

## **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. Fuentes, Mr. Stern, Mr. Sabel, Mr. Herzl, Mr. Rennert, Mr. Meyer, Committee Ackerman

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

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

## **4. MEMORIALIZATION OF RESOLUTIONS**

### **1. SP 2301 She'erit Ezra**

1490 Lanes Mill Road      Block 189.16, Lots 50.03, 50.04, & 50.05  
Preliminary and Final Major Site Plan for a school

Ms. Morris said there was concern from the board about school buses not being permitted to drop off/pick up or even entered into the property but she did not see that reflected in the resolution.

Mr. Herzl believes there should be a condition in the resolution.

Mr. Joshua Schmuckler has no objection. There will be vans only entering the site.

A motion was made and seconded to approve the resolution.

### **2. SP 2305 (A & B) CSR Equity, LLC**

Boulevard of the Americas & Avenue of the States Block 961, Lot 2.06  
Preliminary and Final Major Site Plans for two office buildings

A motion was made and seconded to approve the resolution.

### **3. SP 1948C Yeshiva Orchos Chaim**

410 Oberlin Avenue South      Block 1600, Lot 12  
Amended Preliminary and Final Major Site Plan for an addition to existing school

Ms. Morris said the applicant requested this resolution be carried to a later date.

## 5. ORDINANCES & CORRESPONDENCE

- **SP 2225 Yosef Notis** – Block 284.06, Lot 23

Mr. Vogt said the request is related to a change in the fence height.

Ms. Morris explained originally the fence was proposed to be 6 ft but one of the neighbors had requested an 8 ft fence. The plans were then revised showing an 8 ft fence around the entire property, but it was only supposed to be along that one neighbor.

A motion was made and seconded to approve.

All were in favor.

Committeeman Ackerman abstained.

- **SP 2027 485 Locust Holdings, LLC** - Block 1086 Lot 20

Mr. Sabel stepped down.

Mr. Brian Flannery, P.E., P.P. said this application was approved with a second building. The applicant does not want to construct that building at this time. He would like to extend the second story and keep the same parking determination and put the parking in the back.

Mr. Herzl said basically everything is internal and they are moving the parking to the back.

Mr. Flannery confirmed.

Mr. Jackson questioned if this should be an amended site plan.

Mr. Flannery said typically in Lakewood you are permitted to add parking as long as you are not violating any requirements and you are staying within the parameters of the drainage and this fits within that. Basically, instead of having a second building, there is going to be parking there.

Mr. Jackson said his argument is that this is not a material change as they could get the Zoning Officer to approve it.

Mr. Vogt is okay with the change if the board and the Zoning Officer are okay with it as well.

Mr. Flannery said the Zoning Officer would have to concur, but the first step was to ensure the board agrees that this is not a material change and they do not need a new site plan.

Mr. Jackson does not understand how this isn't a material change. The two plans are vastly different. He asked what is on either side of the property.

Mr. Flannery said there are residential developments on either side, so the residents would see the same parking lot they were going to and on the other side, instead of a building there will be parking and there was parking anyway all the way to the back.

Mr. Jackson thinks it is possible a resident may prefer the building as opposed to a parking lot as it is less impact with cars coming and going, lights, doors, car alarms, etc. as opposed to a commercial building where people don't even open the windows in the new buildings.

Mr. Flannery said the existing site does have cars and the activity back there. This is just striping a parking area and expanding the existing building.

Mr. Jackson asked what the downside is in coming in with an amended site plan and noticing the neighbors.

Mr. Flannery said the downside is the neighborhood needs this project badly. It is a shopping center and an area where women walk so they cannot drive to any other stores and the neighbors have said they are in a hurry to have this rather than delaying it by months for something that is not a material change.

Mr. Stern asked if the total square footage is going down or staying the same.

Mr. Flannery said the total square footage is going down, but the parking demand is staying roughly the same. The parking demand would be balanced to match what was there originally and it is a school/shopping center being proposed.

Mr. Jackson asked if they are adding an additional story.

Mr. Flannery said no, it is an existing two-story building and they are expanding the two-story area. It used to be a tennis center so there are very high ceilings.

Mr. Jackson said the board engineer determined the site remains the same and they are just adding parking. The question is to the board if they believe this is a material change or if this is something that can be done administratively.

Ms. Morris said if this site did not have a previous site plan approval for the second building, the applicant could apply for a site plan exemption for a parking lot expansion which would not need board approval.

Mr. Jackson said if the board does approve this administratively, he suggests letting the Zoning Officer know.

Ms. Morris said it is her understanding that after the parking expansion is approved that there are intentions for interior renovations which would fall under the Zoning Officer's jurisdiction. She would then look at the interior uses proposed and confirm that those are permitted and that there is enough parking as per the new approval to match the demand for the new use.

Mr. Jackson doesn't want the Zoning Officer to take this as a signal from the board that it's ok.

Mr. Vogt said they would review the revised plans, if the board acts favorably, during resolution compliance and if the Zoning Officer signs off.

Mr. Herzl would like to approve the change subject to the Zoning Office signing off as well.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He asked if there are sidewalks.

Mr. Flannery said yes.

Mr. Herzl closed to the public.

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

- **Resolution R2019-84 – 18-818 Projections into Required Yards (6'x4' stoops permitted)**

Mr. Rennert said a landing or stoop is currently not permitted within the setback and it is proposed that a 6'x4' stoop should be permitted.

Ms. Morris said that is correct.

Mr. Rennert questioned if they can go anywhere within the setback.

Committeeman Ackerman said they cannot go more than 6 ft out. It would be a landing attached to the house in the front or side.

Mr. Herzl questioned how this would work in an R-7.5 zone. There would only be 1 ft left on the side.

Ms. Morris said currently, basement stairs can do that anyway.

Mr. Herzl understands in the front yard setback, but it doesn't work on the side.

Mr. Rennert said they should look at different zones to make sure it works.

Committeeman Ackerman said you can have basement steps on the side in the R-7.5 zone.

Ms. Morris said it sometimes does appear problematic from the engineering side.

Committeeman Ackerman said if someone wants to have an entrance on the side of their house and their house is a few feet up, this just gives them another option instead of just having a front and back entrance.

Mr. Herzl understands but he would feel more comfortable not to have side entrances in the R-7.5 zones as it would be taking away the whole side setback.

Mr. Rennert said the R-10 should be included as well.

Ms. Morris suggested that a minimum separation to the setback line should still be required, for example 5 ft, regardless of how large the stoop is.

Mr. Herzl agrees, the minimum should be 5 ft.

Mr. Rennert would not recommend the proposed ordinance as presented. He would like to see the setbacks for every zone.

Committeeman Ackerman suggested approving the ordinance with the exception of the R-7.5 zone.

Mr. Brian Flannery, P.E., P.P. thinks it would be a good recommendation from the board that there is no problem with the front but on the sides they have to provide for access.

Mr. Jackson said the ordinance reads 'All other steps including a maximum 6'x4' landing or stoop may project into any front or rear yard setback.'

Committeeman Ackerman said it also says 'Basement steps cannot be any closer than 5 ft to the adjacent property line' and they are adding in a maximum landing/stoop of 6' x 4'. He questioned if that means that landing cannot go within 5 ft of the adjacent property.

Mr. Jackson does not think so.

Mr. Flannery said the new revision is saying that the stoop can go into the front or rear setback which would eliminate the board's concerns as it is not allowing it on the side setback.

Mr. Herzl said technically if you are in the R-7.5 zone, you cannot have side steps.

Mr. Flannery said that is correct. They would be in the front or internally.

The board has no objections to the proposed ordinance and finds it in conformance to the Master Plan.

All were in favor.

Mr. Sabel and Committeeman Ackerman abstained.

## **6. PUBLIC HEARING**

### **1. SP 2271A Bais Shaindel**

685 River Avenue Block 782, Lot 7.01

Amended Preliminary and Final Major Site Plan for an addition to existing school

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

Mr. Vogt said submission waivers include a traffic study, proof of submission to OC Planning Board, topography, contours, man-made features within 200 ft, plans/profiles, an environmental impact statement, a tree protection management and design calculations. They are in support of most of the waivers as indicated in the review letter. Testimony shall be given which justifies the lack of a traffic study.

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

Mr. Glenn Lines, P.E., P.P. was sworn. The application is for a 13,260 sf lunchroom. No additional classrooms, students or buses are being proposed, therefore, a traffic study should not be warranted. The third floor addition was previously approved, the application tonight is simply to amend that approval to include a lunchroom.

Mr. Rennert asked where the girls currently eat lunch.

Mr. Abe Auerbach was sworn. The current situation is insufficient and inadequate as the girls currently are forced to eat in classrooms or other areas. Right now the plan is to make this a normal lunchroom off the kitchen where it should be.

Mr. Adam Pfeffer, Esq. said they would request a waiver from providing a traffic study.

A motion was made and seconded waiving the traffic study.

Mr. Vogt said there are several pre-existing variances which currently run with the project. A minimum side yard setback is required in the HD-7 zone and their interpretation of the revised plans indicated the side yard setback is either 25.8 ft or 26 ft, therefore, clarification is required. Also, information is needed relative to the existing shed. If

it is going to remain, it may require variance approval. A variance is required for parking within the 65 ft setback from a state highway and buffer relief is also required with respect to the adjacent properties. Testimony shall be given as to the adequacy of the bus loading area. A design waiver is being requested from providing street trees along the project frontage.

Mr. Lines said the parking on the site is all existing. Exhibit A-1 is sheet 3 of the site plan, A-2, A-3... (inaudible).

Mr. Stern asked if the pool is being removed.

Mr. Lines said yes, the pool, dumpsters, the driveway in the back and some of the sidewalks would all be replaced with the building. A new dumpster is being proposed along the driveway on the north side of the site.

Mr. Herzl asked about bus circulation.

Mr. Lines said there are currently 13 buses.

Mr. Pfeffer wants to make it clear that this application is not adding any additional students to the previously approved application.

Mr. Herzl asked if there are any drop offs/pickups where the building is being constructed.

Mr. Lines said the area where the building is going was curbed off and there was a small access to pick up the trash dumpster and make some deliveries.

Mr. Stern said the paved area north of the pool was only used for garbage pickup with no parking.

Mr. Lines confirmed. The buses park on the north side of the building... (inaudible). The buses do not turn around in the parking lot.

Mr. Herzl said they loop around the building.

Mr. Lines confirmed and out to High Street. There is an existing shed on the northeast corner of the property near the rear property line and the prior resolution indicates those variances were granted.

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

Mr. Lines said no but all of the variances which were previously approved need to be reapproved for the new application.

Mr. Vogt asked about the issue with the side yard.

Mr. Lines said the problem was the dimension on this plan was automatically rounded off by the computer, so it should be 25.8 ft whereas 30 ft is required.

Mr. Vogt asked if that is a pre-existing setback variance.

Mr. Lines said yes. The third story is being built directly above the existing walls.

Mr. Vogt said then they will match the previously approved setback.

Mr. Lines confirmed.

Mr. Sabel said the bus circulation plan shows the buses coming out onto Route 9 and it is also showing the bus loading zone is on the side of the property, not in the front.

Mr. Lines said that is not for the buses. That is to show garbage trucks can get in, pick up the garbage, and get back out.

Mr. Pfeffer said the buses go out to High Street.

Mr. Sabel is concerned having a loading/unloading zone on the side.

Mr. Lines said it is has been working for years, this is not a new situation.

Mr. Sabel thought the bus pickup would be in the front of the building.

Mr. Pfeffer said that is a stacking zone for the buses. The buses then unload the kids at the front of the school.

Mr. Sabel asked if there is a maximum amount of buses permitted.

Mr. Vogt doesn't think there is a requirement as to the number of buses.

Mr. Sabel asked if there is a requirement as to the size of the loading zone.

Mr. Lines said there is not a loading zone identified in the ordinance. The parking space requirement is 12 ft x 40 ft which is 4 ft wider than a bus.

Mr. Sabel questioned if a designated spot must be provided for a bus pickup/drop off location. He asked how many have to be provided.

Mr. Lines said there is no set number. It is whatever works for the school. The school has been loading/unloading the students in this location for years and it does not cause any traffic issues.

Mr. Auerbach said they could add a note on the plan that buses will not load/unload students on the side of the building.

Mr. Lines said that is an area for the buses to stack.

Mr. Sabel said that is not a good idea as there are a lot of cars dropping off kids and it then becomes a one-way road. He visited the site today and it was a mess. He asked if they could make it a one-way road.

Mr. Auerbach said they are willing to explore that option during resolution compliance.

Mr. Herzl said the new plans will reflect where the bus loading/unloading zone will be.

Mr. Rennert asked if the parking requirements meet current UDO requirements.

Mr. Lines confirmed, according to the UDO, 53 parking spaces are required and they are providing 139. There is a question regarding the sign at the front of the property, but it is set back 15 ft. Shade trees will be provided, therefore, no design waivers are being sought.

Mr. Herzl asked if sidewalks are being provided.

Mr. Lines said yes, they added sidewalks on the River Avenue and High Street sides of the project. The sidewalks in the front would be installed by the NJDOT and as per the prior approval if the sidewalks are not installed within two years then the applicant will install them.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He made a few comments praising the efforts of Rabbi Kanerek.

Mr. Jackson said his testimony was not relevant to the application and the board should not consider it when making their decision.

Mr. Herzl closed to the public.

Mr. Sabel asked if the applicant would agree to provide sidewalks along the internal roadway. He witnessed people walking in that roadway.

Mr. Auerbach said there is insufficient room to put in sidewalks.

Mr. Sabel suggested an asphalt path.

Mr. Auerbach does not want to encourage students to walk along the roadway.

Mr. Herzl said the applicant agrees that the buses can stack but there will be no loading/unloading permitted on the side of the school.

Mr. Sabel said it should be a 'no standing' area.

Mr. Herzl asked if they can work with the board engineer to make that road a one-way.

Mr. Auerbach agreed to explore that option with the board engineer.

Mr. Sabel would like the approval to be conditioned upon there be a deed restriction for a Simcha hall.

Mr. Auerbach said it should not be a deed restriction but a condition in the resolution.

Mr. Pfeffer said no variances are being requested as this was all previously approved. The lunchroom is not being rented out for any other purpose. They agree to a condition in the resolution and to put a note on the plans. He also pointed out that they have greatly exceeded the parking requirements.

Mr. Herzl said if the applicant wants to use the lunchroom for outside Simchas then they would have to come back before the board.

Mr. Pfeffer agreed.

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

**2. SP 2306 1650 Massachusetts Ave, LLC**  
1650 Massachusetts Avenue Block 524.27, Lot 126  
Preliminary and Final Major Site Plan for a school

*A review letter prepared by Remington & Vernick Engineers dated December 17, 2018 was entered as an exhibit.*

Mr. Vogt said submission waivers are required for proof of submission to OC Planning board, topography, contours and man-made features within 200 ft and an environmental impact statement. The applicant has indicated they would submit an application to the OCPB if the board approves, therefore, the waiver is recommended for public hearing purposes only. The B –Site Feature waivers are supported since enough information has been provided for the design. Finally, waving of the EIS is also supported as there are no known environmental constraints per NJDEP mapping and the applicant has submitted a tree protection management plan.

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

Mr. Vogt said relief is required with respect to perimeter buffering as well as for off-street parking facilities within the required buffer. Per their interpretation, a front yard setback variance also necessary. The revised plans show a minimum front yard setback for site identification sign which is less than the 15 ft minimum. A design waiver is required to permit fencing across the terminus of an unimproved right-of-way.

Mr. Adam Pfeffer, Esq. said the applicant is seeking site plan approval to construct a charter school on the site for kindergarten through 8<sup>th</sup> grades. It will be a three-story school with a partial basement for storage only. A portion of the property is also within Toms River which they would need to seek Zoning Board approval.

Mr. Herzl questioned what would happen if Toms River does not approve that portion of the site.

Mr. Pfeffer said both boards must approve the application.

Ms. Valerie Smith, lead founder and executive director of Ocean County Charter School, was sworn. She said they are the only charter school in Ocean County and report directly to the NJ Department of Education. Their charter was approved by the state as a kindergarten through 8<sup>th</sup> charter school which will have a total of 540 kids once all of the grades are filled. At charter schools, you start from the bottom up. Right now, they are educating kindergarten, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> grades. Every year, they accept 60 new children into kindergarten and the school rises and continues to rise until they reach 8<sup>th</sup> grade. They are currently located at Christ United Methodist Church on Fifth Street and they are also renting space for a kindergarten center from Georgian Court University. They knew when they went into these properties that they would be outgrowing them. It is a public school with no tuition with small classes in order to provide a good education for the children of Lakewood and as a charter school, it is a school of choice.

Mr. Herzl questioned what differences there are between a charter school and a public school.

Ms. Smith said charter schools are afforded a lot more creativity in how they go about various ways of educating students. They are not constricted by a lot of regulations that traditional public schools have to abide by.

Mr. Stern asked how it is being financed.

Ms. Smith said all of their money comes from the State of New Jersey and they get a per pupil amount.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the tax map, A-2 is a colored rendering of the site plan, A-3 and A-4 are renderings of the proposed building. The site was designed with a lot of thought and the parking exceeds ordinance requirements. Relief is required with respect to buffering on the southerly side in Toms River where it comes less than 20 ft from the property. They would provide fencing and landscaping all around which meets the intent of the ordinance. The back of the property is adjacent to the open space of the Fairways development and the building was oriented so that rather than putting the parking, driveways and all of the activity in front of the building occurs on the side and in the rear and the front of the building will be very aesthetically pleasing.

Mr. Herzl asked how much space is within that buffer.

Mr. Flannery said it is about 4 ft whereas 20 ft is required but a fence would be provided, and it would not be impacting on any residences and notices were sent to owners within 200 ft and he has only seen people in the audience who are in favor of this application.

Mr. Sabel said they are gaining 11 spaces by granting that waiver.

Mr. Flannery said that is correct and in his professional opinion, the benefits of that extra parking far outweigh any detriments and the intent of the ordinance is complied with by providing fencing and landscaping.

Ms. Morris said it sounds like he is addressing the buffer relief on the south side. She asked if buffer relief is required on the north side as well.

Mr. Flannery said yes, in the rear portion it is 9.5 ft to the parking lot and the back is 9.3 ft whereas 20 ft is required. A variance for a front yard setback of 50 ft is requested whereas 70 ft is required and as indicated, that was done so that the building was closer to the road and when you look at the rendering, the aesthetics of it is much better than if you flipped it around where all of the parking and activity would be in the front. Also, so the board is aware, 50 ft used to be the requirement but the new Master Plan for this zone requires 70 ft so it is consistent with other approvals given in the past. The 50 ft is well in keeping with the area and the benefits of it outweigh any detriments. Per ordinance requirements, the sign should be set back 15 ft but it is being proposed at 5 ft and it is of his opinion that it works there and would provide better notification of where the site is. Also, moving the sign back would interfere with the stormwater management. It would be a C-2 variance where they need to show the benefits outweigh the detriments to that and his opinion is there is no detriment and the benefit is it's in the most logical spot and provides the most logical notification of where the property is.

Mr. Sabel asked if it interferes with the sight triangle.

Mr. Flannery said no, Massachusetts is a County road, so they would need their approval as well.

Mr. Sabel asked how far apart the entrances are from each other.

Mr. Flannery said they are about as far apart as the building which is 180 ft wide.

Mr. Sabel questioned if they must be at least 200 ft apart per RSIS requirements.

Mr. Flannery said this is not a residential development. It is his opinion the County will like and approve this design. A design waiver is required for not improving the paper street which is located in Toms River. He then referenced sections in the Master Plan and MLUL to justify the variances requested. A circulation plan has been provided which shows there are seven buses and the traffic engineer indicates when the site is at full capacity, ten buses would be needed to transport the students but the buses would be staggered.

Mr. Herzl asked if sidewalks are being provided.

Mr. Flannery said sidewalks would be installed across the property frontage on Massachusetts. A comment in the report indicates there should be testimony concerning the material of the building and as the board can see from the renderings, it is going to be a beautiful building. A variance is being requested for the location of the site identification sign but the remainder of the sign would comply with the ordinance.

Mr. Scott Kennel, traffic expert, was sworn. They have been communicating with Ocean County and it will be enhanced as far as access where there is going to be a dedicated striped left turn lane on Massachusetts to better segregate traffic coming in and out. On the entry driveway, there will be a left turn lane in the length of 100 ft which helps provide a refuge area for people making left turns and better segregates traffic. There was a question concerning the spacing between driveways. The spacing is conducive to this plan and it is important to note that the southerly driveway is for ingress only and the northerly driveway is for egress only. There are also no driveways directly opposite this site which would provide any conflicts. It is a level of service 'C' for exiting traffic and a level of service 'D' for afternoon peak hours and the left turn movement into the site would operate at a level of service 'A' during both peak hours. It is his opinion that this access system can operate safely and efficiently especially with the different improvements the County has requested.

Mr. Herzl questioned where the buses would stack if there are ten buses.

Mr. Kennel said not all of the buses would arrive at the same time. In his opinion, they have room to stack eight buses and once they achieve full occupancy which may be in 3 to 5 years, they will then stagger dismissals in the afternoon.

Mr. Stern asked where parents would drop off and pick up their children.

Mr. Kennel said there is a separate lane which allows parents to bring children on site.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He asked if this school only accepts children from Lakewood or from all over the County.

Ms. Smith said the state approves the application and within that application it is indicated that it is a school for Lakewood citizens. Currently she has a waiting list for every grade level so they cannot accept students than what was already provided in the application but there are times when a student moves from Lakewood to another town and that student may remain at the charter school. If for any reason there is deficient number of students and someone from Jackson would like to attend this school then she is allowed to accept them.

Ms. Diane Oxley was sworn. She is a kindergarten teacher at the school in Lakewood. She commented how dedicated the teachers and faculty are in conditions where classrooms are too small. The school desperately needs the room to expand.

Mr. Herzl closed the public.

Mr. Pfeffer pointed out that there are many people in the audience who are in favor of this application.

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

- 3. SP 2310 The Parke at Lakewood, LLC**  
752 & 688 Cross Street Block 524; 524.23, Lots 2.03 & 77.02; 1  
General Development Plan for a Planned Unit Development

Mr. Jackson announced this application will be carried to the March 5, 2019 meeting.

- 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