

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. REORGANIZATION

A. OATH OF OFFICE

- Class I Member-one year appointment to December 31, 2016 – Menashe Miller
- Class II Member-one year appointments to December 31, 2016 – Justin Flancbaum
- Mayor’s Designee to serve to December 31, 2016 – Israel Grunberger
- Class III Member-one year appointment to December 31, 2016 – Albert Akerman
- Class IV Member-four year appointment – Yechiel Herzl, Eli Rennert
- Planning Board Member alternates – David Hibberson & Eugen Cautillo

B. ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2016

- Chairman - Michael Neiman
- Vice Chairman - Eli Rennert
- Secretary - Ally Morris
- Recording Secretary - Sarah Forsyth

C. SELECTION OF CONSULTANTS AND OTHER PERSONNEL

- Attorney - King, Kitrick, Jackson & McWeeny
- Planner - Remington, Vernick & Vena Engineers
- Engineer - Remington, Vernick & Vena Engineers

3. ROLL CALL

Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

4. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt, P.E., P.P. was sworn in.

5. MEMORIALIZATION OF RESOLUTIONS

1. SD 2087 George Topas

Central Avenue

Block 85, Lot 5

(Denial) Minor Subdivision to create two lots

A motion was made by Mr. Rennert, seconded by Mr. Follman to approve the resolution. All were in favor.

6. PLAN REVIEW ITEMS

1. **SP 2108 Toras Imecha, Inc**
East County Line Road Block 208.01, Lot 18
Preliminary and Final Major Site Plan for a girl's school and Minor Subdivision to convey land to a neighboring parcel

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

Mr. Rennert stepped down.

Mr. Abraham Penzer, Esq. said there is currently a tremendous need for girl's schools. This application has no variances. They have spent a lot of time with the neighbors in an effort to appease them as much as possible. If this plan is approved, no windows would be on the eastern wall of the building, all rear windows on the top two floors would be frosted up to a height of 6 ft to the floor, the garbage dumpster will be located on the western side of the parking lots. Aside from the elevator, there will be no entrance on the eastern side of the wall. On the rear of the building, there will be no doorway within 25 ft of the eastern wall of the building. A fence will be provided as well.

Mr. Neiman said he believes another item agreed upon was there would be no Simcha/social hall downstairs. It would only be used for school function. All of these items will be included in the resolution.

Mr. Penzer said that is correct.

Mr. Herzl said the neighbors also requested that the lighting on the property not spill over on their property.

Mr. Penzer said that is correct.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is a conforming application for a permitted use. With respect to the buffering of the homes to the east, there will be a 3.5 ft high retaining wall, 5 ft offset from their property line with a 4 ft high fence on top of that. That would give them an additional 5 ft of the school property that will buffer them. Closer to the builder, the fence would be 10 ft from the property line. It would be a 6 ft high vinyl fence.

Mr. Neiman asked if a variance is required for 10 ft.

Mr. Flannery said the ordinance states a 20 ft buffer is required or intense screening. They will meet the intent of the ordinance.

Mr. Herzl said the neighbor's want it offset because they want the buffer on their side.

Mr. Flannery said yes.

Mr. Herzl said a 20 ft buffer is provided.

Mr. Flannery said they have the full 20 ft where the building is. Up toward the front, they do not but they are providing a retaining wall with a fence on top. When you get to the back of the property, the line that is shown

on the plan is the 300 ft buffer line. You cannot build anything beyond that and cannot take down any vegetation but it is an open area from an old residential use of the property. What they will do is put a 6 ft high fence through there which would meander to miss any trees and would be a minimum of 12.5 ft off the property line.

Mr. Neiman asked about bus circulation and parking.

Mr. Flannery said there will be 26 classrooms with a maximum of 14 offices which would require 40 parking spaces. There are two lanes at the beginning of the parking lot with one way circulation entering from the east up to the front and then out to the westerly drive. There is a bus lane along the top that was drawn at 10 ft but they would make that 12 ft.

Mr. Vogt said submission waivers are requested including an environmental impact statement and a tree protection management plan. The waivers are recommended conditioned up receiving additional information relative to the offsite wetlands and a tree protection management plan be provided during compliance, if approved.

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

Mr. Vogt asked if the number of parking spaces provided complies with UDO standards.

Mr. Flannery said yes.

Mr. Neiman said it doesn't comply on PTA nights which occur about 3 times a year. There should be a plan in place as this is fronting County Line Road and there is really no parking. He asked if there is any outdoor recreation areas.

Mr. Flannery said the area in the back that is already cleared is available for recreation purposes. It would be fenced in.

Mr. Franklin asked if they will be changing the configuration of the roadway so the garbage can get over to the east side.

Mr. Flannery said the plan is showing it on the west side. The agreement was to move it from the east to the west.

Mr. Neiman said there are no trailers proposed or going to be proposed for this site.

Mr. Penzer said no.

Mr. Neiman wants to make that clear as a lot of times schools add trailers and that would make more of a mess for the neighbors.

Mr. Vogt asked when trash would be picked up.

Mr. Flannery said they would meet with Public Works.

Mr. Vogt said the question is to the access as there are parking spaces there.

Mr. Neiman said perhaps DPW could come early in the morning before school starts.

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

Mr. Hibberson asked what the approximate capacity is.

Mr. Neiman said the review letter states 360 students.

A motion was made by Mr. Herzl, seconded by Mr. Follman to approve the application.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson

2. SP 2158 Cedarbridge Office, LLC

Pine Street & Boulevard of the Americas Block 961.01, Lot 2.04
Preliminary and Final Major Site Plan and Subdivision to create for lots and a
two-story office building

A review letter prepared by Remington, Vernick & Vena Engineers dated December 28, 2015 was entered as an exhibit.

Mr. Vogt said it is recommend that an updated survey be submitted prior to the public hearing.

Mrs. Miriam Weinstein, Esq. said this is a subdivision to create four lots. Upon one of those lots, a two-story office building will be built. They have reviewed the engineer's review letter and agree to comply with the comments.

Mr. Flancbaum asked if access for the office building is being proposed on both Pine Street and Boulevard of the Americas.

Mr. William Vogt, P.E. said yes. It is a through lot and would have access to the Boulevard of Americas at the north end of the property and the south side would have an additional access point to Pine Street. Boulevard of the Americas is a right in and right out only, Pine Street would be full access.

Mr. Neiman asked if there will be a turning lane to go in from Pine Street.

Mr. Vogt said no, that is not proposed.

Mr. Rennert asked if there are any plans for the other three lots.

Mrs. Weinstein does not know but can find out before the public hearing. This is in the Cedarbridge Development area which does not allow housing.

Mr. Flancbaum asked if there is sufficient parking.

Mrs. Weinstein said yes, they exceed the parking requirements.

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to advance the application to the February 16, 2016 meeting.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

3. SD 2100 314 East 7th Street, LLC

Nowlan Place and East 7th Street Block 224, Lots 20 & 21
Minor Subdivision to create four fee-simple duplex lots

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

A review letter prepared by Remington, Vernick & Vena Engineers dated December 21, 2015 was entered as an exhibit.

Mr. Vogt stated variances are requested for minimum front yard setback from both Nowlan Place and Ridge Avenue. Also, there are lesser right-of-ways shown on portions of the property. It is recommended that either a right-of-way dedication or easement be part of the application such that the town can do necessary road improvements in the future.

Mr. Brian Flannery, P.E., P.P. Said there are two lots. When you combine the lots you get two duplex lots that conform with lot area. The lot at the corner of 7th street and Nowlan Place currently has pavement on this applicant's property and would need to drive across said property and the house is almost touching it. In this application, a right-of-way easement is proposed. An easement is good in certain circumstances for the sidewalks and such. His recommendation is that they would do a partial dedication and a partial easement so that all of the road is within the right-of-way and there is a road widening easement beyond that which would make it 50 ft and that would have the sidewalk and the grass. The variances listed are with respect to the existing house that has a 0 ft setback where they would provide 23 ft.

Mrs. Miriam Weinstein, Esq. said the variances requested are actually lessening the situation as it currently exists now. The other duplex that fronts on East 7th Street will be fully conforming.

Mr. Vogt asked if there will be room to put the necessary parking outside of the easement/dedication.

Mr. Flannery said yes.

Mr. Neiman asked if there is enough room for the garbage cans.

Mr. Flannery said yes. They would be in the easement.

Mrs. Weinstein said the review letter points out that the design does not meet the definition of a duplex since the proposed fronts would be staggered by more than 3 ft. She said that would be corrected.

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. Rennert to approve the application.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

4. SD 2101 Meyer Wainbrand

Cory Court

Block 251, Lot 1.09

Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 21, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area and lot width.

Mr. Joe Kociuba, P.E., P.P. said he has reviewed the engineer's review letter and has no objections. A request was made to have the survey be updated to show trees, landscaping and septic system. He requests that the engineering plans be updated as opposed to providing a new survey.

Mr. Vogt asked if they are showing existing information on the engineering plans.

Mr. Kociuba said they would add their title block to the subdivision plan and indicate that it was obtained through GPS.

Mr. Vogt asked if the surveyor would allow that.

Mr. Kociuba said yes.

Mr. Vogt said that would be acceptable.

Mr. Kociuba said they are subdividing one lot into two. He would provide a map showing surrounding lots in the area.

Mr. Flancbaum said these are all one acre lots.

Mr. Kociuba said on this particular cul-de-sac, yes, but there are other lots in the area that have been approved by the board recently.

Mr. Neiman said this is an R-40 zone. This lot is already less than 40,000 sf and they are asking to further subdivide it. It doesn't make sense.

Mr. Kociuba said this lot was recommended R-12.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the February 16, 2016 meeting.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Follman, Mr. Hibberson, Mr. Rennert

Mr. Flancbaum: No

5. SP 2157 Tiferes Chaim

New Hampshire Ave

Block 1159, Lots 1 & 57

Preliminary and Final Major Site Plan to convert an existing commercial building into a school with a building addition and site improvements

This application is not complete and will not be heard tonight.

A motion was made by Mr. Herzl, seconded by Mr. Follman to carry this application to the January 19, 2016 meeting.

All were in favor.

6. SD 2103 Naftali Falk

Albert Avenue

Block 1159, Lots 58 & 59

Preliminary and Final Major Subdivision to create four lots

A review letter prepared by Remington, Vernick & Vena Engineers dated December 31, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt stated that submission waivers are requested for an environmental impact statement, tree protection management plan and design calculations. The waivers are recommended conditioned upon the applicant providing technical information on the depicted wetlands and buffer lines, a tree protection management plan be submitted during compliance and design calculations be provided for proposed drainage since the project will qualify as a major subdivision.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the waivers as recommended by the Board Engineer and Planner.

All were in favor.

Mr. Abraham Penzer, Esq. said the applicant agrees to all of the items in the engineer's review letter.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the February 16, 2016 meeting.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson

7. SD 2104 Joseph Singer

Park Avenue

Block 232, Lot 6

Preliminary and Final Major Subdivision to create six lots

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

Mr. Vogt stated that waivers are being requested from providing an environmental impact statement and a tree protection management plan. The submission of a tree protection plan shall be made as a condition of approval.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the waivers as recommended by the Board Engineer and Planner.

All were in favor.

Mr. Brian Flannery, P.E., P.P. said no variances are being requested. He asked if this could be heard in one meeting.

Mr. Neiman asked if it was noticed for a combined meeting.

Mrs. Morris said typically all the notices say that the public can be heard.

Mr. Jackson said it concerns him because it is listed on the agenda as a plan review item.

Mr. Neiman said he doesn't feel comfortable hearing this in full tonight.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance the application to the February 16, 2016 meeting.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

7. PUBLIC HEARING ITEMS

1. SD 2029 Somerset Development

Towers Street & Pine Street

Blocks 824, 824.01, 825, 828, 829, 830, 853

Request to phase prior Preliminary and Final Major Subdivision approval

A review letter prepared by Remington, Vernick & Vena Engineers dated December 31, 2015 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. said this is a previous approval. They are not changing anything about that approval. All they are asking for is to phase it. One of the lots that was approved in the original approval was for a school. Due to the fact that the residential portion is not ready yet, they are asking that they can go forward with the school lot.

Mr. Michael Dipple, P.E. said that no new variances are being created. This is simply to phase the previously approved application in order to start development on the school lot.

Mr. Neiman asked about drainage.

Mr. Dipple said the development on the right, Somerset Run, stormwater and utility wise is inclusive of itself. The school has its own drainage and utility plan.

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

Mr. Rennert asked if the improvements along South Lafayette will be completed prior to the school opening.

Mr. Vogt said the improvements along South Lafayette shall be done prior to issuance of a certificate of occupancy.

Mr. Abe Auerbach was sworn in. They are going to be opening up Sims Avenue to give full access to the school up Bellinger.

Mr. Neiman said he is happy to hear they are opening up Sims Avenue. It will make Somerset Run a better application as well.

Mr. Vogt asked if the roadway coming in will be improved prior to a CO being issued for the school.

Mr. Auerbach said there would be full access to the school.

Mr. Rennert asked if there will be sidewalks.

Mr. Auerbach said they would provide sidewalks as per the school plan.

Mr. Neiman reopened to the public.

Mr. Joshua Schmuckler, 61 Canary Drive, was sworn in. He does not understand why Bellinger is not currently opened as it was a condition of approval for a previous application.

Mr. Neiman said a couple of weeks ago there was a barrier blocking half of it and then recently he saw it was completely shut. He said it should get looked into as to why it is blocked off.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to phasing of this project.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

2. SP 2067 Yeshiva Gedolah of South Jersey, Inc.

Cross Street

Blocks 457, 458, 466-469, various lots

Extension of Preliminary and Final Major Site Plan

Mr. Brian Flannery, P.E., P.P. said site plans do not expire unless the zoning changing but somebody that wanted to protect the site plan, in case there is a zoning change, would ask for an extension. In this case, the ordinance has changed. The applicant met with the neighbors and came to an agreement with the campus. It is an application that the seniors supported.

Mr. Flancbaum asked if the ordinance changed.

Mr. Flannery said they changed the definition of the ordinance. The ordinance is still in place.

Mr. Rennert asked if they are able to extend a portion of an application. He would be willing to extend the school portion.

Mrs. Miriam Weinstein, Esq. said in the resolution there was a condition that the board imposed. The condition in the resolution was that the applicant has to go to the Township Committee and get certain roads vacated. They went to the Township Committee and the response they received is that they cannot entertain the request at that time because the Master Plan is being reviewed but would review it again at a later date. The reason they are asking for the extension is because they cannot comply with that condition right now.

Mr. Flannery said the Township Committee is holding up the applicant.

Mrs. Weinstein also wants to point out that the ordinance did not change since this application was passed. The ordinance actually changed prior to your passage of this application.

Mr. Neiman said the board would entertain a 1 year extension to see what happens with the Committee and Master Plan.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to grant a 1 year extension.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

3. SD 1968 Barbara Flannery

James Street & Drake Road

Blocks 375; 377; 378; Lots 1; 26 & 26.01; 1

Extension of Preliminary and Final Major Subdivision

Mr. Brian Flannery, P.E., P.P. said site plans do not expire unless the zoning changing but somebody that wanted to protect the site plan, in case there is a zoning change, would ask for an extension. They are asking for three 1 year extensions. That is the maximum allowed under MLUL.

Mr. Jackson asked if he is confident if this board can grant three 1 year extensions at once.

Mr. Flannery said the MLUL does not specifically says when or how you to ask for those three 1 year extensions.

Mr. Jackson asked what the reasoning is for the extension.

Mr. Flannery said the main reason is the Master Plan was changed to allow duplexes and have submitted an application for such. A neighbor has challenged it and the zoning was up in the air. Rather than rush into anything, they would like to the time to do it properly.

Mr. Jackson read in the MLUL that the board can grant extensions of one year but not to exceed 3 years so it is arguable. If the board wants to be prudent, they can ask that the applicant come back every year but he is fine with it.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to grant the applicant three 1 year extensions.

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

No: Mr. Follman, Mr. Rennert, Mr. Hibberson

4. SP 2155 Congregation Williams Street

Williams Street

Block 411, Lots 12.01 & 13

Preliminary and Final Major Site Plan for a synagogue

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

Mrs. Miriam Weinstein, Esq. said this is a site plan approval to construct a new shul on two lots that are to be consolidated. The existing shul is located on lot 13 which will remain in operation until the new shul is constructed at which time the old shul will be demolished. The new shul will be constructed on lot 12.01. To be clear, the lots will be consolidated once the new shul building is complete. At the time this shul was started, roughly 15 years ago, all of the members would young newly married couples with a few small children. Today, the children are grown up and married and there isn't enough room for everyone. Additionally, many new houses have been built in this area and the number of families have grown tremendously necessitating the need for a much larger shul. There are no variances being sought in connection with the application. There are no utilities being brought down Sylvan Court. There is a request to repave 160 ft of Sylvan Court curb to curb. In her opinion, it is an unfair burden to place on a shul which is a not-for-profit. The area is being built up so there will be developers coming in and fixing it at one point.

Mr. Glenn Lines, P.E., P.P. was sworn in. Sylvan Court is on the left side of the property. Across the street, lots are being redeveloped and the water company is bringing in new water and sewer to service those lots. Plans prepared by another engineer only show the road being reconstructed to the center line of the road but under

the Township's ordinance, they are required to pave the entire street as they will be disturbing more than 20% of the existing pavement. They are willing to put in new curb and sidewalks and hopefully they would be in before the street is paved.

Mr. Vogt asked when he anticipates the street will be paved.

Mr. Lines has no clue when that work will be done. Under ordinance, if they are only disturbing 2 ft along the curb then that is all they have to repair.

Mr. Vogt said if the board wants to act favorably upon the application, in regard to the paving work, it will be coordinated with the Township per applicable Township standards.

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

Mr. Lines said 28. According to the calculations, they need 29.

Mr. Vogt asked what the size of the main sanctuary space is.

Mr. Lines said 3,298 sf which would require 29 spaces. If they reduce the sanctuary by 66 sf, they would not need the variance.

Mr. Rennert asked if a Simcha hall is being proposed.

Mrs. Weinstein said not for rental. It would only be used by the members.

Mr. Follman said not during the week.

Mrs. Weinstein said they would like to be able to use it for a briss in the morning.

Mr. Follman said there is not enough parking.

Mr. Lines said the HVAC equipment will probably be located on the ground but the fence around the property will adequately screen it from the neighbors.

Mr. Vogt asked if the fence will be solid.

Mr. Lines said yes. All other comments can be satisfied during resolution compliance.

Mr. Franklin asked if they can add an additional parking space on the left hand side of the driveway.

Mr. Lines said no, it would be in the sight triangle.

Mrs. Weinstein said they have tried every which way to add as much parking as possible. They will be telling the congregants to walk if possible.

Mr. Neiman asked where the garbage will be located.

Mr. Lines said it is at the westerly end of the property. Cans will be brought out.

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

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson, Mr. Rennert

8. CORRESPONDENCE

- **SP 1820B, Block 1064, Lot 4** – Request for setback variance to permit existing freezers and trailers to remain

Mr. Brian Flannery, P.E., P.P. said there are three freezers and a trailer in the back that are in the front setback of Pine View Avenue which is a paper street that is never going to get developed. He is asking permission to leave those in that setback until that street is either vacated or improved.

Mr. Follman asked if there are any neighbors back there.

Mr. Flannery said no and they did notice.

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

Mr. Neiman said this is temporary relief until the road is vacated or improved in which case the trailer and freezers would need to be moved.

Mr. Flancbaum wants to make sure you can't see it from the street.

Mr. Flannery said it is wooded back there and you can't see it.

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

Affirmative: Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Hibberson

Abstain: Mr. Rennert

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