

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. Meyer were present.

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

3. PUBLIC HEARING

- 1. SD 2483AO O&V 10332, LLC**
Havens Avenue & Argyle Avenue Block 1033, Lot 2
Oak Street Core Administrative Minor Subdivision to create four lots

Mr. Vogt said the Board has a copy of our review dated April 1st. It documents the application in front of you. I’m not aware of any relief based upon the application. Our recommendation is that it comply with the existing Ordinance.

Mr. Brian Flannery, Professional Engineer and Professional Planner, appeared and was affirmed. He said as indicated this is a conforming application in the Oak Street Core for administrative minor subdivision. No relief is requested. As indicated in Terry’s letter, duplexes are a permitted use. There are two duplexes, for four dwelling units, that are being proposed. As indicated in the report on page 3, there is an Impact Fee that will be required.

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

Mr. Garfield made a motion to approve the application. Mr. Flancbaum seconded. All were in favor.

- 2. SD 2475 519 Arlington LLC**
105 Melville Ave & Vine Ave Block 763, Lots 8 & 16
Minor Subdivision to create four lots

Mr. Vogt said per our letter, submission waiver, only one, proof of submission. We have no problem with that waiver for hearing purposes.

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, page 3, variance relief is required for new Lot 16.01, 16.02. The zoning data, under comment 3, indicates a setback variance of 7’. We aren’t sure if that’s proposed or not. If it is, it would require variance relief. I’m sure we’ll hear testimony on that. As well as confirmation relative to the proposed parking on the various lots. Under design waivers, one is sought from providing trees along Melville and Vine. We

have information from the applicant's engineer we would like them to put on the record. I believe that's all the relief.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant and had Mr. Glenn Lines, Professional Engineer and Professional Planner, affirmed.

Mr. Lines said basically we are subdividing the Melville Avenue lot for a proposed duplex, and we're taking some of the rear of the Vine Avenue lots to make up the area. As the letter indicated, we do need a lot width variance because our total lot width is 59.5 feet on the Melville Avenue lot, where 60 is required. And the second variance that was listed was the deck on the duplex on lot .02, extended out a little further, and it was in 7' of that diagonal between the two duplex lots.

Mr. Herzl said how many lots do you have now?

Mr. Lines said 3.

Mr. Herzl said and how many lots are you making?

Mr. Lines said 4.

Mr. Herzl said three regular and one duplex lot?

Mr. Lines said no, ...yes. Right now there is a duplex lot on Vine. So that's two. And there's a single-family lot on Melville, which is the one we want to subdivide to make a duplex. And then the area in the rear of the Vine Avenue lots, we're taking a little bit of that land to make conforming lot areas for the Melville lots. Other than that, I believe we addressed all of the comments in the letter.

Mr. Herzl said where is the variance at 9 feet?

Mr. Lines said there is none. If you look on sheet 2 of 2, on the Improvement Plan, and if you look at the lot on the left, that deck originally was 10' long. 10 by 10. We reduced it to 10 by 9.7 out from the house, so that it didn't touch the 7' setback line from the diagonal line that runs to make up the lot area. See the diagonal line? That was the setback, right in there.

Mr. Herzl said so which variances are you seeking?

Mr. Lines said all we need is the variance for lot width, because we have a 59.5' lot whereas 60' is required.

Mr. Herzl said I think everyone is going to say it's de minimis. That's the only variance you're asking? Lot area, side setbacks, everything is ok besides that?

Mr. Lines said everything else complies.

Mr. Vogt said Glenn, on the Improvement Plan, the two lots that you're taking property to convey to the Melville lots, Lots 8.01 and 8.02, that existing duplex is under development, correct?

Mr. Lines said yes, that's under construction.

Mr. Vogt said and the road improvements as are shown on your Improvement Plan simply extend along the frontage of your client's Vine Street property, is that correct?

Mr. Lines said yes, that was approved as a conforming duplex and the Township Engineer, Jeff Staiger, approved that extension of Vine Avenue.

Mr. Vogt said our office has gotten calls from Laurie Leeds, who owns the adjoining property, I believe Lot 3 and the additional, between Vine and Cedarbridge, to the north of your property. I just wanted to put on the record that you are not proposing road improvements on her frontage, is that correct?

Mr. Lines said that's correct.

Mr. Vogt said and there's no need for any disturbance on her property, as a result of this project.

Mr. Lines said that's correct.

Mr. Herzl said Glenn, do you agree with the rest of Terry's report?

Mr. Lines said yes we do.

Mr. Herzl opened to the public.

Mrs. Morris said I did not receive any comments on this one.

Mr. Herzl closed to the public. He asked for a motion.

Mr. Meyer made a motion to approve the application. Mr. Garfield seconded. All were in favor.

- 3. SD 2472 Eli Jakobovitz**
521 Ashley, 203 Pine, 538 & 542 Arlington Block 774.03, Lots 2.02, 2.04-2.06
Minor Subdivision to create six lots

Mr. Isaacson arrived.

Mr. Vogt said per our letter dated April 26, under zoning, comment two talks about lot frontage. We note that 25' wide access easements are proposed in previously-vacated portion of Ashley Avenue. We'll get testimony on that. Under additional variances, lot variance relief appears necessary for proposed Lot 2.0, as well as lot width variances for proposed Lots 2.08, 2.11, and 2.12. Minimum front yard setback appears necessary for Lot 2.0. Rear yard setback appears necessary for Lot 2.07. Side yard variances appear necessary for 2.07, 2.09, and 2.12. Aggregate setback variance appears necessary for Lot 2.12. We don't believe parking relief is being sought. For design waivers, a waiver is required for lot lines not being perpendicular to roadways, that's a common issue with the irregular lots. As well as providing street trees along all the frontages. And a design waiver is required from extending Ashley Avenue. I believe that's everything.

Mr. Garfield said did you mention sidewalks?

Mr. Vogt said not yet.

Mr. Stern said can I ask Terry a question? I'm looking at the Plan Review Meeting notes. Is there a parking variance or... these are single-family homes, they're not even duplexes. Is there a parking issue?

Mr. Vogt said our understanding, and that's a good question for the applicant's professionals, is they are not seeking parking relief. Which would mean that each of these are going to typically require a minimum of four spaces up to, I believe it's 9 bedrooms, and anything else would be more. That is something that ultimately gets reviewed a final time at time of plot plan by the Engineering office. If parking relief was necessary and not obtained, the applicant would get sent back to the Board.

Mr. Stern said I'm looking at the notes and it says parking variance with a question mark, which means all the participants at the meeting on March 2nd had some question.

Mr. Vogt said that was subsequent to the first plan meeting and the first submission. Our review of the second submission, we are not aware specifically of relief. We are asking whoever is testifying whether they are seeking it or not.

Mr. Stern said the second point in your notes is Ashley Avenue vacation status. So Ashley Avenue goes about halfway through this area. We're extending it? Was it vacated? Give me the background there.

Mr. Vogt said our understanding is that it was previously vacated, based upon the Filed Map which is referenced in the review. We are asking the applicant's professionals to testify regarding this issue.

Mr. Stern said vacated means the Township owned it but then they released their claim back to the property owners?

Mr. Vogt said if they vacated it, the right-of-way was removed from the Township inventory.

Mr. Stern said "they" being the Township?

Mr. Vogt said correct. The Township is the only entity that has the power to vacate Township right-of-ways.

Mr. Jackson said let me jump in. If it's a public right-of-way, if it's shown on the map, it's not improved or even it is improved, the governing body has the authority by Ordinance to vacate it as a public right-of-way. In general, once it's vacated it will revert to the adjoining property owners. Because it's a right-of-way, the underlying ... always belongs to the surrounding property owners.

Mr. Vogt said which is what's illustrated on the map.

Mr. Jackson said so that gets divided up-

Mr. Herzl said equally between all the adjoining property owners, right?

Mr. Jackson said right.

Mr. Stern said so if there's an ordinance, it's a vacation, so it's a matter of public record. So has that street been vacated, yes or no?

Mr. Jackson said I think it's fair to ask the applicant to provide that burden of proof if Mr. Vogt doesn't know it institutionally.

Mr. Stern said Terry let me ask you, has it been vacated?

Mr. Vogt said we were provided a document as referenced in our review which indicates that that section of roadway was vacated. I would like that to be confirmed by the applicant's professionals since it is their application.

Mr. Flannery appeared on behalf of the applicant and was affirmed.

Mr. Eli Jakobovitz appeared and was affirmed.

Mr. Flannery said the application is for the minor subdivision of four lots into six.

Mr. Herzl said can you make all those variances disappear with your testimony?

Mr. Flannery said no. I'm going to show why this application is to make this area better and to utilize the property in a manner which will provide housing opportunities. We're talking about a 1.6 acre tract of land with 6 dwelling units. That's an average of 12,320 sf per dwelling unit in an area that's split between the R-7.5 and an R-10. And this particular R-10 area-

Mr. Herzl said what's currently there and what are you seeking?

Mr. Flannery said currently there are four lots with four houses.

Mr. Herzl said and you're coming to make 6 lots with 6 houses.

Mr. Flannery said correct. The property as I indicated is 1.68 acres, which would be an average lot size of 12,320 for six lots. In a zone that's split between the R-7.5 and the R-10, and this particular R-10 zone has a preponderance of lots that are smaller than 10,000 sf. So these are going to be premium lots in this area. The property was originally owned by John Brown, a long-time Lakewood resident who did a lot of nice things for Lakewood. It's his house that he built for his family that fronts on Pine Street and is to remain. The property has frontage on Pine Street, Arlington Avenue, and Ashley Avenue. Ashley Avenue was vacated many years ago by the Township. It was probably about 5 years ago that my office did a subdivision application for Lots 14.05 and 14.06 on the other side of Ashley Avenue, and that that time the question came up about street frontage. I read the definition of a public street from the UDO at that point. I'll read it again now. A public street as defined by the UDO is any improved street located within an existing, proposed, or former Township right-of-way. So this is in a former Township right-of-way. So it clearly has frontage on a public street as defined by the Lakewood Ordinance. What occurred on the lot on the other side, it's a private road that services those two units. We're proposing the same improvements for a private road, virtually driveways, for these two units. That's the story with respect to the road.

Mr. Stern said so many years ago I worked with you and we vacated a street for my synagogue. I remember the end result was the Township voted on it, there was an Ordinance, we had a piece of paper, the street was vacated. The synagogue got half of it, the guy next door got half of it. It was a piece of paper recorded in the records of the Township. Did something less than that happen here?

Mr. Flannery said no. There is a piece of paper that was recorded back in the 80's or 90's, more than 20 years ago. And the tax maps have shown it as a vacated right-of-way since that time.

Mr. Stern said so why is there any question whatsoever that this is a road- this piece of property then is owned 50/50 by 14.05, 14.06, and your client's property?

Mr. Flannery said no, the right-of-way was vacated right down the middle. And the former owner, Mr. Brown, got 25' and the former owner on the other side got 25' of it. Several years back, the owner on the other side came in to do a subdivision, asking for a private street, but a private street that's also defined as a public street in the Lakewood UDO. And the Board at that time approved the minor subdivision on the west side of the vacated portion of Ashley Avenue. And they have a driveway for their two houses and it works fine and everybody's happy. We're asking for the same thing here, and I don't see where there's an issue.

Mr. Stern said so at the end of the day, is there going to be a street there? Or two driveways with a median?

Mr. Flannery said it depends on how you define a street. It's not going to look like a street, from a layman's standpoint it's going to be two driveways.

Mr. Stern said maybe I'm over thinking this. I just don't like ambiguous drafting. I want to be clear what is it we're creating here.

Mr. Flannery said I hope I'm making it clear on the record that the access will be properly provided to these two new residential lots, the same way it's properly provided to the two on the other side. And if any of the Board members have been out there, it works very well for lots 14.05 and 14.06, and I have no doubt in my mind that it's also going to work equally well for 2.08 and 2.09.

Mr. Jackson said how is this not a flag lot? What you're describing is effectively a flag lot.

Mr. Herzl said they have no frontage right now.

Mr. Flannery said it does not meet the definition of a flag lot. And it clearly meets the definition of a public street. If there was not a former Township right-of-way there, it would be a different situation. But there was a former Township right-of-way there, and the Lakewood UDO takes recognition of that former Township right-of-way in their definition of a public street. So these units have frontage on what's defined in the UDO as a public street. It doesn't look like a public street-

Mr. Jackson said I have a hard time swallowing that.

Mr. Herzl said how wide is that right-of-way?

Mr. Flannery said there's a 25' wide strip coming into both of the lots-

Mr. Herzl said which is basically two driveways, 12 and 12.

Mr. Flannery said yes, two driveways.

Mr. Herzl said it's not a road. There is no way... there's 28'?

Mr. Flannery said 25'.

Mr. Jakobovitz said I plan on putting a 28, 5' pavement right down the road over there. I think it will look like a regular road. But that's my game plan.

Mr. Stern said and the neighboring property owner is ok with that?

Mr. Jakobovitz said yes.

Mr. Jackson said Mr. Herzl, please explain to the applicant that we can't have a free for all here. You have to be recognized by the Chair, your witness is testifying...

Mr. Herzl said one person should speak at a time. Mr. Stern, when we open to the public we'll see if we have any neighbors objecting or coming out who are for it. I personally would like as wide a road as possible, 28' minimum, to make it look like a road.

Mr. Vogt said I wanted to talk about parking. Mr. Stern was asking earlier. In looking at the revised plan and our letter, all of the lots with the exception of Lot 2.0 have four parking spaces proposed. Lot 2.0 has two parking spaces. Does that meet the UDO, and if so, why.

Mr. Flannery said Lot 2.10 is a small existing home and it meets the RSIS standards-

Mr. Herzl said which one is 2.0?

Mr. Flannery said 2.10 is the most northerly lot that has frontage on the unvacated portion of Ashley Avenue.

Mr. Vogt said so I assume the existing house doesn't have an inhabitable basement?

Mr. Flannery said that is correct.

Mr. Vogt said and if at a future date, this property, the house is removed, and a larger home is put in, then you would agree to meeting parking at that time.

Mr. Flannery said they have to meet parking or get a variance. We're not asking for a variance on this and we have no intention as part of this application to change that house. The two spaces they've had have worked, and those are gonna remain, and anything in the future, there is no variance relief for parking. They'll have to provide enough parking dependent on the house they build in accordance with RSIS and the Lakewood Ordinance.

Mr. Herzl said what are the variances and give me the reasons for the variances.

Mr. Jackson said before he goes through the reasons for the variances, I want to make sure we understand what variances we need. I see this as needing a variance for not fronting on a public street, and I also think it's a flag lot. Because the lot is owned by Lot 2.09 and they have an easement that runs across Lot 2.09 to get out to the main street. I haven't studied what Mr. Flannery is referring to, but I note that half of the right-of-way has been vacated. So if there was a definition that said former right-of-way, well it isn't a former right-of-way, it's only half a former right-of-way. So I think that it's really something the Board has to take into account. I'm not saying whether it's a good idea or a bad idea, I'm just saying I think this is a flag lot. Or worse than a flag lot, because the flag pole belongs to Lot 2.09.

Mr. Herzl said I think we should hear if Terry has an opinion as an engineer. Is that considered a road according to you?

Mr. Vogt said I'm not going to argue with Mr. Jackson as an attorney. If that's John's interpretation, then I'm not...

Mr. Stern said can I ask for clarification? Mr. Jackson, what is a flag lot and why is that bad?

Mr. Jackson said well years ago, the Board... I think it actually became a use variance. A flag lot is the exact same configuration that you have here, where you have, you have to drive across one lot to get to the other. So picture, this is more like a hockey stick lot. Imagine 2.08 on the bottom, picture it like an upside-down flag. The staff of the flag is the part that's shaded. Imagine this is a subdivision that was land-locked, and someone proposed having an access easement or the shaded area would belong to Lot 2.08, either way. To give you road frontage. Which is exactly what this is. And it's a flag lot, and the Board did not like those years ago, so it was outlawed because a lot of people were doing it and it created problems with the cars and the garbage cans and the traffic going across their neighbors lot to get in and out, and then also the house was effectively in the backyard of-

Mr. Herzl said I understood from Brian that this was a right-of-way that the Township had, and it fronts to that right-of-way. Is that because, it's a right-of-way that the Township used, does that make it have frontage to it?

Mr. Jackson said well I think that's really a stretch, but I point out that the street is not a former street. It was vacated, and only half of it is available to the applicant. It's not a former right-of-way, it's a former half a right-of-way. It would be true if they had both halves of that and it was a full road width. One of the things you might make them do is improve that as a roadway.

Mr. Stern said I think I heard Mr. Jakobovitz say something that that effect.

Mr. Herzl said he would make it 28'.

Mr. Stern said maybe ask him to clarify that statement, that he's going to pave that whole thing, and is the owner of the two lots across the street on board with that and have they consented to that in writing? To be clear, the Board's not opposing this, we're just trying to make sure that we're doing this right.

Mr. Jackson said Ally had up the flag lot definition. A lot not satisfying conventional minimum lot frontage, generally configured in the shape of a flag, with its road frontage provided by a strip of land referred to as the "flag staff" portion of the lot.

Mr. Herzl said I think they both have frontage to that right-of-way, it's not that the right-of-way belongs to only one.

Mr. Jackson said well no, it's an easement now because the driveway's been vacated, and actually what's only available is half of the right-of-way.

Mr. Herzl said is that half of the right-of-way 28'?

Mr. Flannery said that half is 25', and the applicant is not opposed to making any improvements to provide access in accordance with what the Township Engineer and the Planning Board want. With all due respect, the conversation on flag lots is really a mute point because a flag lot is not a use. So you can't say we have a use variance because we have a flag lot. We aren't asking for the use of a flag lot, we're looking for residential lots. The worst possible case, and my legal opinion is disagreeing with Mr. Jackson-

Mr. Jackson said you don't have a degree that lets you have a legal opinion.

Mr. Flannery said my planning opinion is that the worst case scenario is it would be a lot frontage variance, which is a bulk variance, which the Board can grant. I've never heard of any case where flag lots were considered a use. Uses are residential, commercial, all those type of things. The problem that occurred with the flag lots is one Planning Board years ago thought they were ok, and put them in there. Another Planning Board decided they didn't like them, and voided that section of the Ordinance. It's in section 8 of the Ordinance, so it doesn't rise to the level of a variance.

It would be a design waiver at most. So the worst case scenario is we would be asking for a design waiver for something that could be characterized as a flag lot and a bulk variance for lot frontage. Which the Board can grant and the catch-all in the Ordinance give the Board the ability to do that. I think the real question here is, is this appropriate and a good use of the land. I think if we focused on that part of it, I think anyone would agree. The two lots across the street work well.

Mr. Stern said we're not trying to stop this, let's just get it to conform to the rules of the Township.

Mr. Herzl said if the applicant said he is willing to pave up to 28', then that's a legal road. What's the problem?

Mr. Jackson said it becomes a road if it's dedicated to the Township and the Township accepts it. Then it's a road. Unless they do that, it's not a road.

The Board took a one minute recess.

Mr. Jackson said the Board might think this is a good one, but I think you should know what relief has to be given and the significance of that.

Mr. Herzl said the only question I have, I know since we passed the Ordinance that flag lots are not legal, I don't think the Planning Board has ever passed a flag lot. I think if that, it went to the Zoning Board. I'm not saying it shouldn't be approved, but it may be a Zoning Board issue.

Mr. Jackson said Mr. Flannery said that he doesn't think it's a bulk issue, that we should disregard the Township's Ordinance because he thinks that it's really a bulk issue not a use issue. He may be right, he may be wrong, but I don't think it's our Board's prerogative to disregard an Ordinance that's on the books.

Mr. Stern said that's the point. I don't think anybody on this Board is opposed to the application, but what this Board has been trying to do is actually follow the rules. And look at the Ordinance, and see what they say, and try to conform applications to the stinking Ordinances. That's it.

Mr. Flannery said again, I read the definition in the Ordinance and it says a proposed or former Township right-of-way. We have a former Township right-of-way, there's two 25' strips. The applicant has spoken to the applicant on the other side who uses this access easement, so there's a 50' availability that will be the access easement. The applicant has agreed, the Township Engineer has agreed, to put in a regular road in that area. So it's going to look like a regular road. And the Planning Board has approved private roads, so this is a private road even though by the definition in the Lakewood UDO it's a public street... It's gonna look like a road, we're gonna have four houses that are going to be beautiful houses. They're not going through anyone else's yard. That was the problem with the flag lots, that the houses were in the back behind the other lots. These aren't in the back behind anybody else's lots. These are in the front. It's going to be a beautiful thing. However you want to characterize it, my opinion is it doesn't need to be characterized because we're going to have a road, it's going to be a private road, that now the Town doesn't have to maintain. And the 4 people don't want the Town maintaining it, they're going to maintain it better than the Town would ever do. So the technicalities of it, they're a little different. But it's a good solution and a good application.

Mr. Stern said that's great. Is that in writing? Is the relationship between you and the adjoining property owner anything more than a phone call?

Mr. Flannery said as a condition of the approval, we would put in writing to the satisfaction of the Board Engineer and the Township Engineer what I just described.

Mr. Stern said Josh is shaking his head. Is there a written agreement between-

Mr. Flannery said I have not seen a written agreement.

Mr. Stern said he's shaking his head.

Mr. Flannery said maybe the applicant can answer that question better, than the head shaking from Mr. Schmuckler.

Mr. Herzl said Ally, on the public comment, was there any opposition, any neighbors voice their opposition to this application?

Mrs. Morris said no, I-

Mr. Jackson said there were a handful of letters and they were all in favor of the application, but you'd have to wait to see what the public says. There were about four or five letters and everyone was in favor of it.

Mr. Herzl said I know, Brian is testifying he will get the letter from the neighbor. I want to make sure there is no opposition that we know of right now, or we have to deal with it. Me personally, my opinion, if you make it wide enough I think we have done that in the past. You make like a regular road. I would consider a public road or a private road, and not consider it a flag lot. But I would like to hear other Board members, what their opinion is.

Mr. Stern said I'm not opposed to this, but we have to do our homework and tie up the loose ends. If there's an agreement between the adjoining property owners to create a street and pave it and make it 20', 28' wide, and use it as a normal street, then the issue of the flag lot goes away. That's great. But you need to have a piece of paper, and that piece of paper needs to be submitted to this Board in advance. That's what this Board is trying to do. Take your game to the next level, and tie up the loose ends. That's all we're saying.

Mr. Jackson said Mr. Stern, when you say a piece of paper that means a properly executed and recorded instrument that becomes a matter of record and is in perpetual. You can't just have, you know, a like a letter on something like this. You have to have an actual recorded document.

Mr. Flannery said recorded easement.

Mr. Stern said yes, that sounds right. I'll defer to you as legal counsel, but let's just tie up the loose ends in doing this.

Mr. Herzl said and if we should approve it subject to having that paper, do you feel comfortable?

Mr. Stern said I'm 100% ok with it, but going forward, we shouldn't have to go through this exercise. This should be done in advance and submitted. Ask the questions we're going to be asking and answer them before you bring it to us.

Mr. Herzl said does the applicant agree to have-

Mr. Flannery said the applicant agrees and I think we all understand what Mr. Stern is saying, confirmed by the shaking of Mr. Schmuckler's head.

Mr. Herzl said ok so you understand that if we go for a motion tonight, it's going to be subject to getting a letter from the adjoining neighbor.

Mr. Flannery said subject to an easement-

Mr. Stern said something that lawyers prepped up, and it's signed and notarized and put a stamp in blood.

Mr. Flannery said to the satisfaction of the Board's-

Mr. Vogt said may I say something? There may be a solution here, hopefully to all parties. If the Board is otherwise inclined to approve this application, simply hold off on adopting the resolution until you have the letter you're seeking in hand, and until John approves.

Mr. Herzl said ok, thank you.

Mr. Stern said but we're making our approval conditional on that and when we see that condition is satisfied, at resolution adoption, then yeah, exactly.

Mr. Flannery said I should go through the variances because it sounded like a lot, but my professional opinion of it, it's really not all that much. A lot area variance is required for lot 2.10. 2.10 is the existing house that's up in the front. The current configuration of it, per the tax map, it's got a little jog down to the bottom. It's a piece of useless piece of property. This application is talking about squaring it off. It's a small lot. All we're doing is taking the unusable portion of that small lot and putting it in so that proposed Lot 2.09 can have a nice buildable area for the beautiful home that the applicant intends to build there. Lot width variances that are required, for Lots 2.08, 2.11, and 2.12 are 64' and 68' respectively. And again, Lots 2.08 is an existing lot, that lot width... Oh, no, 2.08 is the new lot. 2.11 is the existing lot and 2.12 is also existing. So those two lots have that lot width already. The only lot that we're requesting the new lot width for is Lot 2.08. The minimum front yard setback is an existing condition on Lot 2.10 again. We're talking about this little house that's been there probably as long as I've been involved in Lakewood. A minimum rear yard setback to Lot 2.07, only to the deck. And that's the deck behind Mr. Brown's house, and we used to let decks be within the setback. His deck was built a long time ago, but I don't see that as any issue. The only one who's gonna know are the new people building on the new houses. Minimum side yard setback variances, we're requesting 7.5'. And there's a side yard setback to a deck of 5'. It sounds like a lot, but these are all little things based on the existing configuration of the homes that are there. Combined side yard setback of 20' on Lot 2.12, and 2.12 is an existing home that's already there. So there's nothing that's changing with that. The last indication was with respect to parking relief. As I indicated, the existing home has two parking spaces. It complies with RSIS. The other homes will all have adequate parking. These are C2 variances. The Master Plan of 2017, the background information on page 2 goes into all the growth that Lakewood has seen, and it concludes, based on this information it is important that Lakewood plan for residential development to house its growing population. And this is certainly providing nice houses in a developed area on average lot sizes of over 12,000 sf in property that is split between the R-7.5 and R-10. The Vision Statement in the Master Plan, on page 7, says encourage development and redevelopment based on smart growth planning principles. It's my testimony that this does this. The Municipal Land Use Law, NJSA 40:55D2 under purposes of the act, says encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote public health, safety, morals, and general welfare. And it's my testimony that this does that. The applicant could have come in and said I want to put a school in here, and it would have been a horrible place to put a school, even though we need schools and I would have come and told you it was good, this is certainly better. E is to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, regions, and preservation of the environment. And the density that's being proposed here is well below the permitted density in the Ordinance. For C2 variances we need to show it relates to a specific piece of property. This is as unique a piece of property as you could get. Mr. Brown lived there, he was very happy with it the way it was for years. The development in the neighborhood changed. Unfortunately Mr. Brown, who

was a friend of mine, passed away. And now his property is being developed consistent with surrounding development. The purposes of the Municipal Land Use Law, I indicated. The variance can be granted without substantial detriment to the public good. My testimony is there is no detriment. This is the best development that I could see possible for this property. The variance will not impair the intent and purpose of the zone plan and zoning ordinance, and the benefits outweigh the detriments. So the rest of the report-

Mr. Herzl said you agree with everything?

Mr. Flannery said we agree with everything. There's design waivers for perpendicular lines, but that's what we have. A partial design waiver possible for providing street trees. We'll certainly put street trees wherever they fit and wherever the Township Engineer thinks they make sense.

Mr. Herzl said you have sidewalks on all the properties?

Mr. Flannery said yes, we're not asking for any relief with respect to sidewalks.

Mr. Herzl said and parking again, there's going to be four per house, and if they ever tear down the existing house you'll also conform with the parking.

Mr. Flannery said the small existing house on Ashley will have the two that it currently has. All the other ones will have a minimum of four, and the new homes, if they're built where they need 5 or 6, they'll build however many are required by the RSIS and the UDO.

Mr. Garfield said house 2.07, that exits on to Pine Street. Is there any way to make it go up Ashley, because Pine is a very busy street.

Mr. Flannery said it's an existing home with a garage and a driveway up front. The owners of the house have dealt with that, the same as the other neighbors that are on Pine Street in the area. There's really no way to change that.

Mr. Garfield said ok.

Mr. Herzl opened to the public.

Mr. Jackson said I can go over the emails.

Mr. Herzl said if it's repetitious, then I would like to go ahead and just summarize to the Board. For the public, all those comments are for the public record. It's on if the Board wants to see it.

Mr. Rennert joked, I think we should read each one. One of them talks about what a great athlete Mr. Jakobovitz is. Another one talks about the disgusting trees in Lakewood. I started laughing when I was reading.

Mr. Jackson said there were about six letters. There's one from Mr. Friedland, that was positive. There's one from Mr. Scheinerman that's positive. There's one from Yaakov Schwartz that's positive. Levi Novoseller that's positive. Yossie Zucker is positive. And I believe that's it. They all generally said that they think this subdivision is appropriate for the neighborhood and that they support the application.

Mr. Herzl said thank you. He closed to the public and asked for a motion.

Mr. Garfield made a motion to approve.

Mr. Stern seconded, subject to the issues we discussed today.

Mr. Herzl said Brian, you agree to everything we discussed? With the road widening, with the parking...

Mr. Flannery said the applicant agrees.

Mr. Herzl said the applicant agrees, he's shaking his head.

Mrs. Morris took a roll call. All were in favor.

4. SP 2414 Casa Nova Today LLC
1106 & 1118 River Avenue Block 439, Lot 21 & 22
Preliminary and Final Major Site Plan for a mixed use building

Mr. Vogt said from the April 28th review, page 2 under submission waivers, we have a traffic study that's not been fully completed, proof of submission to County Planning Board, topo, contours, manmade features within 200', plans and profiles, and EIS. I believe the applicant is going to have traffic testimony at the hearing, and as such we support the waivers for hearing purposes.

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

Mr. Herzl said I just hope we do have some traffic testimony because it's on Route 9. I don't know what a traffic study is going to help, generally down there it's an F.

Mr. Vogt said continuing under zoning, no bulk variances are requested. We have comments relative to potential variance conditions that would result if DOT ever improved within the desired typical section that's along the property frontage. I'm sure we'll get testimony on that issue. We're not sure whether there's any sign variances necessary, I'd like testimony on that as well. Under design waivers, buffer relief per section 803 is necessary. Torah Drive terminates behind the site. Design waiver is required from providing street trees in that area, based on the current plans, along that portion of the frontage. Finally, the revised plans so a 36' wide access cartway versus the 30% maximum in the UDO. And that's all the relief to the best of our knowledge.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said as indicated, we're here with a mixed use commercial building along Route 9. I would ask that the comments regarding traffic, we have Scott Kennel here to give testimony later on that. As far as the application, we are not seeking any bulk variances. The site is an excess of 2 acres on Route 9. The applicant has put together this property to make a very nice application. He had Mr. Flannery affirmed.

Mr. Flannery said this application is a 2 acre site. It's a redevelopment, there are two lots that are being redeveloped. I should point out, it's in the HD-7, which permits townhouses and duplexes, so it could have been a residential development. The applicant is proposing a ratable, an application that conforms with the goals and objectives of the Master Plan. And he's providing a beautiful building that will be appropriated sited along Route 9. The proposed building has a first floor of 12,636 sf, which would be retail commercial. And the next two floors of 11,033 and 9,517 respectively, for general office. Both of those have balconies. It's a very beautiful building.

Mr. Herzl said any medical offices in this building?

Mr. Flannery said no medical offices.

Mr. Herzl said because we're short on parking.

Mr. Flannery said we're providing 145 spaces in accordance with the requirements of the Ordinance. For the retail, the 12,636 sf, we would require 63 parking spaces, and for the combined second and third floors we have 20,550 sf of general office. At the new rate of 1 per 250 requires another 82, so it's 145 parking spaces, and we've provided 145 spaces.

Mr. Herzl said if they widened Route 9, do you still have enough parking?

Mr. Flannery said we have an exhibit that was emailed to the Town that shows that, in the very unlikely event, we have a lot of room between the access aisle that we have in the desired typical section and Route 9, we could have 76 feet of pavement for Route 9, which would be 5 lanes, a center turning lane and two lanes on each side, and two shoulders on each side, and still not have to move that access way.

Mr. Herzl asked Mrs. Morris to show on the screen, if they widened Route 9 to where it would go.

Mr. Pfeffer said there's an exhibit that shows it that was sent over.

Mrs. Morris said is that what this is?

Mr. Flannery said yes. As you can see on the plan, in the unlikely event, there is the availability to revise the parking and have the same 145 parking spaces. It's just not as nice. I would expect, since they said they're going to change it from 2 lanes in 1967 and we haven't seen anything yet, we'll get a good 50, 60 years out of the parking layout that's more appropriate than what's shown in red. But we're giving you a belt and suspenders answer to this-

Mr. Herzl said what's the difference between exhibit A and exhibit B, where you're moving up the parking.

Mr. Flannery said exhibit A is the plan that was submitted. And it allows for better, more orderly parking up front of the building, and it allows better usage for the occupants of the building. I see no reason why for the next 50 to 300 years maybe, we shouldn't have parking that suits the occupants of the building better than a plan that may need to be converted some time in the future.

Mr. Herzl said so if it gets converted and we move up the parking, will you have any variance?

Mr. Flannery said no variance. You'd still have 145 parking spaces. So my answer is I don't expect it to happen but if it does, we can restripe and still provide 145 spaces.

Mr. Herzl said if we should approve it, would you agree, subject, that if they ever widen Route 9 that you will repaint the whole parking lot.

Mr. Flannery said absolutely, yes.

Mr. Herzl said where there any other issues on the report.

Mr. Flannery said as indicated in the report, no bulk variances were requested. We do have, Terry indicates a front setback for the lot aisle. If the Board feels that's a variance, we would ask for that. My opinion is that parking is not required in that setback, but there's no prohibition on lot aisles. To the extent that the Board feels that is a variance,

we would request that variance and I would give testimony to justify it. With respect to signage, we're not requesting any variances for signs. Then we have design waivers for buffer relief in the rear of the property. We've left a 20' buffer. We're proposing a 20' landscaped buffer rather than 50' of non-landscaped. And also there's a comment that Tova Drive, which is a public street in the back of the site, and technically we would need relief from providing street trees along that. It's part of the townhouse development behind us and it really doesn't make any sense because we're going to have a landscape buffer along there. The other comments, we would-

Mr. Herzl said can you go back, show us the circulation plan. You have one entrance to the property?

Mr. Flannery said yes. And Scott can give you testimony on how the traffic works because he's the one who's gonna have to get the permit from the DOT for the entrance. And DOT would not give us two entrances. But that's more Scott's expertise. But this provides the availability for the trash to be picked up, the trash is in the rear left-hand side of the site and New Lines submitted a plan showing the truck circulation.

Mr. Herzl said you agree to everything on the plan, and your testimony is that it's a fully conforming application and should they ever widen Route 9, you're going to re-do the parking.

Mr. Flannery said yes. And as I indicated, that was my testimony. The RVE report indicated a couple things with respect to relief. I'd like to put on justification. The 2017 Master Plan on page 7, the Vision Statement, says encourage development and redevelopment based on smart growth planning principles. This certainly provides that. The Municipal Land Use Law, NJSA 40:55D2 under purposes of the act, says encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote public health, safety, morals, and general welfare. And it's my testimony that this does that. G is to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, and commercial, and this does this again. They're C2 variances, where the benefits need to outweigh the detriments. My testimony is there are no detriments and there are only benefits. It's a ratable and a beautiful building and properly utilizing the site. The one question I did mean to bring up, there was a comment about not having the sidewalk in there connecting the building to Route 9, and we would certainly agree to do that to the satisfaction of the Board Engineer.

Mr. Sabel said on both sides of Route 9, going north and south? Can you do that?

Mr. Flannery said I would think it might make more sense to have one in the middle. Because the entrance to the building would be in the middle, and we could probably align it with the island for the light, in the center of the building, and have crosswalks through the parking lot. But whatever the Board wants with respect-

Mr. Sabel said I don't think having a crosswalk in the middle right near the entrance, where 145 cars will be going in and out, maybe it's better to have it on the side of the building.

Mr. Flannery said we're happy to put sidewalks wherever the Board feels they're appropriate.

Mr. Sabel said I think on both sides, there's going to be a lot of pedestrian traffic over there, for sure. From Oak and Vine and from south, can you put both sides of this property, sidewalks, and as well as around the building. I know it might not look nice because you have trees on the north and south side, can we connect all the sidewalk around the building?

Mr. Flannery said if we take the trees down we can connect the sidewalk.

Mr. Sabel said my personal opinion is that sidewalk is better.

Mr. Herzl said it's not nice, but it's a big safety issue. You're going to have all the cars coming down the two aisles over there, people walking there to the rear of the building, unless all of the entrances are on the front. No but you have parking in the back too.

Mr. Sabel said right, so I think we have to do that. Brian, you use it to your advantage when you talk about widening Route 9, and now you're using the advantage of not widening Route 9. I think we should do our part and go in thinking about having everything ready for shovel for Route 9. But the problem is that you're constricting the parking, making everything so dense, adding the extra parking in the back and the front...

Mr. Flannery said my testimony is that they can widen Route 9 to five lanes, a center lane and two lanes on each side, along with two shoulders, and still not need to use the full desired typical section that they've indicated. So the DOT, when they condemn property to widen the road, they only take as much as they need. And they don't need to use the full 114' of desired typical section-

Mr. Herzl said so why did they make it 114'?

Mr. Flannery said because it doesn't cost them anything and they don't know what something's going to be 200 years from now. So they come up with a big number. I was employed at the DOT for 9 months, the mindset there is a little different. We think we need 40, so let's tell them we need 60.

Mr. Sabel said from the front until the building, that's 114' you said?

Mr. Flannery said the desired typical section is 114', 57' on each side of the centerline. What Ally drew is 57' from the centerline.

Mr. Sabel said from the building until the front sidewalk, that's 114? 102 plus 10, 112, maybe a little more than that... From the building until the end of the sidewalk, a little more than that, to the curb. From the building until the curb.

Mr. Flannery said our curbing or the State curbing?

Mr. Sabel said where you are proposing to put curb currently.

Mr. Flannery said 112', from the building to the curb.

Mr. Sabel said including the outside sidewalk?

Mr. Flannery said the outside sidewalk is 10', then we have three 18's and two 24's.

Mr. Sabel said and then 10' for the sidewalk on the building.

Mr. Flannery said I already threw the 10' in. So we got 24 times 2, 18 times 3, plus 10.

Mr. Sabel said if they widen it, how much would it take away? How many feet would they move the outside curb into the property?

Mr. Pfeffer said there's a plan that marks it all up exactly.

Mr. Flannery said we're proposing our curb 43' from centerline. And 57' from centerline is where the desired typical section is. So that's 14' difference.

Mr. Sabel said got it. Thank you.

Mr. Scott Kennel, professional engineer and traffic expert, appeared and was affirmed. He said we know Route 9 has its issues, its delays. We did traffic counts at Yale Drive and Route 9 on March 10th, and the intersection is experiencing approximately 1470 vehicles during the morning and afternoon peak hours. Brian talked about before the access design, and there was a comment raised about providing two points of access. NJDOT will only allow a single point of access on an undivided roadway. So the plan has been designed in that fashion and I'm in agreement with where the driveway is aligned, opposite of Yale Drive, creating a four-way intersection.

Mr. Herzl said can you explain that intersection? We know all the problems on Route 9. We're trying to make it as best as possible and the least hassle.

Mr. Kennel said one of the ways we accomplish that is by having a two-lane exit, so that left turns... it's my recommendation as a two-lane exit that we have the right-most lane for right turns only, and that the center lane be for left and through movements. So that there are less delays for people that have destinations to the south of the site. Again that will all be discussed and reviewed with NJDOT.

Mr. Herzl said NJDOT is going to let you make a left out of that property?

Mr. Kennel said they have on other applications. Because there are no U-turn facilities along this section of Route 9. I know it's an awkward situation, it's wrestled with on a regular basis.

Mr. Herzl said I would say right out only. And make a U-turn or a jug handle somewhere. But you say there isn't any.

Mr. Kennel said there isn't any. What will happen is people will either use other driveways to do U-turns, or they'll go down to Cross Street and then use Cross Street and the roadway network to get to the west if they want to get back north.

Mr. Herzl said I have a question. You have the middle lane making a left turn, right?

Mr. Kennel said coming out my suggestion is that be a left and through, and the right lane be for left turns only.

Mr. Herzl said and the left-most lane?

Mr. Kennel said that will be rights only that Ally's marking up, and this will be left and through to Yale and the north. And then we have the third lane, which is the receiving lane.

Mr. Herzl said so somebody's going to be coming in on the receiving lane, and somebody's going to be making a left.

Mr. Kennel said yes. The person waiting to make a left will have to yield to incoming vehicles.

Mr. Herzl said that's an accident waiting to happen.

Mr. Kennel said that receiving lane right now is at 12', my suggestion is going to be to widen to 15 or 18' to make it an easier movement off of Route 9.

Mr. Herzl said I agree. What did you come up with on Yale Drive and Route 9, it's an F over there?

Mr. Kennel said it's an F. There's delays on Yale Drive now as it exists, there will continue to be Fs for people exiting Yale Drive out onto Route 9. And during peak periods there will be delays for people exiting the site. We're estimating that it will be approximately, the 95th percentile queue, to be approximately three vehicles. We have a long enough throat where that will not create internal congestion. We have a throat that can accommodate left and right turn movements.

Mr. Herzl said if the DOT should ever widen Route 9 and dualize it, how could you make a left out over there?

Mr. Kennel said DOT would do one of two things, and again that requires a very extensive assessment. It's either going to be a divided roadway, which would then require extensive land acquisition to provide jug handles, or, as Brian had mentioned, a 5-lane cross section, where you have two through lanes and a center left turn lane. Either cross section would have the new curb line approximately 42, 43' from center line. And if you go back to plan A, there would still be approximately 10-12' behind the new curb line and the parking area shown on the alternate plan. If Ally could pull up that alternate plan again...If you look at this plan, based on the cross sections I described, the new curb line would be approximately 10-12' off the parking lot curb line. So you'd have enough room for utilities and sidewalks.

Mr. Herzl said ok.

Mr. Pfeffer said in the event the DOT agrees to widen the entrance way, we would need a waiver from the Township and we'd be seeking that as well this evening.

Mr. Kennel said yes, and again my recommendation is we make it a little wider for the ingress movement.

Mr. Herzl said I agree.

Mr. Sabel said wouldn't the DOT agree to a one-way in and the other side a one way out? A right in, right out?

Mr. Kennel said you would think, that makes sense. I understand what you're recommending. But NJDOT has taken a strong stance on minimizing the number of curb cuts along the State highway frontage, especially where it's not divided. I've attempted on a number of occasions to get them to understand it would provide positive circulation for large wheel based vehicles to have an ingress and egress, but the keep referring me to the State Highway Access Management Code, which was adopted in 1992 and obviously revised since then. That's why we came up with the plan presented to the Board.

Mr. Sabel said this is absolutely dangerous and I'm petrified what's going to happen over there. It's definitely going to be accidents. Not one, and not ten, just look at any other... look at the new Evergreen project, so many accidents. This is calling for injuries, I hope nothing worse. Can we maybe write a letter to the DOT begging them to join us? This is absolutely dangerous. Across from Yale, maybe the applicant could put in a red light. I know it's asking too much, but this is absolutely dangerous. Sickeningly dangerous.

Mr. Kennel said I know DOT has done very extensive corridor studies along Route 9. I don't recall Yale being a candidate for a traffic signal, but as Brian says, they move very slowly.

Mr. Herzl said Mr. Jackson, I know this came up before. Like Mr. Sabel said it's a very dangerous situation. But Brian's testimony, basically it's a by-right application. Even if we widen Route 9, he can still make it a by-right application. How do we go from here?

Mr. Jackson said the Planning Board can always review safety matters. The basis for requiring an applicant to do something cannot be arbitrary and capricious. I think it's extraordinary though, when something's fully compliant, for you to deny it for some reason. The basis of a legal review of a Board action is whether it's arbitrary and capricious.

Mr. Herzl said I asked Mr. Kennel what Route 9 is over there, and he told me it's an F. So that tells you that it's a dangerous area. Mr. Sabel is correct.

Mr. Jackson said well what we're getting to is you can't invent criteria and deny an application on it. And there's no criteria that says if the level of service is an F that you deny it. That's just the DOT characterization and you're going into arbitrary territory. I know you don't like it, but just because someone's the last one to develop their property in an area doesn't mean that you can prohibit them from doing that. If you do have an actual safety concern and you think it's inappropriate, deny it. I don't want to pontificate on a case that I might be defending, but you know how that goes. You can't make up reasons to deny applications as much as you want to.

Mr. Pfeffer said additionally, to be clear, you're talking about off-site conditions. On-site we comply with everything and it's a third party approval, it's the DOT. It's out of the jurisdiction of the Township, it's out of the jurisdiction of the County. It's the DOT that requires to approve that. We will submit to them and we have to get their approval to construct. So my understanding is you can't deny for off-site matters, and this is something that we are conforming and we are presenting to the Board.

Mr. Sabel said they are requesting a setback variance. It's not a by-right application just as-is.

Mr. Jackson said you're 100% right. They need relief.

Mr. Sabel said they do need relief. I'm petrified. I understand the applicant wants to get it and it's a nice building, I'm just asking for help. We're begging for help on behalf of the Township, on behalf of the residents. This is a scary situation.

Mr. Herzl said can the Planning Board tell them to get a recommendation from the DOT and come back?

Mr. Jackson said you can do that.

Mr. Herzl said is that legal?

Mr. Jackson said yes. If you're concerned whether they're going to get DOT approval-

Mr. Herzl said I think it's maybe conforming but it is a dangerous situation. I would like to hear from other Board members also.

Mr. Jackson said you know what happens, people go to one agency and say "oh, the other one approved it, so therefore you should approve me," and you know.

Mr. Herzl said they have jurisdiction, we don't have jurisdiction on this. Mr. Stern, Mr. Rennert, I'd like to hear from some people. Anyone still here?

Mr. Isaacson said I agree with Chaim. I think this is untenable. As much as it is by-right, there's too many things that can go wrong. We had another application a few months back with sidewalk on Route 9, and we asked them to go to the DOT.

Mr. Herzl said they should go to the DOT first?

Mr. Isaacson said absolutely.

Mr. Stern said I defer to the wisdom of my colleagues on this one.

Mr. Herzl said Mr. Flancbaum, are you there? My question to you is they're basically conforming, they have one variance, and I think everybody on the Board thinks it's way dangerous on Route 9 and maybe we should send it to the DOT, that they recommend it. Then we should vote on it.

Mr. Flancbaum said you think maybe you should send it to the DOT first?

Mr. Herzl said yes.

Mr. Sabel said and we're going to beg them to do a right-in and right-out.

Mr. Pfeffer said I'm hearing the concerns and some of the issues. If we can have an opportunity to carry the application, so we can go and try and speak with the DOT to see if Mr. Kennel can be a little persuasive in terms of maybe getting the second access aisle or to get some other input from them, we would appreciate the opportunity at this time to do that. And to carry it for a further meeting and we'll have to renotice obviously.

Mr. Herzl said we are going to carry it.

Mr. Garfield said I have a question. Down the street there's an auto supply place and there's a second one going up next to it. And it appears that they have double-wide single driveways. But they handle in and out, both. And it is on driveway but it's extra wide. Would that suffice to the State?

Mr. Herzl said I don't know. That's what they're proposing, to make it wider. I think that if the applicant agrees to re-visit it and reach out to the DOT, I think we would all be smarter to come back at a future meeting.

Mr. Garfield said I think they ought to go down and take a look and measure that driveway. That sets a... it's been done already.

Mr. Herzl said ok. So Adam, you are re-noticing.

Mr. Pfeffer said yeah, I ask now to be carried to a future meeting, no date to be set. We would re-notice once we have some more information. We're going to reach out to the DOT, we'll take a look at and see if we can alleviate any of the concerns. I don't think we'll make the traffic level any better, but we'll take a look to see if we can incorporate any of the comments as well as speak to the DOT to see if we can get a possible second access lane.

Mr. Jackson said you'll waive the time limit?

Mr. Pfeffer said we agree to waive the time limit.

Mr. Isaacson said is there any public comment on this?

Mr. Herzl said not tonight.

Mr. Isaacson said I'm curious if any members of the public have written in on it.

Mrs. Morris said I did receive one emailed comment from Mr. Zeines.

Mr. Herzl said I think we should wait until we have more information. Thank you and good night.

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary