the building addition is not bringing in more students as the goal is to allow more space for the current students. The applicant's engineer indicates that OCPB approval is not required but they would recommend the submission waiver be granted for completeness purposes only. If approval is granted, they would recommend application to the County. Submission waivers for topography, contours and man-made features within 200 ft are supported. The submission waiver from providing plans and profiles of proposed utility layouts may be granted for hearing purposes only with the understanding that if approved, they may require certain profiles during compliance. Testimony shall be provided for submission waivers requested from providing shade trees. Since the site is already developed, the waiver from providing an environmental impact statement is supported. A submission waiver is being requested from providing a tree protection management plan which they can support for hearing purposes only. If board approval is granted, the final design would have to comply with the Township tree ordinance. Testimony shall be provided concerning the landscaping and lighting plans and finally a waiver was requested from providing design calculations for proposed drainage which is supported for hearing purposes only. If approved, they would need calculations and/or design per applicable state standards.



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

Mr. Vogt said a minimum side yard setback and a maximum building height variance are required. Buffer relief will be required as well as relief for an off-street parking setback variance. A bus loading and unloading zone variance will be required as well. Two existing site identification signs have been indicated but no signage setback requirements have been indicated on the plans. The signs are located very close to the Pine Street right-of-way. At a minimum, it appears that variance relief will be required for the number and setbacks of signs. Design waivers are necessary from providing shade tree, utility easements and street trees along Pine Street and Albert Avenue. A design waiver is also required from providing curb along the entire Albert Avenue frontage.

Mrs. Miriam Weinstein, Esq. said this is a girl's elementary school that has been operating in this location for the last seven years from primary through 6<sup>th</sup> grades and they need this addition in order to increase to 8<sup>th</sup> grade which is needed by September as they have no place to put another class of girls. The adjacent property, the Albert Run project, is currently bonded and is under construction. The board members may recall, there were an additional 25 parking spaces that this school was supposed to get as a result of that application. In addition, that application will be bringing in sewer service and this school will be getting sewer service as a result. The height variance was a mistake so that variance is not being requested. The application is virtually conforming other than a variance for side yard setback which is an existing condition as the building was built closer than it was supposed to be to the setback line. They are in fact seeking buffer relief which virtually every school in Lakewood requests.

Rabbi Tzvi Perlstein was sworn. He said this is a girl's elementary school functioning out of 1400 Pine Street and currently the school does not have an auditorium, a gym, a teacher's room, a conference room, a library or a sufficient amount of rooms for tutoring. This school desperately needs this extra space in order to provide these amenities. They are hoping to add an additional 140 students which would add two more school buses.

Ms. Weinstein said those additional students are after they add 7<sup>th</sup> and 8<sup>th</sup> grades.

Rabbi Perlstein said the buses are staggered as they come in from 9 am to 9:45 am and they leave from 2:45 pm to 3:45 pm.

Mr. Herzl asked the maximum number of students he anticipates attending.

Rabbi Perlstein said 380 with approximately 7 buses.

Mr. \_\_\_\_\_ asked about Fridays.

Rabbi Perlstein said there is 11:30 dismissal and the buses get done very orderly.

Mr. Herzl asked how many buses can be stacked at once.

Rabbi Perlstein said they have a full round driveway and right now there is room for about 6 buses to stack and there is even room to double up. The school currently operates on Pine Street and it really doesn't affect any of the neighbors. He does not expect much traffic besides people coming down Pine Street and continuing on to the neighborhoods where the buses are dropping off the children. There are currently 60 children where they have absolutely no place to put them so besides the fact the school needs more room to function, they also need classrooms for children that are waiting to get into school come September.

Mr. Herzl asked if there are sidewalks.

Rabbi Perlstein said yes, along Pine Street and they only function out of Pine Street.

Mr. Raitzik asked where the girls would line up if there were a fire alarm.

Rabbi Perlstein said they are lining up in the backyard, the side yard and there is a circle of grass in the center. There is an entire system how they do it.

Mr. Sabel asked how many students are in a classroom.

Rabbi Perlstein about 23 or 24.

Mr. Herzl asked who picks up the trash.

Rabbi Perlstein said the Township picks it up at the end of the driveway. They pull in and back out and they have never had an issue in seven years.

Mr. Vogt said he recommends getting an updated approval from DPW.

Mr. Sabel said the architectural plans show 12 new classrooms.

Ms. Weinstein said they would be modified during compliance as there is no intention of putting 12 classrooms in there.

Mr. Vogt said whatever the number of rooms is, it should comply with UDO standards.

Mr. Glenn Lines, P.E., P.P. was sworn. The application is to construct an addition to the rear of the existing building. It will be a three-story structure with a basement and two floors. The site was originally approved back in 2012 and there is a septic system in the circle at the front of the property and the bus patterns around that circle with parking on the east side of the circle and the west side of the existing school. With the Albert Run subdivision coming in, they are going to provide an additional 19 parking spaces to bring the total up to 36 spaces whereas 31 spaces are required.

Mr. Meyer asked if the calculation was based on the Planning Board's new recommendation.

Mr. Lines said yes.

Mr. Sabel asked how many classrooms are there currently.

Mr. Perlstein said there are 11 classes and there is one room they split up with partitions for tutoring rooms.

Mr. Vogt asked if the applicant is seeking parking relief.

Mr. Lines said no.

Mr. Vogt believes there are 11 to 13 rooms as defined in the UDO. He asked how many additional rooms are being proposed.

Mr. Sabel said the plans show 12.

Mr. Lines said it is 12.

Mr. Vogt said then it is his testimony they have adequate off-street parking for the total number of rooms per the UDO.

Mr. Lines confirmed.

Mr. Sabel said if they are adding an additional 12 classrooms then they are going to need more parking.

Ms. Morris said the requirement is 1 space per classroom/tutor room.

Mr. Lines said yes, classroom, tutor room, library. According to the plans, they have 36 spaces on the Pine Street side and with the driveway on the Albert side of the property, there is an additional 6 spaces there if needed so that gives them a total of 42 spaces but they only calculated they needed 31 based on Township requirements.

Mr. Herzl asked if a height variance is being requested.

Mr. Lines said no, the existing building did not require a height variance and the new addition would not need one as well. It was just the way the architect drew up the plans. The height of the building is less than 35 ft.

Mr. Herzl asked if block 854 lot 2 belongs to the school.

Mr. Lines said no.

Mr. Herzl asked if there are curbs.

Mr. Lines said there are curbs for half of the frontage. When the Township built sidewalks on Albert Avenue, they put intermittent curb for driveways, some houses got curb and some did not but the Township built the sidewalks that are out there so they are lacking 50 ft of curb.

Mr. Vogt said it may have had something to do with the drainage out there.

Mr. Raitzik asked if this property floods.

Mr. Lines said no, there is not a drainage problem.

Mr. Herzl said there is full curb and sidewalk along Pine and curb and sidewalk along Albert except that 50 ft of missing curb.

Mr. Lines said yes, they will also have full curb and sidewalk along the Sims Avenue side which is currently being developed.

Mr. Vogt said testimony should be provided concerning the traffic study, lighting, and landscaping waivers.

Mr. Lines said they are adding additional students but the way the buses are staged at this point, there is no problem with keeping the existing traffic pattern, so they would request a waiver from providing a traffic study. Regarding OCPB, they do not affect County drainage and they are not on a County road, so it is not required but if the board feels it is necessary they would submit a letter. The school right now, until Albert Run is constructed, is going to operate as it currently does with well and septic. Without any great increase in students, the septic system has adequate capacity to handle any increase in students.

Mr. Raitzik asked what the timetable is for this school to get sewer service.

Ms. Weinstein said Albert Run is currently under construction and the houses have been sold so that project should be operational within 24 months.

Mr. Raitzik said it will not be in time for this school year but perhaps next school year.

Mr. Herzl said it is an outside agency approval subject to the OC Health Department.

Mr. Lines said he designed the system and reviewed the numbers and they have sufficient capacity for the students the Rabbi testified that would be added this year.

Mr. Raitzik said that is why he is trying to clarify the timeframe.

Mr. Lines said for one year they definitely have enough capacity.

Mr. Sabel asked if the well is being relocated.

Mr. Lines said that well is actually for the house, not the school. The school has a well located to the right of the rear corner of the existing building. That well has plenty of capacity for this school and another school. There is a well underneath the addition that provides water to the house.

Mr. Sabel asked if that house is only used for storage and not classrooms.

Ms. Weinstein said the house was approved for tutoring rooms in 2013 which is why there is some confusion, but it is not currently used for that. It is used only for storage.

Mr. Raitzik asked if the dirt area shown on Google Maps is used for parking.

Mr. Lines said that is parking that is to be constructed.

Mr. Meyer asked if they can install some interior sidewalks, so the students don't have to cross over the parking lot. He asked if there is room to install sidewalks on the side near the retaining wall.

Mr. Lines said there is not enough room. In order to do that, they would have to move the parking spaces closer to the school and they would lose over 4 ft of the access aisle.

Mr. Sabel suggested moving the island closer or narrower.

Mr. Lines said until they can abandon the septic system, they cannot adjust the aisle. This school has been operating for several years without any issues.

Mr. Sabel suggested an asphalt path as opposed to sidewalks.

Mr. Lines said there is already asphalt. They will work with the board engineer in order to get a route into the school without the children walking across the parking lot. No new landscaping is being proposed but they will have to prepare a lighting plan. There were originally a few lights proposed in what is now a vacated right-of-way and they were not put in. They would address stormwater management, the parking is setback with the buffer 5 ft off the property line as that was the way the parking was originally approved.

Mr. Sabel asked why a bus loading and unloading zone is not designated on the site.

Mr. Lines said it was not required when this was originally approved.

Mr. Herzl said no one should park where the buses stop. Perhaps they can provide signage or striping.

Mr. Lines said there is an existing 9.1 ft side yard setback variance which may have been due to some sort of survey error.

Mr. Herzl opened to the public.

Mr. Chaim Klein, Albert Avenue, was sworn. He said there is a lot of traffic on both Pine Street and Albert Avenue. He believes a traffic study should be submitted to see if Pine and Albert can handle this project. He requested that appropriate landscaping be provided as that area is very barren, sandy, and dilapidated. He is also concerned about on-street parking and he asked that they do not park along Albert.

Ms. Nechama Meisels, 291 Albert Avenue, was sworn. She tried opposing the original application for the school as she felt then it was unsafe due to all of the traffic. She complained about dirt piles which accumulated over an extended period of time which makes it difficult for her children to walk and ride their bikes.

Mr. Herzl asked that the applicant work with the board engineer in order to resolve the erosion issue. He may need to provide a retaining wall to stop the runoff.

Mr. Vogt asked if the applicant is willing to address this issue during resolution compliance.

Mr. Lines agreed.

Ms. Meisels understands that the school needs more room to expand but she was made aware that they will be renting out some of the space. She was also promised by Mr. Perlstein that he would not increase the size of the school.

Mr. Perlstein said a few of the classrooms will be used for babysitting for the teacher's children only, it is not for public use.

Mr. Jackson does not have an issue with that as a lot of work places provide amenities for their employees. He reviewed the minutes and the applicant stated that if they desired to expand the school then they would come back before the board.

Ms. Weinstein confirmed that is the case.

Mr. Menachem Posen, Albert Avenue, was sworn. He believes there is a lack of trust from the community to this institution and there is a disregard to the neighborhood letting the property become overgrown and letting the sand accumulate for a lengthy period. Cars are constantly parked along Pine Street so there is no way for buses to turn around there. He feels this is a total disregard to the area and feels they are living in a commercial area.

Mr. Yisroel Kaufman was sworn. His child attends this school and he is in support of the application. He understands what it is like to live near a school and sometimes there are challenges, but this school is doing this the right way.

Ms. Chaya Kenzer was sworn. She lives next door on Albert and was only advised of this application a few hours ago.

Mr. Jackson said the applicant is only required to send and provide proof of notice, no one has to receive it.

Ms. Kenzer said the traffic in this area is horrendous.

Mr. Herzl closed to the public. He wants to ensure this applicant is a good neighbor and to provide whatever it takes to fix the runoff issue and the property should be cleaned up.

Mr. Perlstein said their immediate neighbor requested them to be 40 ft from their property where it could have been 20 ft and they also requested that they do not put in windows facing their backyard which they agreed to. Once this project is underway, they will tell the neighbor not to park their car on the grass as it is closer for him to get to his backdoor. They will plant grass so there will be no more sand.

Mr. Sabel asked if lunch is being made on site or being brought in.

Mr. Perlstein said it is being brought in.

Mr. Sabel asked if there is going to be a Simcha hall.

Mr. Perlstein said no.

Mr. Sabel asked if they would deed restrict the basement.

Mr. Perlstein said they have not even thought about it.

Mr. Raitzik asked where the courtesy daycare for the teachers will go once all of the classrooms are occupied.

Mr. Perlstein said maybe in the gym if they have room.

Mr. Jackson asked how many teachers will be on site.

Mr. Perlstein said it is usually one teacher per class. There will be 17 classrooms total. It is only babies and it is only if the teacher wants to do it and is not enforceable.

Mr. Jackson said they are not taking outside people into the daycare.

Mr. Perlstein said no.

Mr. Raitzik asked where the parents will park once they have an auditorium and they have events.

Mr. Perlstein said maybe they would work it out with a neighbor across the street that has an office building or perhaps use Albert Run or park along Pine Street.

Mr. Herzl said the auditorium should not be rented out to the public either as they do not have sufficient parking.

Mr. Perlstein agreed.

A motion was made and seconded to approve the application. The existing house will be used for storage only, a walking path will be provided, if possible, from the parking area to the school, a lighting plan will be provided, landscaping will be provided as required, stormwater management will be addressed as needed, possibly grass or a retaining wall if needed in front of the Albert Avenue house to remediate erosion, no Simcha hall anywhere in the building, the auditorium will not be rented out, there will be no kitchen, and a bus loading/unloading area shall be painted.

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

Abstain: Mr. Meyer

Mr. Sabel asked that they see the plans for the interior sidewalk before approving the resolution.

- 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