

## 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 *The Star Ledger* 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 & SWEARING IN OF PROFESSIONALS

Mr. Garfield, Mr. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Raitzik were present.

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

## 3. ORDINANCES FOR REVIEW

- **O2021-024** Cedarbridge Redevelopment zone change

Mr. Vogt said I've taken a look at it, I think I understand the basics. However I'm happy to have Mr. Stearns here, as he is the author of the document, and he can talk more about the rationale behind the changes.

Mr. Stern said this is advisory, correct? This is procedural. The Township is looking for us to give our input.

Mr. Herzl said I think regardless if we vote for it or not, the Township can still vote for it. They are supposed to ask for our recommendation either way before they go and make the final vote.

Mr. Rennert said the attorneys can jump in, but if we vote against this they do need a super majority of the Committee to vote for it. So we do have some sort of an impact.

Mr. Jackson said yes, Mr. Rennert is correct, there are consequences. There are checks and balances. The idea is the Planning Board is a body that is responsible for the Master Plan, so the question is whether the Board feels that this is consistent with the Master Plan. If the Board says yes, or gives no answer within the time period, then the Committee can act upon it. If the Board says no, the Committee can still act upon it but it needs a super majority and they must provide reasons why they are adopting it in the face of the Planning Board feeling it is not responsive to the Master Plan. Ultimately the Committee can adopt it regardless of what the Planning Board says, if they have the super majority.

Mr. Tom Stearns said I'll give a quick background. Cedarbridge has been a very successful office park. It was started as a redevelopment plan 30 years ago in 1990. I got involved around 2000, working on the redevelopment plan as an office park. After that was approved in 2002, all the infrastructure, roads, and utilities, were put in, and it's been very successful. It took a little while to get going but there's been 900,000 sf developed in Cedarbridge. There's been a number of amendments over the years to the redevelopment plan. Probably the last significant one was in 2015, with the addition of the retail component. And then some other minor ones here and there. It's been a very successful project. There's approximately 113 acres left to be developed. And I think what's really unique about Cedarbridge is when you look at it in the overall context of the Township, it's one of the few sites that you can still get an 80% impervious coverage from CAFRA, because of our previous approvals. Right now, if you're developing in the Township, in a CAFRA zone, east of the railroad tracks, you're really limited to those areas that are in the Town

Centers where you can get 80%. So this is a really unique opportunity for the growth of the Township. I know I've done a lot of studies in other Townships for developers in areas outside of those designated areas and you can only get 30% impervious coverage in those CAFRA zones, even being in the suburban planning area. So Cedarbridge represents a unique opportunity for the Township to continue with the commercial growth. There's been 900,000 sf developed here so far. What's promoting a lot of these changes, there's been a lot of folks that have come in and talked with Cedarbridge that had some different ideas, different uses that were not in the permitted uses. So that was one thing in giving the shift, some market conditions. We wanted to update the permitted uses, such as medical office and possibly hospital. Cedarbridge has been in discussion with some people promoting the idea that there might be an opportunity to do some type of a medical facility here, such as a pediatric center. I know everybody right now has to go out to the coast, and that isn't offered at Monmouth South. So that's one of the uses that we wanted to include. Additionally, the redevelopment plan that was adopted in 2015 was never incorporated into the DA-1 zone. The DA-1 zone is really the zone ordinance that governs development at Cedarbridge. So a lot of those redevelopment regulations were not incorporated into that. What I've done here is brought a lot of that stuff that wasn't in the DA-1 zone and put it in here. And also I assume you got a copy of the draft DA-1 ordinance. Some of those changes were summarized here in the redevelopment plan. And also there were a number of proposed changes to the bulk density and yard requirements (recording skipped)... with similar uses. I think historically too, a lot of the applicants that have come in in Cedarbridge have requested variances, which the Board has typically granted, and we thought it might make sense to loosen some of that up since everyone was asking for variances for some of those setbacks. And I think that was generally the gist of all the changes that we were looking to change.

Mr. Vogt said I had one question. One of the recommended changes in the plan is a minimum lot size from 3 acres to 2. If you could go over the rationale on that.

Mr. Stearns said I think the rationale was what if someone wanted to come in and do a smaller office building. That was the thought behind it. That they could do that. That was the rationale.

Mr. Herzl said what's with the parking for medical facilities in the industrial park? Or are you keeping the parking ratio?

Mr. Stearns said we have a lot of uses in there. Hospital we put in as 2 spaces for every bed. And that included for patients, staff, and visitors. But it also excluded MOB and outpatients. They'd be calculated separately. I went back, I previously worked on the new Princeton hospital that was finished in 2012. That and the Capital Health one, in Pennington Hopewell. They're the most recent greenfield hospitals in the State. I went back and looked at those and studied those parking numbers.

Mr. Herzl said what does Kimball have in Lakewood?

Mr. Stearns said I have no idea.

Mr. Herzl said do you know if it will be similar to Kimball or not?

Mr. Stearns said it really depends on what they propose. I know from both of the projects in Princeton and Pennington, they had to go back and add more parking. There was so much more outpatient and clinical diagnostic work that drove a larger outpatient population.

Mr. Herzl said my personal opinion, I think before we vote on a recommendation to have medical facilities there, we should have some kind of number or knowing what the parking is. In the Industrial Park... You said there's 113 acres left. There's a lot of traffic over there. We have to make sure for medical that we have enough parking for whatever use you want to bring in. I think we should have some kind of number.

Mr. Stearns said from Monmouth South?

Mr. Herzl said what works in another medical facility, what the ordinance we are going to pass here, what should be the number that we need.

Mr. Rennert said I agree. I think that we need a comparison to understand what we are voting on tonight, and if it's going to work.

Mr. Herzl said does Kimball work or does it not work? I don't know. I go to visit people, the parking lot is full always.

Mr. Rennert said and how many beds does Kimball have? Some of it is outpatient, some of it is inpatient.

Mr. Raitzik said are we allowing ambulances to go through on that road there? There's no shoulder for people to pull over. If you're putting medical emergency services, I don't know if the road there can sustain that type of traffic.

Mr. Stearns said well it's a four lane boulevard for both Avenue of the States and Boulevard of the Americas.

Mr. Raitzik said with the divider, but no shoulder.

Mr. Stern said why would you need a shoulder?

Mr. Raitzik said if you have ambulances coming by, where are people pulling over?

Mr. Stern said there's some shoulder, certainly on Cedarbridge, Pine Street, yeah...

Mr. Raitzik said Avenue of the States. I don't think there's any shoulder there. It's a two-lane speedway.

Mr. Rennert said that's correct. It's two lane, with a median in the middle, and no shoulder.

Mr. Stern said wouldn't the cars just pull over to the right lane?

Mr. Raitzik said if they're able to. What if they're not able to?

Mr. Herzl said Mr. Stern, don't get me wrong. I think it's very beneficial to have more medical facilities. We just have to make sure the parking works, the ambulance can get in, if it's an emergency we have drop-offs... Not just approve a change without knowing...

Mr. Stearns said well each applicant is going to come in, whether it's a medical office or something more substantial, and they're gonna have to come in with their site plan and have a traffic study. And you'll look at that in detail at that time. I'm also happy to give my research on the two hospitals to Terry Vogt, and if he wants to go through it and see what he thinks, I'm happy to share that with Terry.

Mr. Stern said the Board members are raising questions and my question to Terry is procedurally, is now the time that we as a board should be raising these things? Or is it as Tom Stearns said that these are issues that will be vetted at a later junction?

Mr. Vogt said I'm going to give you the politically correct answer, and that is both. Obviously as much within reason that you can get in the Ordinance, that's going to give the Board leverage, particularly in a contentious application. I

like the idea of the Board having the opportunity, even if something meets the letter of the law, to be able to say even though it meets the formula, you have these concerns. I think that's easier with a Zoning Board application than the Planning Board. If it's a permitted use, you're kinda hamstrung a little bit.

Mr. Herzl said this use, you want to allow medical in the park. There's so much more uses going on there, it's not just a hospital where you can know... A hospital needs one per every 150, whatever. Here there's a lot of different uses. We have to make sure it works. You may need more parking. I think we should approve medical, but I think we need more parking than a hospital has.

Mr. Vogt said I think we only talked about one element of medical, which is hospital. My read of the draft amendment is for medical office, you are proposing the one space per 150sf?

Mr. Stearns said I was proposing what you already have in your Ordinance in 18-807B and I guess that's 6.6 per thousand I think.

Mr. Vogt said correct. We are saying the same thing. That is one of the recommendations in there as far as medical offices. If there is a way that we can compare what local hospitals are using on the same per bed basis, I think that will help a great deal.

Mr. Stearns said your current ordinance only requires one space per bed if I recall correctly.

Mr. Vogt said and you'd be doubling that.

Mr. Raitzik said I think with all that extra area we should consider adding onto the parking. You have that extra land, why not make it as safe as possible.

Mr. Garfield said why not go into multiple height. A lot of hospitals the parking is 2 or 3 stories.

Mr. Vogt said I think I saw that in the plan, about encouraging garage parking. I think that's in the plan, is it not?

Mr. Rennert said one of the new uses is to allow a parking garage, a parking structure.

Mr. Stearns said right. We wanted to encourage parking structures but also realized maybe the market isn't there yet.

Mr. Herzl said what else besides medical are we proposing with this ordinance? Use changes?

Mr. Jackson said there's a table on page 15 through like 18. That everybody can look at that gives a summary of everything that's in it. Like Mr. Vogt alluded to, there's a lot more than just allowing medical. It's changing buffering, lot area, heights of 90', setbacks, impervious... There are a lot of changes. Really I think the Board's question is if this is inconsistent with the Board's vision for the uses that are allowed in that zone. It's the governing body's responsibility to make the zoning criteria, the number of parking spaces, setbacks, etc. The Master Plan really provides the vision and the overall idea. So I would ask Mr. Stearns, the planner, what provisions in the Master Plan are affected by this that talk about this particular zone and how is this consistent with that vision laid out in the Master Plan. I think that's really what the inquiry should be.

Mr. Herzl said Mr. Jackson, what is the DA-1 zone? Can anybody explain it more for the Board?

Mr. Stearns said it was a zone that was established for Cedarbridge back I think when this plan was amended back in I think 2000. And that was the designation it was given. I don't know what the DA stands for, but that's what they made this zone. And it included the whole site, the 400 and something acres, the baseball stadium, everything.

Mr. Jackson said how much of the industrial park does that include? The whole thing?

Mr. Stearns said none. It's just Cedarbridge.

Mr. Jackson said alright, thank you.

Mr. Stearns said and you answer your question Mr. Jackson, I went through the Master Plan and as far as I can see everything is consistent. The Smart Growth Plan that was written in 2013, the 2015 Redevelopment Plan was an outgrowth of that. And that was consistent with that. I would suggest that we've had consistency all along here.

Mr. Herzl said Ally, thank you for bringing that up (the study tables referenced by Mr. Jackson).

Mrs. Morris said while we are on the subject of parking, I want to commend Mr. Stearns and whoever prepared this for being thorough, because the Board will recall that the rest of the Ordinance does not have parking requirements for things like daycare, and I'm not sure about banquet halls. Now this proposed change is only going to apply to daycares within the DA-1 zone, however it's a starting point for the rest of the zones in the Township that also permit things that did not previously have any parking requirements anywhere in the Ordinance.

Mr. Herzl said you're so right Ally. Also hospitals I see they're giving 4 spaces for every bed.

Mr. Stern said that's a lot.

Mr. Herzl said that includes the staff and visitors, but not everybody has visitors at the same time. Thank you for bringing this up right now on the screen. I think they do address the parking.

Mr. Rennert said how would you know that 4 spots for every bed is sufficient? Including back office, office space... There's no way to know unless we have something to compare this to.

Mr. Stearns said I compared, like I said before, I looked at the Princeton hospital and the Capital Health hospital, which are two recent greenfield hospitals that were developed. I went through and looked at all the parking tabulations and kind of shook it all up in a box and I came up with the four. But that excludes medical office buildings, etc. If you take a campus where you start to incorporate medical offices and other things, fitness centers, then that count can go up.

Mr. Herzl said I see Ally brought up the skilled nursing. It's only one space per bed? What's the rationale on that one?

Mr. Stearns said that's pretty consistent. I went and looked at a lot of other ordinances, and that seems to be a consistent number. I think your ordinance is .75 or 1. I've seen some lower, some slightly higher. I went with 1.

Mr. Stern said I have two comments. The Cedarbridge development is an unmitigated success. It's adding jobs, good jobs, it's adding ratables I guess when the tax abatements burn off, it's going to add a lot of ratables without having residential and schools. I think in general we should be deferential to the people who put it together. They've done a very good job. That being said, I'm looking at the website and it says modified 6 hours ago. Tom, when did you submit all of this information to the Township?

Mr. Stearns said personally I did not submit it, Cedarbridge submitted it and I don't know when that was or who it got submitted to.

Mrs. Morris said it would have been submitted to the Committee, or to the Clerk, quite some time ago for when the Committee had their first reading. When I received the Ordinance from the Committee, directing the Planning Board to review that Ordinance, I did not realize that the study itself was not attached to that packet until a member of the public asked me for it today. So I reached out to the Clerk and received the study itself today.

Mr. Stern said so the 6 hours on the website is accurate? This has only been on the website for 6 hours.

Mrs. Morris said for the study, correct.

Mr. Stern said my bottom line is, I think we should approve this and move forward, but gosh darn it next time we have something this important, and I'm not pegging you Ally, I'm just saying that we have a lot of questions and 6 hours right after Passover is not adequate time for us to form a reasonable opinion. So I would say move forward, but next time give us a little bit more notice so we can do our job.

Mr. Isaacson said Bruce, what do you mean move forward? What do you mean?

Mr. Stern said the Township is up for second reading. They're looking for us to approve this, or not approve it, and give them some wise counsel-

Mr. Herzl said it's not approve, it's to recommend. A recommendation.

Mr. Stern said to recommend. So I would say we should recommend we move forward on this, based on the fact that Cedarbridge has done a very good job up until now-

Mr. Isaacson said you're kinda contradicting yourself. You just said on one end that we only had 6 hours to look at it, and yet you're recommending we move forward. That doesn't jive with me. We haven't had enough time to look through this and see everything is as it should be. I don't think we should move forward on this at all.

Mr. Jackson said I spoke to Harold Hensel, right before our meeting. He advised me that this was taken off the agenda for next meeting. So he said we have another meeting. So if the Board wants to study this, digest it, there's enough time before the second reading.

Mr. Isaacson said absolutely.

Mr. Herzl said Ally, do we have another meeting before the second reading from the Township?

Mrs. Morris said when is the second reading?

Mr. Herzl said I think the 24<sup>th</sup>.

Mrs. Morris said we have a meeting on the 20<sup>th</sup> that has-

Mr. Vogt said I think it's the 22<sup>nd</sup> Chairman.

Mr. Herzl said ok.

Mr. Rennert said before we start moving yes or no on this, I'd like to talk to the fellow Board members as well. I agree with Bruce Stern that Cedarbridge development area has been a tremendous success. It's great what's going on there. We are adding additional uses. What has not been a tremendous success coming out of that area is Pine Street. Pine Street is an absolute disaster. Pine Street.. There are basically three roads that lead into this area. The two big roads, Cedarbridge and New Hampshire, which can handle the traffic. But when you have the traffic coming from I guess the west side of town, which a lot of the traffic does, the traffic is coming down Pine Street to Route 9. It's an absolute disaster all day. This plan, anything that we change in the Cedarbridge area, and I want to change and I'm all for changing the setbacks and the height of the buildings, adding parking garages... I love the plan. Put in a hospital there. It must come along with a master plan for the traffic on Pine Street. We have to deal with the entirety of what this little city is going to be like over there. And I'd like to see, whether it's traffic lights, turning lanes, I don't know what to do about Pine Street. But right now it's one lane in each direction, cars making left turns, and every side street coming into Pine Street. It's an absolute mess.

Mr. Herzl said Eli, a medical facility is going to produce a lot of traffic off Pine Street.

Mr. Rennert said I will not support any change to anything going on there without a comprehensive plan in the area. With a comprehensive plan in the area, I would like to support this plan.

Mr. Herzl said the Township is going ahead with it on April 22<sup>nd</sup>. We cannot get any comprehensive plan by that time for us to see, on the roads.

Mr. Rennert said the Township could postpone doing what they want to do over here until they figure out what they want to do on Pine Street. We have to do what we think is right, and the Township Committee will do what they think is right. They always look to us, but I remember the Mayor always said, Mayor Coles, that if he has the right to, he will never go against the Planning Board if we feel something is right. That's why we are here, to advise what we see is right or wrong.

Mr. Herzl said I think everybody on the Board agrees that it's very beneficial to have medical facilities allowed in Cedarbridge development. We just want to make sure the traffic works, the parking, the traffic on Pine Street, and all the other streets over there.

Mr. Raitzik said what about the banquet hall? The parking there is a concern as well.

Mr. Stearns said there are no separate free-standing banquet hall. A banquet hall or a conference center is approved as part of a hotel. So you have the parking, I think we have 8 per 1000 just for the banquet hall. But if it's part of a hotel, you have (connection lost).

Mr. Herzl said this issue came up more than once already. When a hotel has a banquet hall, and they have outside parties coming to the banquet, the hotel is full... We are only accounting for the parking for the hotel rooms, and then somebody makes some kind of affair in the banquet hall, and now we need double the amount of parking. I don't think our ordinance addresses that issue.

Mr. Stearns said well I put in 8 spaces per 1000 sf in the ordinance.

Mr. Herzl said honestly, on a synagogue I think it's 1 per 100 where people congregate.

Mr. Stearns said you're certainly welcome to recommend a change to the numbers.

Mr. Herzl said my personal opinion is 8 per 1000 is a little on the low side. Mr. Renner what do you think?

Mr. Rennert said I honestly don't know. I would need something to reference. I have no idea.

Mr. Raitzik said I think it's very low and we should consider moving it. To review exactly what similar places would be, this would be a precedent for other locations as well.

Mr. Isaacson said 8 per 1000, an average sized banquet hall is I believe 12 to 15000 sf. For a 12000 sf banquet hall you're talking about 96 parking spots.

Mr. Herzl said and you could put in there 4 or 500 people if I'm correct.

Mr. Rennert said so you're saying it doesn't work. Some of that is probably you know, kitchen space.

Mr. Isaacson said inadequate.

Mr. Rennert said yeah but some of that has kitchen space, hallways, I don't know. I honestly don't know.

Mr. Herzl said were do we go from here? I think we have a lot of loose ends. In all fairness to the Board, we should push it off.

Mr. Isaacson said I would make a motion to push this off.

Mr. Flancbaum said before we make motions, if we are going to push this off to the Planning Board hearing which is right before the Township Committee meeting where they are proposing to have a second hearing, I would just suggest that Mr. Stearns takes a look at some of the uses that we aren't that familiar with, that don't come before the Board often. Like the hospital use, the hospice use, the skilled nursing facility. These types of uses don't come before the Board that often. We're used to office uses, medical buildings, shopping centers, schools. So Tom if you could take a look at those types of uses, not only in Lakewood but also in surrounding areas.

Mr. Herzl said and I think banquet halls also.

Mr. Flancbaum said yeah well I'm going to get to the halls in a second. For those particular uses, if you could give us some comps and tell us what works. And me personally, I don't think we are hearing that the Board is objecting to any of the proposed uses, we just need more parking. That's the bottom line. I think taking a look at our ordinances isn't really sufficient. Just increase it. Whatever the ordinance says, maybe just increase it a little bit. I know the Master Plan calls for increased parking. I don't know that that was ever carried through to the ordinances or all the ordinances, but the Master Plan certainly calls for increased parking on every use virtually. So just increase the parking. Because you can never have enough parking. Also, regarding the banquet hall, take a look at the wedding halls they have in town and some other places and let us know what works. The last thing we want is people parking on the streets to go to a party, especially if you have a hospital there or other types of uses. It's just really going to obstruct the medical uses and everything else. Take a look at that too. Just give us a lot of parking. Personally, that's what I would like to see.

Mr. Stearns said and when is your next hearing?

Mrs. Morris said the 20<sup>th</sup>. Are you available that evening?

Mr. Stearns said yes, fortunately I am.



Mr. Jackson said I would also recommend that either Mr. Vogt or Mr. Stearns provide some ITE information about what the Institute of Traffic Engineers at least says is the appropriate parking criteria for banquet halls.

Mr. Herzl said ok.

Mr. Vogt said Mr. Stearns, if you could make that part of your analysis that would be helpful.

Mr. Rennert said if you could do something with Pine Street as well, take a look and see if you can come up with any recommendations for that street that feeds in.

Mr. Stearns said my glib answer would be it probably needs to be widened to four lanes. I have no idea if there's even right-of-way there to do that. I mean that's just me talking off the top of my head. Terry could probably have a more knowledgeable response than me.

Mr. Herzl said ok thank you. Mr. Jackson, how do we continue? We need a motion to advance it or...

Mr. Jackson said if I'm hearing the Board, they want a little bit more information and they want to digest this. Mr. Rennert said he wants to discuss it with his fellow Board members, that would have to be at a hearing. Somebody has to make a motion to, or the Chairman could take control and say I'm going to table this to the next hearing, get the additional information that we want. Or someone could make a motion.

Mr. Herzl said I'd rather get the consensus of the Board. I will ask for a motion to either vote on it tonight or to table it to the next meeting.

Mr. Stern said can I ask a question? Tom, I imagine you were at the Township Committee meeting virtually...

Mr. Stearns said no I wasn't. I didn't attend that.

Mr. Stern said is there anybody on this call who knows what concerns the Township Committee raised?

Mr. Herzl said I wasn't there.

Mr. Isaacson said a question for John, can we recommend to the Committee to delay their second reading?

Mr. Jackson said well yea, but that would effectively not be an approval of it, it would effectively be not voting on it. If you don't vote on it, and the Committee goes forward...

Mr. Isaacson said I know, I just feel like there's this rush, that we need to read it and approve it by a certain day because they're going to read it regardless. Why can't we suggest as part of the motion that they delay the second reading of it.

Mr. Jackson said I thought the statute required 35 days or 45 days, maybe Mr. Stearns the planner can clarify that. But I thought on a redevelopment plan amendment the Board had 35 days to review it.

Mr. Stearns said I forget to be honest.

Mr. Vogt said I think 35 is the number.

Mr. Jackson said Mr. Hensel told me the Committee is not taking action before our next meeting. So we do have time to talk about it.

Mr. Herzl said I think we should move it to the 20<sup>th</sup>, and if we feel we should move it further, we'll know then what the law requires if we can move it forward. Is that ok?

Mr. Isaacson said if you can, look into that, to see if we can recommend that they delay the second reading until we come to a consensus.

Mr. Herzl said I think right now the motion should be that we are moving it as of now to the 20<sup>th</sup>.

Mr. Isaacson said agreed.

Mr. Sabel said two more items we need to discuss is they wrote daycare special education and adult daycare in lieu of a bus drop off, they want to provide a space for vehicular drop off. I think that's going to create even more traffic. We should require to have a bus drop off unless the Board grants a variance for that where it's needed. And they indicate they want to allow shared parking with the stadium in an agreement with the municipality. I think we should add that if such an agreement goes into place, you need to have proper lighting and a walkway going to and from the site. Thank you.

Mr. Herzl asked for a motion to table this to the 20<sup>th</sup>.

Mr. Flancbaum said I will move to table it to the 20<sup>th</sup>, but just to reiterate to Tom that he should take our comments into consideration, with Mr. Sabel's last comments about looking at the bus drop offs, maybe when it would be appropriate, when not appropriate, things like that.

Mr. Herzl said thank you.

Mr. Isaacson seconded. All were in favor.

Mr. Stern said before we move on, was there any public comment?

Mr. Jackson said on these types of matters there is no public comment. You're not voting on an application, you're performing an advisory function. The public comment is for the Committee portion.

Mr. Rennert said Mr. Jackson, it could be you're right. I do know the Township Committee, when they listen to the applications, they say that the public should comment at the Planning Board meetings. I've heard that before from them. So I don't know who's right and who's wrong.

Mr. Jackson said I can read the section in Cox where it says it explicitly. I just sent it to Mrs. Morris. I'll send it to you, I can bring it up on the screen if you want.

Mr. Rennert said I believe you.

Mr. Jackson said it doesn't prevent the Board from accepting public comment if you want to. Just make a motion, and if the majority of the Board is in favor of that, there's no reason why you can't hear public comment. I'm just saying that you don't have to.

Mr. Herzl said I think we should hear the public comment if we hear it at the next meeting, when we have more information. Not now, now it's a waste of time.

Mr. Raitzik said is there a way we can get a hard copy of the ordinance before the next meeting.

Mrs. Morris said you mean the study?

Mr. Raitzik said yes.

Mrs. Morris said Mr. Stearns, could your office mail copies of that study to the Board members that would like a copy?

Mr. Stearns said I could email PDFs to everybody. I don't know if I have everyone's..

Mr. Raitzik said hard copy. Like a regular meeting.

Mr. Herzl said Mr. Stearns, a lot of members would like a hard copy if it could be mailed out at least 10 days before the 20<sup>th</sup> so we can review it.

Mr. Sabel said 10 days before the 20<sup>th</sup>, that means he would have to prepare everything in four days.

Mr. Herzl said ok, whatever. Give me a week, give me a few days. Not six hours.

Mr. Stearns said I don't know if I'm going to change the document, I could mail it out.

Mr. Stern said you don't have to change it, just it's helpful to read it by hand.

Mr. Sabel said that's not my point. We should ask Mr. Tom Stearns if he can have all the research we asked him to do, ready in four days. If that's even feasible.

Mr. Herzl said he just said not.

Mr. Stearns said that's probably not going to happen realistically.

Mr. Sabel said so what's the point of our vote in pushing it off. We aren't going to get any smarter two weeks from now. Maybe we should do now, for a month from now or two months from now.

Mrs. Morris said I'm not sure Mr. Stearns is offering to provide more written documentation. I thought that he would be mailing the current study as it is, as well as coming on the 20<sup>th</sup> and giving you verbal answers to some of the questions you have about parking adequacy.

Mr. Sabel said my question is does he have enough time to do the research to get back to us.

Mrs. Morris said no he's not going to have that new information back to you in four days, he would be presenting it verbally on April 20<sup>th</sup>.

Mr. Stern said Tom if you could have it to us before our meeting, like the 18<sup>th</sup>, that would be very helpful. In the meantime, we can get hard copies of everything that was downloaded or uploaded six hours ago.

Mr. Herzl said let's continue.

- **O2021-023** Banning cannabis businesses in Lakewood Township

Mr. Herzl said I think this is pretty straightforward.

Mr. Sabel said I'll make a motion to approve.

Mr. Herzl asked for a second.

Mr. Flancbaum seconded.

Mr. Raitzik said a quick question. We don't know how the State is going to do things. As a member of the Municipal Alliance, we had heard that the State is going to give tax money to municipalities only that are allowed to do business with cannabis. So we might stand to lose a lot of money over time. Based on that we sort of don't know all the information we need to know. Can this be a limited refusal to have such businesses for let's say 5 years, rather than a permanent type of refusal?

Mr. Herzl said why can't the Township come in a year or two from now and say we would like to reverse the decision not allowing it? I don't think it's indefinite that it cannot be reversed.

Mr. Raitzik said I just know that the Governor was very much pushing for this in order to get tax revenue. And he might frown upon people completely wiping it out at this point, while he's trying to push it very strongly.

Mr. Jackson said well this does not make marijuana use or possession illegal, it just says from a zoning standpoint you can't have it distributed, manufactured, etc, in Lakewood. There are lots of places where zoning doesn't allow things, it just means that's not the right place for it. That doesn't mean you can't do it other places. You're not banning marijuana, you're just banning it from a zoning consideration. And I think to Mr. Herzl's point, the governing body knows what's going on, and I think if there were negative consequences for Lakewood I would trust they would adapt as appropriate or make a stand for what's appropriate. I think the only question here is whether having cannabis distribution, etc, is appropriate in any zone in Lakewood in accordance with the Master Plan. I think that's what the issue really is.

Mr. Herzl said and if we vote for it right now, and the Township wants to reverse it in a year, can they reverse it?

Mr. Jackson said that would go back to the Board and the Board would determine whether they thought that was appropriate at that time just like any other ordinance would.

Mr. Herzl said ok, we have a motion and a second to agree with the ordinance to ban it as of now. Ally, please go through a roll call.

All were in favor.

Mr. Sabel left.

#### **4. PUBLIC HEARING**

- 2. SP 2408 Mactavish Partnership**  
100 Airport Road Block 1160.12, Lot 1  
Preliminary & Final Major Site Plan for an office building

Appropriate notice for this application was not provided in the Press. It was carried to the April 20, 2021, public hearing. A legal announcement was made as to the same.

Mr. Jackson said anyone who got notices in the mail, that will not be renoticed by mail. If you got a letter, this is your notice that it is carried.

- 1. SD 2463 Esther R Paskez**  
2, 4, & 6 Congress Street                      Block 250, Lots 2, 3, & 4  
Minor Subdivision to create four lots

Mr. Vogt said as per our letter dated March 16, 2021, top of page 3, under Variance Relief, a minimum front yard setback is required for new Lot 2.02, and a side yard setback is required for proposed new Lot 3.02. And design waivers, a design waiver is required from providing street trees along Bruce Street and Congress Street.

Mr. Glenn Lines, professional engineer and professional planner, appeared and was affirmed.

Ms. Esther Paskez appeared and was affirmed.

Mr. Lines said it's three individual lots right now. The corner lot is Lot 2, that's an existing house with a 13.4 foot front setback to Bruce Street and there is a detached garage in the rear that is 3' off the rear property line. The center lot, number 3, the house is set almost to the back of the property with a rear setback of 4.4' and it is over the property line on the left side by 1.3'. And then there's another house on Lot 4 which is conforming but is 7.6' off the southerly property line.

Mr. Herzl said so currently there's three houses there.

Mr. Lines said currently there's three houses that have a variety of existing variances.

Mr. Herzl said one says existing two-story. That's also a one-family house? Not a two-family?

Mr. Lines said no, right now they are all older one-family houses.

Mr. Herzl said three one-family houses and you would like to make four single houses, or two duplexes.

Mr. Lines said four duplexes. And the intent is this is for the applicant's children to each have a duplex.

Mr. Herzl said it's two duplexes with four total houses.

Mr. Lines said that is correct. The variances we are asking for, one is for the corner lot, we are requesting a 15' side yard setback to Bruce Street. Again, that's currently 13.4' so it's in keeping with what's there. Also, on the other three corners there are two new houses and one older house. Those are all between 10 and 15' off the Bruce Street property line. So the new duplex will be in keeping with the rest of the houses on this intersection. The other variance we are asking for is the space between the two duplexes, we are requesting a 5' side yard setback between those two. The applicants are willing to have the buildings a little closer, so the rear yards are a little bigger.

Mr. Herzl said it's 5 total?

Mr. Lines said 5' on each side of the lot line. 10 total instead of 14. And then the other, the last side yard, would be the conforming 7' setback on the south side of the property.

Mr. Herzl said lot coverage, are you going over?

Mr. Lines said no, no other variances are required. And again, we are cleaning up a number of nonconformities that are existing.

Mr. Herzl said so your testimony is the variances are better than they were before or the same. No variances are, you're not creating any new variances or making it worse.

Mr. Lines said no, and we are actually going from 13.4 to 15, so we are actually moving the house a foot.

Mr. Herzl said what's with garbage?

Mr. Lines said regular Township garbage with a trash enclosure for each house on site.

Mr. Herzl said how many parking spaces for each?

Mr. Lines said we will be proposing four for each lot. We've been through the letter and-

Mr. Herzl said you agree with everything in the letter.

Mr. Lines said yes sir.

Mr. Raitzik said are the basements being finished?

Mr. Lines said most likely, yes.

Mr. Raitzik said for the tenant above or for other people.

Mr. Lines said it will be for a tenant of the owners.

Mr. Raitzik said not for the children themselves. They'll be renting it out or whatever rather than for their same family.

Mr. Lines said correct.

Mr. Herzl said they are accounting for that in parking. They're giving four parking spaces for each unit. He opened to the public.

Mrs. Morris said I have one email from the public, and she read it into the record.

Good morning, as the homeowner of 17 Congress street across the proposed building site, I was worried about losing every shred of privacy I have with 4 houses possibly overlooking mine, especially since my master bedroom and another bedroom are facing the building site. I wanted to request if possible that they turn the plans to face Bruce street if possible.

That is besides for the fact that this plan is taking away all street parking from the block and adding tons of traffic which I am also worried about, turning the new houses to face Bruce street would alleviate that a lot as it is a quieter block with access on both ends to route 88.

Chaya Rubin  
17 Congress St

Mr. Lines said I looked on Google Earth today and I've been past the site several times. Bruce Street always has cars parked on it from the commercial uses that are on South Park Avenue. Behind this property is an automotive repair yard that has a lot of onsite parking of cars being repaired, so Bruce Street is basically parking both sides. The other problem with rotating it, the way we're doing it, it keeps the side setbacks... The house across the street on Bruce, it's 10' off the street, and the one across Congress, the side of our building will basically line up with the side of their building. Either way, you're going to have a unit that faces these people's house.

Mr. Raitzik said are there any trees to give them privacy, the people across the street?

Mr. Lines said no they don't have any at all.

Mr. Raitzik said can they be put in?

Mr. Lines said we can put trees in. But other than one or two shade trees, they don't have shade trees.

Mr. Herzl closed to the public.

Mr. Raitzik said I would make a motion to approve it, but I ask that they put in trees facing across the street to give them more privacy.

Mr. Flancbaum seconded. He said maybe the Shade Tree Commission can recommend something for them to plant in front, for enhanced privacy, as opposed to just one or two typical little trees.

Mr. Herzl said Mr. Lines, would you agree to work with our engineer to come up with some nice trees in the front to give privacy?

Mr. Lines said absolutely.

Mr. Vogt said clarification, are we seeking input from the Shade Tree Commission?

Mr. Flancbaum said don't we always seek input from the Shade Tree Commission?

Mr. Raitzik said I'm on the Shade Tree Commission if that helps anything.

Mr. Flancbaum said there you go. So they can consult with the Shade Tree Commission. Perhaps the Shade Tree Commission can come up with something a little more substantial in this case.

Mr. Raitzik said right, for privacy.

Mr. Herzl asked for a roll call.

All were in favor.

## 5. CORRESPONDENCE

- **SP 2381, 512 Chestnut, LLC, Block 1087 Lot 20** Request to modify approved setbacks

Mr. Rennert left. Mr. Flancbaum stepped down.

Mr. Vogt said as indicated in our letter, a setback of 81.75' to Route 70 was granted. The current architectural show 81.4. That's a difference of less than half a foot. I would have to agree that would be deminimus. Side yard setback, you had a previous setback variance of 15.0'. That's now going to 14.0'. I'll defer to the Board on that. And finally a combined side setback of 86.55 was granted. Based on the current architectural, that is decreased by slightly more than two feet, 84.54. Again, in the deminimus range in my opinion.

Mr. Jackson said when I look at these plans, it says that it was based on architectural features. And I did not see any before or after architectural plans on file with the application. I'd ask Mr. Flannery to address what are the architectural features and why are they necessary?

Mr. Herzl said that's number one. Number two, if the Planning Board voted something, why did they go and make plans bigger than the Planning Board approved it? How does that work?

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said the first question was why did the applicant get an approval and then come back to the Board and ask for more. What happened, first of all so we know where we are, the applicant did submit the plans showing where the property is. I believe the Board would be familiar with it. It has frontage on Route 70 and Chestnut. It's near the intersection of New Hampshire Avenue. The plan, which was originally prepared by Surmonte, took the property, which was unique in size, and fit a building in there based on the availability to get the parking and a building that made sense for the area and provided a good ratable for the Town. And we gave all the testimony at that point of why this made sense. After we got approval, and it's a typical process, especially where variances are required, you get a preliminary architectural plan, you kind of lock something in, you get your approval, and then as part of resolution compliance you go to the architect and the architect looks at it. In this case, the architect looked at the plan and thought with a couple of deminimus variances it will be a much nicer looking building. And just for a little clarification, on deminimus, it's kind of a relative thing. My dad's philosophy was it's no different if you're not going to notice it going by on a bus. Obviously going by on a bus on Route 70 you're not going to notice a difference of a couple inches. I would indicate that somebody walking by on Route 70 really closely would not be able to see the difference. And it's just the windows and the type of finishes and stuff added a few inches, and we are here asking for the relief, as Terry indicated for the front yard setback of less than a foot, the side yard setback of approximately a foot, which then translates to the combined side yard setback of a foot also. If you look at where the building is located and if that's going to have any impact, certainly because the lot is longer on one side than the other, it's got business uses next to it, it has the dual frontage, it would certainly be my position that it has no adverse impact. Again, they would be C2 variances, we'd have to revisit the variances that were granted initially, and the testimony at that time was that if you look at the Vision Statement, it says encourage development and redevelopment based on smart growth planning principles. Certainly it's my testimony that this does this. The Municipal Land Use Law, NJS 40:55D2, under purposes of the act, is encourage municipalities to guide the action to appropriate use or development of all lands in the State in a manner which will promote public health, safety, morals, and general welfare. And this change of this magnitude doesn't really do that, but if the building looks nicer and no one is going to notice it falls closer to the property line, I think it falls within there. With C2 variances we need to show it relates to a specific piece of property, and this property with the dual frontage and its location and the existing size certainly fits that. The purposes of the Municipal Land Use Law would be advanced. The variance can be granted without substantial detriment to the public good. It's my testimony that there's no detriment to the public good. The variance will not impair the intent and purpose of the zone plan and zoning ordinance, and



certainly it's so deminimus in nature it's my testimony that it does that. And the benefits substantially outweigh the detriments, and my opinion is there are no detriments and the benefit is the building is going to look nicer.

Mrs. Morris said Mr. Flannery, can you confirm, I believe the new intrusion is due to these little corners on the building. Can anyone confirm that? I believe Ms. Morgan had told me...

Mr. Flannery said yes, they're little architectural features that were added to the end of the building to give it a little spatial differentiation and make it look nice. Obviously if the Board says they don't want them, the applicant would have to remove them from the plan and then you have just a plain features as was previously approved.

Mr. Stern said this feels deminimus, this feels like what correspondence should be. I've been on the Board for two years, and in the first 18 months I don't remember having anything decided on correspondence. But we've had three or four of these correspondence things that, one of them went for about an hour, and maybe it's not for discussion today, but I think we need to have a policy or something. It's not this application, because this does feel deminimus. But I don't want this to be a thing, the elephant nose under the circus tent or whatever the analogy is. I don't want this to become the new normal, that we stick in very substantive discussions under correspondence. I want to make clear, I don't think this is it. This is deminimus and we should do it, but I don't want this to become the new normal.

Mr. Herzl opened to the public and no one came forward.

Mr. Stern made a motion to approve. Mr. Garfield seconded. All were in favor.

**6. APPROVAL OF MINUTES**

**7. APPROVAL OF BILLS**

**8. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary