

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. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer were present.

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

3. MEMORIALIZATION OF RESOLUTIONS

1. 2021 Planning Board Calendar of Meeting Dates

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

2. **SD 2444 GSG Crossmass, LLC**
Cross Street Block 466-469
Preliminary and Final Major Subdivision to create 61 lots

Mrs. Morris said this draft wasn't completed yet, so it will be carried to the January 19th meeting.

3. **SD 2453 327 Ocean, LLC**
323 & 327 Ocean Avenue Block 246, Lots 40, 41, & 67
Minor Subdivision to create six lots

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

4. **SP 2394 Ohr Chaim Meir**
1065 West Cross Street Block 251.02, Lot 88
Preliminary and Final Major Site Plan for a school

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

5. **SP 2392AA Emunas Yisroel Lakewood**
15 Clover Street Block 244, Lot 19
Change of Use/Site Plan Exemption to convert a house to a synagogue

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

4. PUBLIC HEARING

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

Mrs. Morris said there was a problem with the notices on this one, they missed two people I think. So they'll have to notice those two, and we'll make the announcement for anyone else who got the notice and is here tonight.

A legal announcement was made to carry this to the January 5, 2021, meeting.

5. CORRESPONDENCE

- **SD 2010 Joseph Lipschitz, Block 782.01, Lots 2, 5, 11, & 16.01, Route 9** – Request to modify sidewalk along Route 9

Mrs. Morris said the applicant has requested to carry this to the January 5, 2021, meeting. I think they're still meeting with some of the neighbors and possibly had gotten some feedback from the DOT.

A legal announcement was made as to the same.

4. PUBLIC HEARING

- 1. SD 2464 Lakewood Municipal Utilities Authority**
New Hampshire Avenue Block 563 & 549.02, Lots 1 & 1
Courtesy Review of a Minor Subdivision and Site Plan

Mr. Flancbaum stepped down.

Mr. Jackson said as a reminder, this is a courtesy review which means just that. The applicant tells the Board what they're doing. The Board can give comments or advice, but as a governmental entity they are free to do what they planned. They just have to give the Board the courtesy to know about it and to give input.

Mr. Vogt said our letter indicates this is for what's labeled as a GAC, which stands for granular activated carbon. It's a method of water treatment. I'm sure it's there to improve water quality from the plant. That is within two lots which comprise approximately 15 acres. You also have a small minor subdivision, conveying approximately 15,000 sf from one lot to the other. As indicated in our review and on the plans, both of those activities are occurring several hundred feet away from any residential uses.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said as Terry indicated, we are proposing a treatment facility to treat an emerging contaminant which the EPA and DEP are now regulating. The MUA has been monitoring this contaminant for several years, and although we have found very little traces of it, the MUA will build this FAC facility to get ahead of it and ensure compliance with State and Federal regulations. I do have Matt Wilder here, he can be sworn in to confirm everything in Terry's report. We have no objections to it.

Mr. Herzl said are there any variances associated with this?

Mr. Pfeffer said no. I don't know if we need to swear in Mr. Wilder if we have no objection to Terry's report.

Mr. Herzl asked the Board members for any questions.

Mr. Sabel said is this going to create any fumes or smoke or anything?

Mr. Pfeffer said no.

Mr. Sabel said can you tell me what granulated activated carbon is?

Mr. Pfeffer said for the technical questions, we can swear in Mr. Wilder or Mr. Flancbaum who is the executive director of the MUA.

Mr. Matt Wilder, professional engineer, appeared and was affirmed. He said in its most basic description, you basically take the water from the ground, you run it through this carbon filter, and it filters out the contaminant. In its simplest terms.

Mr. Sabel said it doesn't create any fumes or exhaust or pollution in the air?

Mr. Wilder said no, the treatment occurs completely within the building.

Mr. Sabel said how big is the building going to be?

Mr. Wilder said about 4,100 square feet, it's 82 by 50 I believe. One story.

Mr. Garfield said will there be sidewalks and landscaping around it?

Mr. Wilder said we are proposing sidewalk around the building. We are not proposing any new landscaping. As Mr. Pfeffer indicated, we are so far from any residential properties and we didn't see the need for additional landscaping.

Mr. Herzl said this is next to the MUA building where it is currently?

Mr. Wilder said that's correct. It's just west of the solar array.

Mr. Garfield said what about along the side where the homes are.

Mr. Pfeffer said to clarify, this is an area that is already behind a gate. You need access to get back there. This is not for the public to access.

Mr. Garfield said I just think it's nice to look nice.

Mr. Pfeffer said it's set back in the area.

Mr. Herzl said on the map, it's a tremendous area. It's all fenced off, and I don't think it's close to any houses.

Mr. Justin Flancbaum, executive director of the MUA, appeared and was affirmed. He said there are no houses in the area at all.

Mr. Herzl said it's very far away.

Mr. Sabel said Justin, the Planning Board always requires sidewalk. I think this area, I'm looking at Google Maps, the new shopping mall on New Hampshire has sidewalks, and the urgent care has sidewalk, so everywhere except your property has sidewalk. I don't know if that's related to this property, but can we consider that?

Mr. Jackson said this is a courtesy review, the Board can make a recommendation to the applicant but...

Mr. Pfeffer said in the area Mr. Sabel is talking about, we can't touch.

Mr. Herzl said there is wetlands?

Mr. Pfeffer said not in this area, but where he's talking about sidewalks.

Mr. Sabel said on New Hampshire...

Mrs. Morris brought up the Google Map.

Mr. Sabel said the shop has sidewalks, and further south, I was wondering if we could recommend sidewalk if possible.

Mr. Pfeffer said that's our presentation.

Mr. Jackson said now the question is whether the Board has any inputs or recommendations to make.

Mr. Herzl said we had one recommendation from Mr. Sabel, are there any others?

Mr. Garfield said I'd still like some trees put in along the area facing the homes or whatever it is there.

Mr. Herzl said ok. I think we can go forward, and you have two recommendations from the Board, to add more sidewalks and to add more trees. Do we have to take a formal vote on it?

Mr. Meyer said there are no homes near the property.

Mr. Herzl said I know that too.

Mr. Pfeffer said to be clear, you're asking for sidewalks in the conservation area. We cannot put sidewalks in.

Mr. Sabel said if you can't legally do it, then we aren't requesting or recommending it.

Mr. Herzl said Mr. Jackson, do we need a motion on this?

Mr. Jackson said yes, the Board can make a motion whether it recommends the capital improvement or whether it does not.

Mrs. Morris said do we need to open to the public?

Mr. Herzl said I don't think so.

Mr. Meyer made a motion to recommend the project just the way it is. Mr. Garfield seconded. Mr. Sabel abstained, the rest were in favor.

5. CORRESPONDENCE

- **SD 1895A Ocean Avenue Property Holdings, LLC, Block 536, Lots 1, 2, & 4** – Clarification on approvals needed for remainder lot

Mr. Rennert stepped down. Mr. Flancbaum returned to the Board.

Mrs. Morris said I'm afraid we're going to lose our quorum on this application, so I'd like to hear this next. It's a request for clarification on the development of a lot that was left undeveloped after the Board approved a subdivision.

Mr. Pfeffer appeared on behalf of the applicant. He said as Ally has up on the screen, the applicant has a previous approval in which we talked about any changes to the site we'd have to come back before the Board. I believe it's approximately a two acre site. No changes are occurring but as a technicality we are back before the Board.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said my opinion on this is we don't have to come back. It's more a courtesy, the Township Engineer wanted to make sure the Board knew we were doing it. When this was approved, there was a two-acre lot in the back that the applicant hoped to develop and it was labeled as such, to be retained by owner for future development. The resolution said the area in the back is proposed for future development, for which the applicant would return to the Board to obtain any necessary site plan approvals. The envisioning of that was that something more than a duplex would be built there. A duplex doesn't need a site plan approval, it's an existing lot and a duplex is a permitted use so there's really no action that's needed by the Board. We are here for information so that the Board doesn't see something getting built there unexpectedly.

Mr. Herzl said two acres, you're putting more than one duplex on it, no?

Mr. Flannery said he's putting one duplex on it. We submitted a plot plan to the building department, and the Township Engineer said as a courtesy to the Board please come back and show them so that nobody is surprised.

Mr. Herzl said you're building the one duplex on the whole two acres, you're not subdividing it?

Mr. Flannery said that is correct.

Mr. Herzl asked the Board for questions but there were none. He asked if we need to open to the public.

Mrs. Morris said I don't think they noticed.

Mr. Flannery said we didn't notice because there is no action, this is a courtesy to the Board.

Mrs. Morris said I'm not sure the Board needs a formal action, or just an acknowledgement that this is not a material change.

Mr. Herzl said as long as they are building a single house or a duplex, the Zoning Officer can sign off. I don't think they need to come back to us.

Mr. Jackson said they are basically just asking the Board to confirm that.

Mr. Herzl said correct me if I'm wrong. If you're just building more than a house or a duplex, then you have to come to a Board.

Mr. Jackson said right.

Mr. Herzl asked if everyone was in agreement. The Board had no objections.

4. PUBLIC HEARING

- 2. SD 2456 104 Caranetta, LLC**
104, 120 Caranetta Avenue Block 86, Lots 11.01, 11.02, & 12.01
Minor Subdivision to adjust lot lines

Mr. Vogt said from our October 30th letter, under submission waivers, you have them for topo and contours. We can support the waivers for reasons stated in the letter.

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, one of the lots, 11.01, has dual frontage and requires front yard setback relief from both roads. Under design waivers, a waiver is sought from the improvement from Bradshaw Road as well as side lot lines not being perpendicular. And street trees as well.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said this is a pretty simple application for a minor subdivision. All we are doing is trying to realign the previous three lots into two lots. This application does not require any new variance relief, but simply requires reaffirming the existing variances for front yard setback. The purpose of this application is, now that a beautiful new home has been constructed on the 40,000 or so square foot lot, which has amenities such as a pool, basketball court, and tennis court, so they're just trying to move the lot line over a little to help with the setbacks of their amenities.

Mr. Flannery appeared on behalf of the applicant and was sworn. He said as Miriam indicated, this is merely an application to adjust the lot line. Nothing is being built. Three lots are being reconfigured into two, one 40,000 sf lot, all the lots conform in size. We submitted a copy of the tax map which shows where the property is right on Lake Manetta, that would be A-1. A-2 is an aerial exhibit which shows it right on the lake, it's a beautiful area. It's a very nice dwelling. And then A-3, the colored map showing the line being skewed a little to create a triangle in the back and the front that provides more yard area in the back of the larger lot. Nothing is being built. To the report, zoning on page 3, it indicates the minimum front yard setback variance, which is an existing condition for the existing home. It mentions the design waivers for not improving Bradshaw and I'm sure the Board is familiar with Caranetta. There's lots of beautiful houses in the area, it's beautifully landscaped, there's no reason for (static)... With the extent the Board has to reaffirm that...

Mr. Herzl said there are no new variances.

Mr. Flannery said that is correct. I would just quickly put this on the record. The 2017 Master Plan, the Vision Statement, says encourage development and redevelopment based on smart growth planning. This does this. The Municipal Land Use Law NJAC 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. It's my testimony that this does this. These are C2 variances and we certainly qualify for all the C2 variance criteria. With respect to the rest of the report, we will satisfy the Board Engineer during resolution compliance.

Mr. Herzl said how do you go from three lots down to two? Usually it goes the other way around.

Mr. Flannery said you can see the beautiful house built here, it's similar to when we were here a few months ago with the applicant up by North Lake Drive who wanted to build a beautiful house. There are people who want to have a beautiful lot like this, and they adjust their lot lines in cooperation with their neighbor to come out with something like this.

Mr. Herzl said you're losing a lot.

Mr. Flannery said correct.

Mr. Herzl asked the Board for any questions, but there were none. He opened to the public and no one came forward.

Mrs. Morris confirmed she received no emailed comments on this application.

Mr. Meyer made a motion to approve the application, and Mr. Flancbaum seconded. All were in favor.

3. SD 2458 Orview Investments, LLC

726 Marlin Ave & 727 Albert Ave
Minor Subdivision to create 3 lots

Block 1159.01, Lots 20 & 22

Mr. Vogt said on our review, bottom of page 2, it's in the R-20. No variances have been identified or requested. Under design waivers, a waiver from street tree planting is required for a portion of Marlin Avenue as identified in the plan and on the letter. That's all the relief.

Mr. John Doyle, Esquire, appeared on behalf of the applicant. He said this is a relatively simple three lot minor subdivision with no variances. There is one existing house, which Ally has a street view of. That is the existing house at 727 Albert. The only change that would be made, and by the way when you're looking at the picture there is a comment about adding two street trees to this beautifully landscaped home built in 2015... I think that would be unnecessary given what you're looking at. This lot will have added to it a strip from the other side. There is an area behind it that has enough land to create two separate lots and demolish the existing house shown on the northerly lot. The applicant would also like to protect the existing home on Albert by having the 18 foot strip attached from the rear of the proposed Lots on Marlin, to his lot on Albert. Other than that, I think it's a relatively standard application. The only issues I would like to address, one was the landscaping addition to what is already there and very beautiful. On the plan that shows the X's on it... The two lots are to be on Marlin. Terry, who does what any municipal engineer should do, and that's to suggest there are some improvements to be made, wants us to put in sidewalks and curbs, which we proposed, as well as to pave the half width of Marlin. There are 34 lots along Marlin. Of those, recently there have been 14 that are marked in X's that have been constructed. None of them have been required or got waivers from any requirement to do the half-width that's being asked of us. We are shown in yellow. As you can see, 9 of those 14 are on our side of the street. One, right next to us. As I drove down that street this weekend, I observed that Marlin is not in great shape. But it's still not in great shape in front of all those homes built in the last year. So hopefully we wouldn't be required to do what no one else has done. And to change this one lot and not the other 33 lots, isn't going to change Marlin. Finally, let me note, under the recent ordinances we are in a TID zone so my client will be forced to pay several thousand dollars for the regional improvements. To ask him to do what nobody else was asked to do, in addition to that, I think would represent an onerous request. With that said, I would say that every other comment is one that as Terry notes in his review, we having supplied a resubmission, is either factual, we will comply with, it is something to be done at the compliance stage or by the plot plan. So I think the two wishes I made reference to, subject to whatever Terry might add, are the only ones that might be comment.

Mr. Vogt said relative to the half-width paving, item 16 of our review, we would be amenable to a partial waiver, but as indicated we will need a mill and overlay to the center line to have sufficient grading and drainage. I would recommend, if the Board wants to grant a partial waiver, that paving along the frontage be to the satisfaction of the Engineering department as well as public works.

Mr. Doyle said respectfully, ...(static)...new houses, I saw some feathering of the pavement to accommodate the curbs that went in, but are we talking about more than that?

Mr. Vogt said I cannot comment because I don't have survey documents that specifically show the area of paving. All I'm indicating is we will be amenable to granting relief, to the extent that proper improvements will be done to ensure adequate paving along the frontage and adequate drainage along the frontage. I don't know what that is sitting here, I'm simply recommending that be deferred to the Engineering department with any input as necessary from public works. This is standard procedure for most roadwork.

Mr. Doyle said I appreciate it's standard procedure to ask for it, but as that map showed and my own observations, what's being done here is not in place in those new lots in purple on Marlin and Salem. (static)

Mr. Charles Surmonte, professional engineer and professional planner, appeared and was affirmed. He said we've surveyed that area in pretty good detail. We feel with a very limited amount of reconstruction we can create a better profile that will ensure positive drainage flow.

Mr. Vogt said we aren't arguing, I'm just saying in lieu of a full half-width reconstruct, work with our engineering office. They'll get input from public works if necessary. And we'll come up with something that meets the required standard.

Mr. Herzl said are the plans not complete?

Mr. Vogt said we're talking about a minor subdivision. From a design standpoint, they're not to the level of a fully designed major subdivision or site plan. This is a common occurrence. If someone submits to plot plans and it fronts along a road, we're going to look at the plot plans and make sure it's adequate paving. We simply want the opportunity to comment as to what is minimally needed, most likely not a full half-width.

Mr. Doyle said Chet, do you think you can (static) drainage to the curb in a way that is satisfactory to meet the engineer's normal concerns at less than half-width.

Mr. Surmonte said yes. I know Terry is busy, but if he had enough time to look at the plans I think he would agree that there is sufficient grading and drainage information to estimate that determination. I don't want to push him any further...

Mr. Vogt said you've dealt with our engineering department, you have a feel what they are going to look for. That's all I'm asking.

Mr. Doyle said they will work it out. With respect to shade trees on Albert, that house (static) is landscaped (static).

Mrs. Morris muted non-speakers.

Mr. Doyle said I don't know that there's anything more that we can add. I appreciate his comments. I don't think the aim is necessarily to provide the paving to the half-width, but to provide whatever is needed up to the half-width.

Mr. Herzl opened to the Board for questions.

Mr. Garfield said Lot number 20.01, the pool remains, the house there remains the owners of the pool?

Mr. Doyle said 22.01 is attached to the house and it is the intention to develop both of those lots. The current owner is the tenant, all of that will go.

Mr. Surmonte said related to the pool on the Albert Avenue lot? Will that pool remain? It will remain a part of the Albert Avenue lot.

Mr. Garfield said and it's fenced in?

Mr. Surmonte said yes it is.

Mr. Herzl opened to the public and no one came forward. Mrs. Morris confirmed she received no emailed comments on this application.

Mr. Sabel said Terry, if they want to come back and put a school over there, they have to come back in front of the Board? They are proposing residential.

Mr. Vogt said correct. Schools are a permitted use, but it's my understanding if it's over 1,500 sf they have to come back to the Board.

Mr. Herzl said I think any school has to come back to the Board. Change of use for a school, they have to come to a Board, no?

Mr. Vogt said most likely.

Mr. Meyer made a motion to approve the application, and Mr. Sabel seconded. All were in favor.

4. SP 2395 Meoros Bais Yaakov Inc

Rockaway Avenue

Block 1143 & 1150, Lots 1 & 1

Preliminary & Final Major Site Plan for a school

Mr. Vogt said from our December 10th review, bottom of page 2 under submission waivers, you have topo, contours, and manmade features within 200 feet, plans and profiles of utilities, EIS, and architectural elevations. We can support the waivers for reasons indicated in our letter 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, relief is required with respect to perimeter buffer. As indicated per comment 2. As well as the parking lot location within the buffer per comment 3. Partial relief may be required with respect to bus loading and unloading, we'll get testimony on that. I believe that's it in terms of zoning relief. Under design waivers, a waiver is required from improving Caldwell Avenue. We recommend that be improved to provide

a second access to Oak Street. The applicant has provided a Traffic Study which I would suspect there will be some testimony on.

Mr. Gerald Klein, Esquire, appeared on behalf of the applicant. He said this is for a major school on the Oak Street corridor. It is a permitted use.

Mr. Brian Flannery appeared on behalf of the applicant and was affirmed. He said as indicated this site is for a girls' school. It's in the Oak Street area. We have tax map sheet 138 that shows where the property is located. We also submitted an aerial showing where the site is going. There are existing trailers on the site now. There's an existing school on the lot between us and Oak Street, and the rest of the back is all trees. The plan shows the very large parking lot, the school, it does have a hall in the basement. Our testimony is that the parking provided is in excess of the Ordinance and is in accordance with what's actually needed for the site. The relief we are asking for is with respect to buffer. We are buffering to Caldwell which isn't even constructed, and in my opinion there is no reason to construct it. When you go a little further south, it's the area that's mainly owned by the Town that's put in a sending district. The intention would be to keep the trees in that area and use that area for tree clearing. I'm not sure Caldwell would even go anywhere and Rockaway would go much further than this. There was an application on the Township-owned property just behind this for a school, and I would anticipate that would be the next development on that site. This whole area as we all know is an area where the Town is providing access to private schools which are greatly needed in the town. We submitted a rendering, which shows how the building will look. It's got lots of relief to it, it's got different variations on the structure. The lower level has some brick veneer, there's stone veneer, it's going to be a beautiful building and exactly what the Township is looking for in a school for these girls. If we look at the report, it indicates it's a permitted use. The relief we are requesting is from the buffers. My testimony is due to the nature of the area we meet the intent of the buffer, there's nobody that's getting infringed on. The buffers specified in the Ordinance are the same buffers that would be required if you were adjoining a residential property which we are not.

Mr. Herzl said the buffers are to the unpaved road in the back?

Mr. Flannery said there's a buffer to the unpaved road in the back, there's a buffer to the side lot line which we could comply with by eliminating 28 parking spaces.

Mr. Herzl said what's on the other side of that?

Mr. Flannery said trees. It's zone R-10A, it's owned by the Township. There was an application that came to this Board earlier this year for a school on this property, and the Board sent that school back to the drawing board based on the number of parking spaces. When I get to the testimony on the parking spaces here, I think you'll see this applicant understood what the Board was looking for and provided it.

Mr. Herzl said technically even if that applicant comes back, it's going to be another school. So it will be parking lot to parking lot.

Mr. Flannery said correct. And the same thing on the north side of us, it's school to school. So there's really no need for that kind of buffer. There's no residential houses over there. Item 2 and 3 speak to the buffer relief, which is something we actually need. Item 4 is with respect to the parking and the bus loading area. The bus loading area is in front of the site and accommodates two rows of buses. But it's a curbed in area. And if you read the Ordinance, the first sentence sounds like you need relief but when you read the whole sentence it's my opinion that we don't. 18-906E2 says bus loading and unloading areas shall be situated in a manner so that children do not cross any traffic lane or parking area whatsoever. And that sounds like they have to cross a parking area here. But then it says unless it is an area that is curbed and physically separated from traffic circulation and specifically designated solely

for bus loading and unloading. My testimony is this complies. It's very efficient and it provides safe and convenient place for bus loading and unloading. So the relief we need is with respect to the buffer.

Mr. Herzl said you're not going to have all the buses there at the same time anyway.

Mr. Flannery said no. We've shown an area that can accommodate all the buses if they all came at the same time. I know when my kids went to Holy Family, the buses would come, there'd be a few of them there, the school would load everyone on the buses and then they'd all leave at the same time. I'm sure it's the same at all private schools that have a busing of this nature. It works well and my testimony is that it complies with the law and the Ordinance.

Mr. Vogt said are you going to have adult supervision for students getting on and off buses?

Mr. Flannery said absolutely. So with respect to the relief that's needed, the only relief we need is with respect to buffers and my testimony is the buffering is (static) that's specified in the Ordinance is more for residential. School to school, it's my testimony that providing the additional parking is something that's a benefit and the buffering is not needed. Through the report, we are asking for a design waiver to not improve Caldwell Avenue. We feel we don't need it. Right now it has trees between our property and Oak Street and behind it all the way out to Vermont. It's my opinion that's not needed. The real problem with the traffic on Oak Street is that people park all along the edges of Oak Street because it's a more convenient parking space to walk into the schools that are there than to pull into the parking lot. The parking lots have plenty of parking spaces, it's just more convenient to park on the street. We propose, and we would work this out during resolution compliance, it would be a striping of Oak Street to provide a turning lane and eliminating the on-street parking that's the problem. If the Board acts favorably, we would do that as part of the compliance process. With respect to the relief requested, if we look at the Master Plan of 2017, the Vision Statement, says encourage growth and development in appropriate locations consistent with established land uses. I don't think I have to explain that, everyone knows this is a school area. On the same page it says provide sufficient educational, recreational, and community facilities to meet future needs. That's what we're talking about here, providing a school that provides a need we all know is needed. On page 10 of the same Master Plan under community facility strategies, it says continue to support the development of private schools in the Township of Lakewood and that's what we're doing. The Municipal Land Use Law NJAC 40:55D2 under purposes of the act says encourage municipal action to guide the appropriate use and development of all lands in the State, in a manner which will promote public health, safety, morals, and general welfare. And this certainly promotes the general welfare. The buffer relief, since it's in section 9, is characterized as a variance. It would be a C2 variance, we need to show it relates to a specific piece of property. I think this property with its location with the schools meets that. The purposes of the Municipal Land Use Law would be advanced, which I testified to. The variance can be granted without substantial detriment to the public good. And because there's only schools and right-of-ways here on Township owned property, it's my testimony that there's no adverse impact on the surrounding properties. The variance will not impair the intent and purpose of the zone plan and zoning ordinance, and it actually enhances the purpose of both. And the benefits outweigh the detriments. My testimony is there's really no detriment to this, there's only benefits. Continuing through the report, the design waiver that we are asking for is not improving Caldwell. It wasn't required on the school to the north of us. We don't feel it's needed. And to the extent that some additional trees can stay there, it's my testimony that it would be appropriate not to require this applicant to do that. Continuing on the review comments, item 3 talks about the bus lane, and it's my testimony that we've provided a lane that accommodates the buses and a safe loading and unloading area. Item 8 asks for number of students and that kind of information, which was provided in the Traffic Report. 1300 girl students, K to 7, and it lists the appropriate staffing in accordance with that. Then we get to the question that comes up on any of these with respect to the hall. And there is a 12,000 sf hall proposed in the basement and that's why the 314 parking spaces are here. It's a big hall, it would accommodate 600 to 800 people. Not all at the same time, but if we put that into perspective, Lake Terrace has 350 parking spaces. So we have 90% of the parking that Lake Terrace has, and they can accommodate 1,200 people. So they're accommodating 50% more than us. So Lake Terrace works. I

know sometimes you have to park in the back, but I've never been to Lake Terrace where I didn't find a place to park. It's not always convenient, but there is a place to park. But we are providing a parking ratio that exceeds that.

Mr. Herzl said your testimony is you don't need the parking... you have enough for the school and should you use it as a hall you have ample parking for everyone coming in.

Mr. Flannery said if you looked at the closest regulation in the Ordinance for parking for the hall, it would be the same as what's done for the shuls and that's one per 100 sf. By that standard, we would need 120. We've provided 314. The applicant is a developer that's aware of what happens in Lakewood, and they don't want a facility that doesn't have enough parking. This has sufficient parking, it exceeds the Ordinance requirement, and it exceeds what's required by typical standards.

Mr. Herzl said correct me if I'm right, should you use the hall it would only be at night and not during school hours.

Mr. Flannery said that's correct.

Mr. Herzl said so you have the full 314 parking spaces for any other use.

Mr. Flannery said and my testimony, backed up by the Ordinance, is that's more than sufficient parking. And it's the appropriate amount for what we are proposing.

Mr. Herzl said and then you have the extra parking for PTA should the school need it. You'll never have cars parked on Oak Street.

Mr. Flannery said I don't think there's one parking space in Lakewood where someone has said that's too many. They sit vacant sometimes, but that's a whole lot better than to have someone driving around looking.

Mr. Herzl said thank you Mr. Auerbach, I see him there, for bringing more parking than you need.

Mr. Flannery said continuing on the report, item 17 indicates some additional sidewalk and we'll provide additional sidewalk as part of resolution compliance. Item 18 says depending on the number of parking spaces needed for the ballroom, they're recommending putting in some landscaping to break it up. We would rather not do that and leave the parking there. I think the parking lot fits in well, it's set back from Oak Street. But we leave that to the Board to decide. We would agree to whatever they want. The rest of the comments we would satisfy during resolution compliance.

Mr. Herzl said you have a traffic engineer also?

Mr. Flannery said yes we do. I see Scott here.

Mr. Scott Kennel, traffic expert, appeared and was affirmed. He said my office prepared a traffic report dated November 17th of this year. And it's important to recognize that report included the other school Brian had spoken about to the south, with consideration for 1,600 students. Therefore when I take that into consideration, the report demonstrates poor levels of service during the morning and afternoon peak hours. The school itself that is before you is one that is identified in my traffic study as having staggered start and dismissal times to minimize the impacts. The biggest issue is we have other schools on Oak Street and the traffic volumes in Oak are highest during the morning peak hours and in the afternoon they are about 15% lower than the morning peak hour. It's also important to recognize, the multi-purpose hall activity would be after 6pm and the traffic volumes are significantly

lower on Oak, approximately 30% of the PM peak hour. Therefore there would be more than enough capacity for that and it's much different than you experience with the schools.

Mr. Herzl said what would be the peak hours for the schools.

Mr. Kennel said in the morning a level of service F and E in the afternoon, but that considers the other school to the south of us with 1,600 students.

Mr. Herzl said and that's going to come eventually.

Mr. Kennel said yes. And there is a means to mitigate that, and Brian spoke about that briefly. In working with the Township, if we could restripe Oak Street to remove the parking and provide a center two-way turning lane, that would provide levels of service of D to E.

Mr. Herzl said right now, you can park on both sides of Oak Street? I think that's dangerous.

Mr. Kennel said correct. Exactly, it obscures sight lines for vehicles coming in and out of the driveways and side streets. I think a major safety improvement would be the prohibition of parking on Oak and also the striping to provide a 3-lane cross section, extending from Albert up to Vine Street between the two signals.

Mr. Herzl said I would ask the applicant if we can put in a request from the Township not to have parking on Oak Street. It's mainly schools, and they all have big parking lots. The double parked cars make it dangerous for everyone over there.

Mr. Kennel said agreed.

Mr. Vogt said Scott based on your knowledge and study, does the site circulation function without paving a section of Caldwell to provide a secondary access?

Mr. Kennel said the site works. Obviously a second point of access is a benefit to traffic, but again if we provide these other improvements to Oak Street that will address and mitigate the effects from this school.

Mr. Vogt said so if the Board decides to grant approval with the recommendations that were discussed with regard to the no parking and striping on Oak Street, that's going to be contingent upon Township review and approval, including Traffic Safety. If for some reason they don't agree with the concept, you may have to come back to the Board in some form.

Mr. Herzl said if the Township doesn't want to take the parking off Oak Street, if they would pave Caldwell, that would bring down the traffic level drastically?

Mr. Vogt said you're providing another access away from the frontage near Oak Street. You're separating traffic. I understand what Scott's saying, in combination with the staggered drop offs and pick ups, not having parking, and restriping. We don't have anything in front of us. We typically run any traffic changes that we do to Township roads through Traffic Safety because they have the best institutional knowledge of the area. If they agree with Scott's recommendation, that's great. If they see something that we don't, sitting here, what I'm suggesting is they may need to come back.

Mr. Flannery said and the applicant is aware of that, obviously if Traffic Safety says it doesn't work for some reason, we would do what they ask or come back to the Board.

Mr. Herzl said Mr. Kennel, if you do improve Caldwell, what would the traffic level be?

Mr. Kennel said well then you'd improve the level of service and with the other school it's projected to be a level of D service. It would be an improvement because you're providing two means of access to Oak Street.

Mr. Herzl said and if we do your other recommendations, no parking and restriping, what level can you bring it down to?

Mr. Kennel said the F would come down to an E, and the afternoon level of E down to a D. Again, those levels are based on both schools with 2,900 students.

Mr. Herzl said I know but we have to be realistic. That other application for a school is going to come back. We have to try to accommodate that in the road.

Mr. Flannery said the reality is though that everybody comes out to Oak Street. So even if we put Caldwell Avenue in, everyone is still coming out to Oak Street and the traffic problem is really Oak Street. The models that Scott runs are very nice models, but the drivers in Lakewood drive a little differently than most of those. I think we can work with Traffic Safety and fix the problem, which Scott has indicated is Oak Street. And again, if Traffic Safety says that's not going to fix it, then we'll have to improve that piece of Caldwell Avenue and extend our driveway through to there. As part of resolution compliance, we will do what's needed to satisfy the Board Engineer and Traffic Safety.

Mr. Vogt said that's reasonable.

Mr. Meyer said first of all, a 12,000 sf simcha hall with 120 parking spaces is ludicrous. No Lakewood simcha is 120 people.

Mr. Herzl said no they said 314...

Mr. Meyer said if you go across the street to TBY, every single simcha, there's overflow parking onto Oak Street. It's insane. You could have four simchas on Oak Street in one night and it's going to be a nightmare.

Mr. Herzl said they said 315, not 120.

Mr. Meyer said I heard 120 parking spaces.

Mr. Flannery said my testimony was that per the Ordinance 120 would be required but we are providing 314, almost three times what the Ordinance says. Because 314 is the correct number. And I compared that with Lake Terrace, which has 350, and they have 50% more capacity.

Mr. Meyer said and there's still never parking at Lake Terrace.

Mr. Herzl said that's double the size of the building.

Mr. Flannery said we're providing parking in excess of what Lake Terrace does, roughly 30% more parking per occupant than Lake Terrace.

Mr. Sabel said Mr. Kennel, if you could explain to me how a car coming out from Rockaway, trying to make a left on Oak Street at 9PM, in the middle of a wedding, and then you have 15, 20, 30 cars stacked up behind him trying to get out of Rockaway also, making a left hand turn onto Oak, there's no alternative. It's going to create a tremendous cluster.

Mr. Kennel said 9PM at night?

Mr. Sabel said any time. There's going to be a lot of cars.

Mr. Kennel said at 9PM the traffic volumes on Oak are much lower. You also have the benefit of the traffic signal at Albert that provides gaps along Oak Street, as well as the traffic signal at Vine. So you have the benefit of those signals.

Mr. Sabel said have you ever been to a wedding at 9PM on Oak Street?

Mr. Kennel said no, but I've reviewed the traffic volumes.

Mr. Sabel said I think you should stop by and take a look at it. It's crazy. And it's ok, we have the parking. I'm just questioning one car trying to make a left turn is going to create a huge backup. We need another alternative to get out of this parking lot. Not all 300 cars out of one street, if possible.

Mr. Herzl said Brian basically testified that they're going to go to Traffic and Safety, and if they do some changes and make it safe and it brings down the level, so be it. If not, they're going to pave the road or come back to the Board.

Mr. Sabel said we'll put in a condition for no parking on Oak and no parking on Rockaway?

Mr. Herzl said I don't know if we can do that legally. We can put a request in to the Township.

Mr. Jackson said I just have a question for Mr. Klein and perhaps Mr. Vogt. At what point does a simcha hall not become an accessory to a school, and it's a simcha hall with a school as an accessory use. This is an application for a school, but isn't it also an application for a ballroom? What is the predominant use? When you have 300 cars for a 12,000 sf banquet, which is which?

Mr. Herzl said the last few years, when a school, after school hours to raise money for the school... The main function is the school. If they have adequate parking and they want to make some kind of party to raise money for the school, we always accepted it as an accessory use to the school.

Mr. Flannery said the 300 parking space also benefit all the school functions. PTA nights, any events the school has. This is typical in Lakewood. All the schools in Lakewood are built this way, and when the Board reviews them typically they look at is there a hall or a room that could be rented out, is there sufficient parking for it? And we've demonstrated on this particular application that there is sufficient parking for what's proposed. So in my opinion, this is a very typical school application on a property size this big. We have a lot of different schools in Lakewood, small schools in houses, but the larger schools this is very typical.

Mr. Klein said in the scheme of the school, I don't think there's a question that the predominant feature is the school. Especially when you look at the floor size, with a footprint of 26,000 sf with multiple floors being used throughout the year for a school building with sometimes after hours as a banquet, which is really a multi-purpose room which will be used for school purposes as well. I think it's very clear the predominant use is as a school.

Mr. Herzl said my personal opinion, as long as you have the parking which benefits the school also, then you can have functions to raise money for the school. The only question is Oak Street and how do we bring down that level.

Mr. Jackson said the initial question to me was whether you can prohibit parking on side streets. And as a practical matter, you really can't. That would be a violation of their site plan. The way you prevent that is you make sure there's adequate parking for the size of the facility. If the Board is concerned that who is fooling who when you have 300 parking spaces and a 12,000 sf banquet hall, you're going to have people parking all over the place. My point is...

Mr. Herzl said no, we can make a recommendation to the Township to restrict parking on Oak Street. They could accept it or not, and then if they don't accept it, we could tell them we want them to pave the other road to have more access.

Mr. Jackson said I'm just responding to...

Mr. Abe Auerbach appeared on behalf of the applicant. He said we will ask the Town to do our striping as requested. If not, we are in agreement to improve that other street to provide a secondary access. And that street will be improved up until the entry point of the school, we aren't going to do the entire thing, just to provide an additional means of egress out. We have no control over the Town, if they decide for some reason it's not safe to restripe Oak Street or the other schools don't want it, we are in agreement to improve the other street up until our access to provide a secondary access out to Oak Street even though it would be at a pretty substantial expense.

Mr. Herzl said how big is it? How long?

Mr. Flannery said well what we would be doing is extending the northerly driveway out to Caldwell Avenue, and then Caldwell from there to Oak Street, which is 200 to 300 feet of roadway. As Mr. Auerbach said, we would request from the Town the no parking and striping configuration to the satisfaction of your engineer, and Traffic and Safety, and if the Town doesn't agree with us then we will provide that second access, the extension of the northerly driveway, and then 200 to 300 feet of Caldwell to provide a second access.

Mr. Vogt said I think that's a reasonable compromise Chairman.

Mr. Herzl said any other Board members have questions?

Mr. Sabel said I want to double check the proposal. You're going to go to the Township, request them to restripe Oak, no parking on both sides, if they don't issue that, then we're going to complete Caldwell until the side of the building.

Mr. Auerbach said correct.

Mr. Sabel said thank you very much. How about also no parking on Rockaway?

Mr. Auerbach said no. I can ask. But if they say no to Rockaway (request) and yes to Oak Street (request), then you should say thank you and I'll say thank you.

Mr. Sabel said you got it. The sidewalk is pretty good. Sidewalk from the entrance to the school to the entrance of the hall, there's a side where it needs to be completed or finished.

Mr. Auerbach said yes. We will comply with all applicable building codes.

Mr. Sabel said ok. Just wondering why it's not on the plans.

Mr. Herzl said he wants to make sure that we are doing our job. He opened to the public.

Mrs. Morris said I have two emailed comments. She put one comment from Mark Becker on the screen.

Mr. Jackson said we will place this into the record, and the Board can read it on the screen. Then we'll get confirmation everyone has had a chance to look at it.

Mr. Herzl said to answer what Mr. Becker wrote, I think we spoke about it, that it's not a banquet hall. It's a school hall, and it's being used for non-school uses to generate money for the school and I think it is legal and that's how we've been doing it the last few years, every school could rent out their hall for outside uses. As long as they supply enough parking, which they have. To answer this correspondence. Can we go on to the next one?

Mr. Becker appeared.

Mr. Jackson said don't repeat anything in your email, the Board has had the opportunity to read it.

Mr. Becker said I will not. Mr. Mark Becker of Vine Street was affirmed. He said following Mr. Klein's and Mr. Herzl's logic, I can open a restaurant in my house with a predominant use of my residential house. I could have a restaurant for 5 hours a day and it's totally fine. I use the restaurant to pay my property taxes. I understand Mr. Auerbach is not happy with this. This is an illegal use and it cannot be heard in front of this Board.

Mr. Jackson said this is the exact same point in your email that the Board has already discussed, and frankly it was something I brought to the Board's attention. They'll have to decide that. They have your argument, you don't get to do it twice.

Mr. Becker said thank you, I'm going to say one other point. There's plenty of parking here, more than there is in Lake Terrace, the problem in the flow of this argument is that Lake Terrace is being sued by the neighbors...(static)... parking...(static)...and they're losing their businesses and they can't hold meetings over there anymore. There's lawsuits going on right now by Clayton Associates. My point is that there really is not enough parking. I pass by there every day. You should make it illegal to park on Rockaway if you do approve it. I disagree with Mr. Auerbach and the Township will do it if they are asked to do it.

Mr. Herzl said thank you, and he agreed to ask the Township to do it. Thank you.

Mr. Jackson said I want to confirm the Board has had an opportunity to review his email. His argument is direct and to the point, I just didn't want to do it twice. Can you confirm everyone has had a chance to review his email of December 22, 2020?

Mr. Herzl said did everyone read the letter?

Mr. Sabel said we aren't approving a banquet hall, we are approving a school.

Mr. Jackson said that's for deliberations at the appropriate time and right now I just want to confirm everyone has read it. Is there any Board member who has not had the opportunity to read this full email?

Mr. Garfield said I haven't.

Mrs. Morris said Mr. Garfield is on the phone, so you have to read it.

Mr. Herzl said Mr. Jackson, do you want to paraphrase what is in the letter and put it on the record?

Mr. Jackson said it says there's an application, this is supposed to be a ballroom but it's a huge wedding hall, also known as a banquet hall, available for rental every single night. The building shows a Chuppah Room, Kabbolas Panim Room, Family Rooms, Simcha Hall Lobby, Wedding Meals & Dance Room, Simcha Kitchen, and other banquet hall related areas, totaling an over 30,000 sf facility. The entire underground area is separated from the actual school facility operations on the upper floors. It says the applicant is aware that the banquet halls are prohibited in the R-10 zone, it doesn't matter what creative phrase they use but the truth is, and to summarize what he's saying, this is not the right Board. They want to put a prohibited use and this should be in front of the Board of Adjustment.

Mr. Garfield said thank you.

Mr. Herzl said I wanted to add, it's not a 30,000 sf facility, it's only 12,000 sf. I think 30,000 sf is the whole building including the whole school. Is that correct Mr. Auerbach?

Mr. Auerbach nodded.

Mr. Herzl said it's only 12,000, not 30,000.

Mr. Jackson said can we check that with Mr. Flannery? Mr. Flannery, the objector says that when you count all the elements that go with the hall, what he's saying is what's available for rental when you count the kitchen, the lobby, other related area, that it's over 30,000 sf. Is that accurate?

Mr. Flannery said 30,000 sf is not accurate. The footprint of the building is only 26,000 sf. The hall itself is 12,000 sf. If you add up the areas of the other rooms, you come to about 18,000 sf.

Mr. Herzl said and the rooms are not used, two separate... I mean I know from the Jewish weddings, a Chuppah room is not used with a ballroom at the same time.

Mr. Flannery said right, and that's adding in the bathrooms and the lobby, right. Rooms that aren't being used at... or creating any additional people. Nobody comes here to go to the bathroom and not go into the hall.

Mr. Herzl said and the Chuppah room is not used at the same time as the ballroom.

Mr. Flannery said correct.

Mr. Herzl said Mr. Auerbach, is that correct?

Mr. Auerbach said that is correct. They go from room to room, from the lobby to the coat room, to use the bathroom, it's not...the ballroom is a 12,000 sf ballroom. In comparison to the school, it's a fraction. This is a huge school, a big building, and we will be having performances in the auditorium as well. A school play or function, they have the downstairs ballroom.

Mr. Herzl said even if you have a simcha there, you're not going to have more than one simcha. You're not renting out two separate rooms. It's one function at a time.

Mr. Auerbach said right.

Mr. Jackson said and the record should reflect that Ms. Morris put up the architectural layout that everyone is discussing now.

Mr. Herzl said Ally, can you please put up the second correspondence?

Mrs. Morris put up the correspondence from Mr. Moshe Zeines. She read,

Hi Planning Board members. Lake Terrace and Neemas Hachaim both have 2 roads in and out. This school should also have 2 roads. I urge the Board to require Caldwell Avenue to be improved.

Mr. Sabel said the bottom line is, how much money would it cost to finish Caldwell to the entrance of the site?

Mr. Auerbach said again, regardless of the cost involved, if we could accomplish the same impact by restriping Oak Street, then why should the school spend an extra \$100,000 or \$500,000. That's not the point. Same time, we agreed if for whatever reason we cannot accomplish that, whatever the cost is, we are agreeing to go ahead and put in that road.

Mr. Sabel said it's not comparable, not parking and a second roadway.

Mr. Auerbach said it's not just not parking, it's a two-way... it allows for a center turning lane. Traffic will flow as the professional testified.

Mr. Sabel said how much money do you think it will cost.

Mr. Auerbach said let's say \$250,000. What's the difference?

Mr. Sabel said because if it's de minimus...

Mr. Auerbach said are you willing to sponsor that?

Mr. Herzl said I just feel the traffic study should be brought down to a normal level.

Mr. Auerbach said and we agreed. If we cannot accomplish that with the restriping of Oak Street, we agreed to that.

Mr. Herzl said ok. Are there any other correspondence?

Mrs. Morris said no, that's all I received.

Mr. Herzl closed to the public.

Mr. Sabel asked the Chairman to do a roll call to see who feels Caldwell needs to be finished if Oak Street is improved.

Mr. Herzl said I don't mind asking, but more important what level of service do we want to see there. If they can accomplish it either way, I would... maybe we should leave it up to Traffic and Safety, they know better what's best for the town. Mr. Sabel, what's your opinion?

Mr. Sabel said if the cost is not significant, I think it's a benefit. But whatever the majority of the Board says, I will go along with.

Mr. Flancbaum said I think I agree with the position you were taking. The applicant should first go to Traffic and Safety, see if the Town is willing to restripe Oak Street and prohibit parking on one side. If they are, I agree with you. At the end of the day, all of the traffic goes on Oak Street. I think if we can accomplish a reasonable level of service on Oak Street, I think it's a success and we don't have to ask the school to spend a significant amount of money to improve Caldwell. If the town can't do that, then the applicant already indicated they'll come back and they'll do the improvement on Caldwell.

Mr. Auerbach said we're not going to come back, we're just going to improve the road.

Mr. Flancbaum said even better.

Mr. Meyer said I second what Justin said.

Mr. Garfield said I'm not happy about putting all the traffic on Oak, I know that.

Mr. Herzl said regardless, if we pave Caldwell it's still ultimately going to end up on Oak Street.

Mr. Garfield said correct. Unless they agree, when they have a large party, that the people have to arrange to get a person to help direct traffic and pay for it. And include that as part of the cost of renting the hall.

Mr. Herzl said ok, should they have a big party.

Mr. Garfield said you could even say a party of 150 people, they have to pay to get a guard. That may be able to move things a lot better.

Mr. Auerbach said it's in our interest to make it work. If it's backed up we are going to have to find a volunteer service or hire a traffic control to direct traffic. I stand by what I said, we all want it to work and we are agreeable to ask Traffic and Safety to accomplish that. If it does not (work) we are in agreement to go ahead and pave the road to the other entrance. If Traffic and Safety agrees to restripe Oak, and we don't do the other entrance and it backs up, believe me people aren't going to be happy, they are going to call the owner, he's going to hire a volunteer service or hire a guard, whatever. We don't have to require us to make it work.

Mr. Herzl said I don't think anyone is going to make a party there if it doesn't work. I think it's in your best interest to make sure that it works.

Mr. Auerbach said exactly.

Mr. Klein said if Traffic and Safety themselves recommends that, I believe then we would agree we'd follow the recommendation on this.

Mrs. Morris said did the Board not recently have another school on Caldwell where they requested a waiver from improving Caldwell and the Board did not approve it? On the southern end of Caldwell near Chestnut so this would essentially be cutting off that access from Chestnut to Oak.

Mr. Flannery said yes. The school that was on before the Board was to the south of us, and they requested not to put in Caldwell also because they were doing their access from Rockaway. Caldwell doesn't go any further to the south, so improving Caldwell doesn't have that kind of a benefit. And the Board did not act on that other application, it didn't have sufficient parking and the Board recommended they go back to the drawing board.

Mrs. Morris said I'm talking about a project by New Lines on Chestnut Street, one more tax map sheet to the south.

Mr. Flannery said the whole area between Turin Ave and Chestnut is mainly Township owned property and it's in the sending district, so that's an area that the Township is trying not to improve. I think they're far enough apart that it would not have any correlation.

Mr. Sabel said we are still in the middle of a roll call.

Mr. Herzl said I think I asked everybody. Jakey and Justin said to go with what Traffic and Safety recommends, and I agree with that. And Mr. Garfield said should there be a lot of traffic, we should get a traffic guy or a volunteer to stand there.

Mr. Garfield said during the time that they're holding an affair.

Mr. Herzl said right. Mr. Auerbach said that he would do whatever it takes to make sure that it works.

Mr. Sabel said Brian you mentioned there is another school coming up to the south of this building?

Mr. Flannery said the Township owns the vacant property to the south, and I believe they will sell that to a school.

Mr. Sabel said so why shouldn't everybody finish their part, and eventually we'll have access for both schools on Caldwell. If we're going to give the waiver now, the next school is also going to get the waiver. Maybe share the cost.

Mr. Flannery said my point was all the traffic comes out to Oak Street anyway. It would be different if we were getting some of the traffic to go a different place. If we can make the intersection handle the volume that's gonna come there, then it's probably better to have it there. And as Mr. Auerbach indicated, if it requires a person there during an event to manage the traffic, the owner is going to have to do that because otherwise no one is going to rent it. So my opinion is improving Caldwell isn't going to help because all the traffic is going to come on Oak Street and has to fit on Oak Street.

Mr. Sabel said eventually Rockaway can be finished, improved, until Vine Street, and then we have another access. Maybe we can avoid Oak Street. Vine Avenue eventually can be finished by the Township or somebody. And then we finish Rockaway to Vine, I'm sorry, to Vermont, and then we have another access and can avoid Oak Street.

Mr. Flannery said if Rockaway is improved to Vermont, and it's quite a distance, then yes it provides a second access. But we are here with a permitted use, virtually a conforming application. The only relief we are asking for is for the buffers, buffers that are not needed because there's no residences around. And we are providing parking that exceeds the Ordinance requirements. We're indicating that we're going to meet with Traffic and Safety, and if the numbers don't work we will improve a piece of Caldwell. I think this applicant is going further than others have.

Mr. Sabel said it is a design waiver you are requesting. So there's a buffer, we aren't arguing about that. We are discussing the design waiver.

Mr. Flannery said yes.

Mr. Sabel said ok.

Mr. Herzl said Ally, I'm looking at the screen, there's an Avrohom and Binny on the call.

Mrs. Morris said we have not opened up to the callers, no.

Mr. Herzl opened up to any call-in members of the public.

Avrohom Landau of Truman Avenue appeared and was affirmed. He said I am the owner of the school, I believe I worked with Mr. Auerbach on a very detail oriented plan. I'm not interested in putting up a building of this size to have problems with traffic. We try to do everything in our powers to make an edifice for the school building (static). The more important thing is that students can get into and out of school safely, which is the most important thing for us. I believe it works for that. It doesn't work for any other time of night or day that it is needed.

Mr. Herzl closed to the public.

Mr. Sabel made a motion to approve with the conditions discussed with Mr. Auerbach regarding Oak Street, no parking on both sides, a turning lane, and sidewalks finished...

Mr. Herzl said it's not a condition, we'll leave it up to Traffic and Safety, either they're going to do that or they're going to improve Caldwell.

Mr. Sabel said absolutely.

Mr. Herzl said we can't make a condition because it's up to the Town.

Mr. Sabel said and if not, they're going to improve Caldwell, we're going to get sidewalk wherever needed, as well as in the middle from the entrance to the hall 'til the entrance of the school, and the back. All the sidewalk, the more the better.

Mr. Flancbaum seconded. All were in favor.

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