

## 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. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Meyer were present.

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

## 3. MEMORIALIZATION OF RESOLUTIONS

1. **SD 2443 Simon Soloff**  
Ocean Avenue Block 189, Lots 116 & 117  
Preliminary and Final Major Subdivision to create 10 lots

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

2. **SP 2396 470 Oberlin LLC**  
470 Oberlin Avenue South Block 1600, Lot 4  
Preliminary and Final Major Site Plan for an addition to a warehouse

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

3. **SD 2445 Block 458 LLC**  
Cross Street Block 450; 457; 458, Lots 9; 1, 2, 4, 6; 1-6  
Preliminary and Final Major Subdivision to create 40 lots

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

4. **SP 2405 Tivoli at Lakewood LLC**  
Pinehurst Drive Block 189.03, Lot 166  
Preliminary and Final Major Site Plan for apartment buildings

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

## 4. PUBLIC HEARING

2. **SP 2411AA Shmuel Censor**  
615 Bergen Avenue Block 189.31, Lot 154  
Change of Use/Site Plan Exemption to convert a house to a school

Mrs. Morris said this applicant has requested to carry to the March 2<sup>nd</sup> meeting. A legal announcement was made as to carry the application without further notice.

3. **SD 2457 Benjamin Barr**  
41 Sunset Road Block 76, Lots 18 & 19  
Minor Subdivision to adjust lot lines

Mrs. Morris said this applicant has requested to carry to the March 2<sup>nd</sup> meeting. A legal announcement was made as to carry the application without further notice.

1. **SP 2350 DC Commercial**  
1125 Ocean Avenue Block 189.03, Lot 76.01  
Preliminary and Final Major Site Plan for a building addition

Mrs. Morris said Mr. Jackson's office has a conflict with this application, so Mr. Ulaky of Dasti, Murphy, McGuckin is here as conflict attorney for the Board.

Mr. Vogt said as per our letter, submission waivers are required for names of property owners within 200', a traffic study, proof of submission to Ocean County Planning, site features, and improvements. We can support the waiver requests for reasons stated in our letter.

Mr. Sabel said property owners within 200', does that mean notice wasn't provided?

Mrs. Morris said no, I did receive proof of notice for this application. The submission waiver is just for listing the owners within 200' directly on the plan that was submitted.

Mr. Vogt said and this letter was done in January, that information may have been provided by now.

Mr. Sabel said thank you.

A motion was made and seconded to support the submission waiver requests in accordance with the engineer's recommendations. All were in favor.

Mr. Vogt said continuing under zoning, a variance is required for minimum front yard setback of 23.3 feet where 25 feet is required. A side setback variance is required for 9.2 feet where 10 is required. Variances are required for the existing sign, with a height of 9 feet where 6 is permitted and no setback is provided where 15' is required. Lastly, design waivers appear necessary for sidewalk along Ocean Avenue and for providing street trees and a shade tree and utility easement along the project frontage.

Mr. Herzl said so this application was before us already?

Mr. Vogt said correct, there was an application in September of 2016, SP 2193. The original plan was done by PDS Associates. If you look at the revised plan by KBA Associates, and Joe will testify, they are similar with one exception. There was an office building proposed at the rear of the property that has since been constructed in the front. The applicant is seeking approval.

Mr. Herzl said it was constructed already?

Mr. Kociuba said I should be sworn in first.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said we are here to seek site plan approval to allow a temporary one-story connected modular building addition at the front of the building to become permanent on the existing two-story building located on the subject property. There was a previous approval, SP 2193, which was for an addition at the rear that has yet to be constructed. This approval is not in place of that one, the applicant still intends at some point to build that addition. What that approval called for, that had an approval for a temporary office trailer. That trailer in front is the one we are now seeking to make permanent. That's what we are seeking in this approval.

Mr. Herzl said if we make the trailer permanent, do we have enough parking?

Mrs. Weinstein said we are getting there. She had Joseph Kociuba, professional engineer and professional planner, affirmed.

Mr. Kociuba said the application is an existing conforming use. The front of the site has a one story structure that was constructed out of modular buildings we are seeking to make permanent, with a front yard setback of 23.3' where 25 is required, and a side setback of 9.2 feet where 10 is required. Those are de minimus variances due to the location of the trailer. The trailers were installed some time at the end of 2016, beginning of 2017. Obviously the big question is parking. The existing two story building, plus the trailers, the parking requirement is 99.6 or 100 parking stalls, and that's under the new 4 per 1,000 standard. At the time this was approved it was 3 per 1,000. The site has 117 full-sized parking stalls on the site. At the rear of the property, there are additional 18 undersized parking stalls on the site in addition to the 117 full-sized. All together that's 135 stalls where 100 are required. There is no parking variance needed for this.

Mr. Herzl said you said that you plan on building the next building. Do you have enough parking for that building? Is that included in the 100 required?

Mr. Kociuba said that is not included, so we are looking to legalize the trailer as it stands today. If the trailer and that building were both constructed then there would be a parking deficiency, but the trailer is not going to be there if the addition is built. So the parking the trailer sits on today, becomes available parking.

Mr. Herzl said is that a condition of approval, that the trailer is permanent until you build the building?

Mrs. Weinstein said I don't think that's correct. I think the intention is when we build that building in the back, we are going to add parking. We will acquire neighboring lots and add parking.

Mr. Herzl said so you're not going to have a variance.

Mrs. Weinstein said we are not going to have a parking variance when we put up that building, but we are also not going to be demolishing the trailer. The purpose of this application is to make the office trailer at the front permanent. In the previous approval it did call to demolish this trailer at the front when that addition in the back was built. We do not intend to do that. But obviously if there is a parking deficiency, the applicant will have to come back and show that there is ample parking on neighboring lots.

Mrs. Morris said I need clarification. I don't see how the approval of a new building in the front, which is creating a parking variance for the previous approval, is not negating the previous approval which will now have to come back to the Board with a new layout showing where the parking is going to be. You can't come in with a new approval for the front, and then say we are going to keep the original site plan approval which doesn't exist anymore because we are changing it.

Mr. Ulaky said I agree, I think all of the parking that's required should be shown at this point. That back building is approved, and now we are looking to approve the permanent trailer, so all of the parking requirements should be met at this point.

Mrs. Weinstein said the applicant owns the lot next door. He's on, we can certainly have him testify.

Mrs. Morris said I understand the applicant may be able to accommodate that, however that's not what the Board Engineer reviewed. He reviewed the addition in the front in lieu of the addition in the back, which is why he did not note a parking deficiency. If you're going to come back and some point and provide additional parking on a different lot, then that's going to need it's own site plan approval anyway and this addition in the front is thereby negating the approval in the back. You can't just float it and say we'll come back and fix it later.

Mr. Herzl said can we approve it and restrict them that they can't start building until they come back and show us the parking. Or is it like Ally says...

Mr. Ulaky said you would have to approve a parking variance at this point because they aren't showing the required parking spaces.

Mr. Vogt said I think we should keep this simply and approve what is in front of the Board tonight. If and when they want to revisit that back addition, it's going to have to be an amended application that shows the neighboring parking and revised circulation at that time.

Mr. Kociuba said correct.

Mr. Vogt said I think if the Board acts upon this application tonight, it is on what's shown on Mr. Kociuba's plan and nothing more.

Mr. Kociuba said agreed. So the plan we have is for the existing two-story building and the one-story trailers up front. They have an approval they are looking to keep in effect for an addition in the rear with no trailer in the front. If the applicant in the future wants both, we will have to come back to you with a new approval that shows how we are going to comply with parking and layout. All we are saying is we don't want to negate the addition approval that we got, but we are asking for something completely different, to keep the trailer. We will come back with a new application if we seek to do both.

Mr. Ulaky said that's fine. So a variance is not required tonight for the parking requirement, but we will put language in the resolution that the back building would require amended approval and the parking would have to meet the requirement at that time.

Mr. Herzl said unless they take down the trailers, make it a parking lot, and they don't need any variance.

Mr. Ulaky said yes that's ok, but what they're looking for tonight is a permanent approval for the trailer. But in the future they could change the plans, it would have to be an amended application.

Mr. Sabel said so there will be two approvals, they can choose whichever one they want. They can either do the front one, or the back one, at this point.

Mr. Herzl said unless they come back to the Board and ask for a variance.

Mr. Sabel said can they have two approvals on one lot? Two active resolutions of approval?

Mr. Ulaky said it would be just one approval, if the Board decides to act tonight, for what's in front of the Board.

Mrs. Morris said I think Mr. Sabel's question is does the previous approval become invalidated by this one, does it need to be vacated?

Mr. Kociuba said it is our opinion we don't have to vacate the previous approval. We seek this approval to allow the trailers to remain. The other approval would require changes to the site, removing the trailers that are noted on the plan for this approval, so I believe both approvals can stay without vacation. If we proposed to build the addition, we would have to remove the trailers and build all the improvements shown on that approval. And if we wanted to make any changes to that, we would have to come back to the Board.

Mr. Herzl said I think to keep it simple, right now it's just for the front building, and any changes to the plan, you have to come back for an amended approval. We don't vacate it, but you cannot start building until you come back to the Board and amend your application.

Mrs. Weinstein said yes, that sounds reasonable to the applicant. This approval is simply to make the trailer permanent. We aren't invalidating the old approval, but it can't be built as it is.

Mr. Herzl said Mr. Ulaky, are you ok with that?

Mr. Ulaky said yes I am.

Mr. Sabel said Mr. Ulaky, how long does an approval valid? Forever? Or they have to start building within a timeframe?

Mr. Ulaky said as long as there is no change in the zoning, it's approved.

Mr. Herzl said I don't think there's any limit. If there's a change of zone, Mr. Ulaky correct me if I'm wrong, they are grandfathered in for up to 5 years. Am I correct on that?

Mr. Ulaky said they would then have to comply with the current zoning, after a passage of time.

Mr. Herzl said Mr. Kociuba, can you put the reasons for the variance on the record?

Mr. Kociuba said yes. We have the front and site setback variances, we also need relief for the existing sign. As indicated 9' high requires relief, where 6' is allowed. As well as the setback, 0' where 15' is required. It is an existing sign that's been there for many years.

Mr. Herzl said anything you're requesting is all existing as of now.

Mr. Kociuba said it's all existing today. We are asking for relief from the traffic report, updating the survey, adding the stormwater, all that stuff we'll do if we build the addition. All we want to do is keep what we got.

Mr. Herzl said everything is staying exactly the same.

Mr. Kociuba said all we are doing is restriping the handicapped parking, because it's pretty poor. Beyond that we are not proposing any changes to grading, drainage, landscaping... We are requesting relief from all of that.

Mr. Herzl said and you understand that should you want to build the back building, you have to come back to the Board with an amended application.

Mr. Kociuba said correct. We will show you either the original approval with no changes, or if we want to keep the trailer we have to show you how we make all the parking and layout work.

Mr. Vogt said one recommendation, the undersized parking in the back. Would it make sense to make those spaces employee only or compact cars? You have substandard spaces.

Mr. Herzl said I would add, they have to come back with an amended application and they're talking about the lot next door. Try to get me regular sized parking. People in Lakewood need wide parking spaces to get in.

Mr. Vogt said I agree with you. In the event this site is going to operate until they come back, that may be something to look at for now.

Mr. Kociuba said we have no objection to making that strip in the back employee only.

Mr. Herzl asked for additional comments from the Board.

Mr. Sabel said the resolution from the previous application reads very clear about three years...

Mr. Kociuba said that's exactly why we are here, there is a timing issue.

Mr. Sabel read, "removal of the trailers within 30 days of the CO or three years after construction, whichever date comes first."

Mrs. Weinstein said construction hasn't happened yet, so that hasn't passed. But that's why we are here.

Mr. Sabel said why can't we extend that time period. Nothing will change. We extend the temporary relief, and not make it permanent.

Mrs. Weinstein said because the applicant wants to keep it permanently.

Mr. Sabel said yeah but we have an issue with that.

Mr. Kociuba said I don't think building code would allow us to continue a temporary CO indefinitely.

Mr. Herzl said if they make this modular building permanent, and the variances are de minimus, it's only one foot on each side, less than a foot, and they are restricted right now, they can't build the back building, and if they can't come back with an amended application, this stays permanent, so we don't lose anything by making it permanent.

Mr. Sabel said this is at 23' setback, none of the buildings on that block stick out so much.

Mr. Herzl said 25' is required, and 23.5' is proposed. It's not 30 required there.

Mr. Sabe said I'm comparing to other buildings next door and further down, on Google Maps. I don't know, the look of it, keeping it permanent... it's a trailer, not a building. It's not a yeshiva where we have to have a little rachmunes (mercy). It's a professional business. Of course they're going to try to get it.

Mr. Stern said I've been in that trailer, it's nicer than 90% of the buildings in Lakewood. What's the objection other than the exterior?

Mr. Sabel said I'm referring to the exterior.

Mr. Herzl said if you dress it up maybe, make it look like a regular building...

Mr. Kociuba said and the applicant has spent some money to do so, added a bunch of landscaping in the front, bushes...

Mr. Stern said the monument sign is gorgeous, look at the flowers.

Mr. Kociuba said they did try and dress it up, it's not a bare trailer.

Mr. Stern said Chaim, what would you like?

Mr. Sabel said a little more appealing. It's an eyesore. The air conditioning on the top... if they're doing it permanent, let's do it the right way.

Mr. Stern said how hard would it be to do some privacy fencing of the HVAC on the roof? That might actually just draw attention to it.

Mr. Herzl said it's going to look worse.

Mr. Kociuba said exactly, you would have a vinyl screening up there that's going to draw attention to it rather than melting into the roof behind.

Mr. Flancbaum said I understand Mr. Sabel's concern regarding the aesthetics. That's a subject opinion. To me the trailer is dressed up, landscaped, the site is very clean and neat. It's a subjective opinion. I don't think we should subject the owner to start renovating the existing building. I think it looks fine. It's a nice building and it works well.

Mr. Stern said I agree with Justin 100%, and also this is auto-row. This is not the most scenic stretch in Lakewood. Candidly, I think Madison Title is probably-

Mr. Herzl said the nicest piece on the whole block.

Mr. Stern agreed. Let's be happy and move on.

Mr. Herzl said I agree. It's nice and clean.

Mr. Sabel said I think we can make it a little more professional. It's staying here forever. And I think that's why in 2016 the Board didn't give them a permanent approval. They were insistent on 3 years.

Mr. Stern said what are you asking for?

Mr. Sabel said make it look a little better. Sidewalks to the building...

Mr. Stern said why don't we task the Board Engineer to work in good faith with the applicant's engineer to put some lipstick on the pig.

Mr. Sabel said for example, better circulation. Sidewalk leading from the trailer to the building. I've seen people walk all of the time out of the trailers, onto the driveway, to the building in the back. If we're doing it permanent, let's do it the right way.

Mr. Stern said Mrs. Weinstein is your client amenable to working with our engineer to do some aesthetics that would-

Mr. Herzl said enhance the building.

Mrs. Weinstein had the applicant, Mr. Joseph Rosenbaum, affirmed. She said I guess you've been hearing one of the Board members has a request that you dress up the trailer a little. Do you have a problem with your engineer working with the Board Engineer to address that?

Mr. Rosenbaum said it would be very much my pleasure.

Mr. Herzl said is there anything you would like to add?

Mr. Rosenbaum said from a practical matter, I subsequently purchased the adjoining lot next door on the right side of the building. It's another two acres. I also bought the next property. The reason I did that was to have additional overflow parking, if we were to ever have large events. I've been operating this business in Lakewood for over 20 years. As an owner, there is no one more than me that wants to make sure this works. And for that reason I bought this extra lot. It's been working well. A lot of the people working in this trailer, we even opened up another entrance so those people have access to park on the new lot to take away the traffic and walkers... We have a ramp on the back of the trailer, and an entrance between the building and the trailer, and that leads out to the empty lot. As a practical matter, there is a tremendous amount of parking. We also have another entrance near the middle of the main building leading into that lot. We have additional parking in many areas, probably another couple hundred spots. It flows very well.

Mr. Herzl said this whole building is for your businesses? You're not renting out and you know your needs.

Mr. Rosenbaum said yes. We host some non-profits from time to time, but for the most part it's all my own operation.

Mr. Herzl opened to the public.

Mrs. Morris said I received one comment from Mr. Zeines. She read into the record:

Hi.

In a previous application for this site, Abe Penzer told the board "there is a parking issue on this site and the applicant is aware of the issue".

From Terry's review letter it appears that the applicant has since then failed to do anything about his parking issue.

I urge the board to get this applicant to get sufficient parking on his property.

I also urge the board to require a sidewalk and not to grant any sidewalk waivers. I know that there are car lots on both



sides, however, this site still needs a sidewalk.  
Respectfully,  
Moshe Zeines

Mrs. Morris said that's the only public comment I received, and I don't see any unidentified callers waiting to speak.

Mr. Herzl said I think Mr. Rosenbaum addressed the parking issue, saying he has ample for what he needs and should he need more, he owns the next lot. I don't think it's an issue.

Mr. Sabel said on the approval for the back building, did that require them to put sidewalk in the front?

Mr. Kociuba said no a waiver was granted for that.

Mr. Sabel said ok and maybe someone can explain, the handicapped parking, how do they get to the ramp in the front? There is no sidewalk from the parking lot to the trailer.

Mr. Kociuba said there is 5' of space around the entire parking area, in the "U" of the building. There is ample space to circulate around those stalls. You can access the main building and there is an interior connection to the one-story trailer, which is all compliant with the codes for handicapped parking.

Mr. Sabel said so why do we need the ramp in the front?

Mr. Kociuba said the front of the trailer is a ramp to the rear door that provides a handicapped ramp. I believe originally there was not an interior connection between the buildings.

Mr. Herzl said Mr. Rosenbaum testified that he has more parking on the right property, so the ramp, if anyone it handicapped could go straight out to the back.

Mr. Sabel said the ramp leads out to the front.

Mr. Kociuba said there is ample aisle width there as well to be ADA compliant. The aisle is required to be 24' by Ordinance, the aisle there is 28' wide from the last parking stall to the curb. So there is ample room if someone had to go along the face of the curb towards the front building. But again by code that's not required.

Mr. Sabel said I've seen employees coming out of the trailer and walking on the street there. Sidewalk would be nice. I don't know if it's needed by code.

Mr. Kociuba said the applicant could add a sidewalk through there if necessary.

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

Mr. Sabel said Mr. Stern, that motion includes that ADA sidewalk and some exterior improvements.

Mr. Stern said yes, subject to the mutual agreement between the applicant's engineer and the Board's engineer.

Mr. Herzl said and also subject to they have to come for an amendment if they want to build the back building. Everything that we spoke about. Is that correct?

Mr. Stern said yes sir.

- 5. APPROVAL OF MINUTES**
- 6. APPROVAL OF BILLS**
- 7. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary