

## 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. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Meyer were present.

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

## 3. MEMORIALIZATION OF RESOLUTIONS

1. **SD 2426 David Holtz**  
1466 & 1484 Read Place Block 855.03, Lots 17 & 20  
Correcting resolution for a Minor Subdivision to create five lots

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

2. **SP 2406 River Ave Properties II LLC**  
Chestnut Street Block 1077, Lot 45  
Preliminary and Final Major Site Plan for an office building

Mrs. Morris said we had Mr. Jackson summarize some public comments that we had received via email, however one of the emailed comments had concern that his comment wasn't covered in its entirety. Mr. Jackson indicated we could read his comment into the record before adopting the resolution.

Mr. Sabel abstained from this motion.

Mr. Jackson said this is a comment from Joel Berkowitz.

I am writing in regards to the proposed building at 2406 River Ave. I live nearby, and as anyone who has passed by can attest, the road leading to Chestnut and River Ave are small and narrow. I am worried this will become a big danger for cars passing through, as there is no room for cars to safely turn right and left. Another concern is the parking. Commercial vehicles and trucks will not have room to turn into the property. As the proposed design states the trucks will have to park outside. This will create an even bigger hazard for all those driving by.

Mr. Jackson said this was apparently left out, and under the circumstances I think the Board should re-vote if that letter has any impact on their vote.

Mr. Herzl said who made the motion and who seconded it on that?

Mrs. Morris said at that meeting, we had a motion by Mr. Meyer and seconded by Mr. Flancbaum. Mr. Stern voted no. Mr. Rennert, Mr. Isaacson, Mr. Sabel did not vote on that application. The conditions were that there be no medical offices, a circulation plan be adjusted to accommodate FedEx trucks, private trash would be done with roll out containers, there is a total square footage of the building that was limited, no curb and sidewalk waiver was granted.

Mr. Sabel said we don't have a quorum for this. Members that acted before are not on. We don't have five members.

Mr. Jackson said that's a tough one.

Mr. Adam Pfeffer appeared on behalf of the applicant. He said I was unaware that there was even an issue or concern. I believe this comment is somewhat duplicative of other comments that were made during the hearing. We addressed these comments, we addressed with regard to circulation, with regard to size of vehicles. As an abundance of caution, you're now reopening it, I don't really understand what we're doing. I do agree with Mr. Sabel on who can vote on it, the different people are here. It's not just a regular resolution. Maybe we move this to the next meeting to do the resolution?

Mr. Jackson said this is uncharted territory, we are improvising as we go along. I recommend the Board adopt the resolution because it was approved, and that we circulate the letter, we hold the resolution, pending giving everybody who voted in favor the opportunity to advise the Chair through an email if that public comment changes their vote.

Mr. Herzl said I concur with Mr. Pfeffer, we spent a lot of time on this application and there were a lot of neighbors who had this concern. I think the Board took it into consideration. We spoke about the trucks and parking on the road, and I think the majority voted favorably for it.

Mr. Jackson said so the members that voted favorably, how many members voted in favor?

Mrs. Morris said Mr. Garfield, Mr. Flancbaum, Mr. Herzl, and Mr. Meyer.

Mr. Jackson said ok Mr. Meyer is on tonight. Does that letter persuade you one way or the other or cause you to change your vote?

Mr. Meyer said no persuasion whatsoever.

Mr. Herzl said and I said my opinion before, I think everything was put on the record. Whatever it says in the letter was put on the record, and the Board took action to approve it.

Mr. Jackson said what about Mr. Garfield.

Mr. Garfield said same thing. I approve.

Mr. Jackson said we still have the same with two members. We're making this up. There's no page in the manual to do a virtual meeting in this circumstance. As far as I'm concerned, it's important that this person's voice get heard by everyone who voted. So we have three people who indicated it would not affect their vote. I recommend you make a motion to adopt the resolution, and then we're going to hold it pending confirmation from the two remaining members by email. And they can send correspondence to the secretary whether it would have an impact on their vote.

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

- 3. SP 2430AA Migdal Bais Yaakov**  
Joe Parker Road                                      Block 189.04, Lot 60  
Change of Use/Site Plan Exemption to convert a house to a school

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

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

Mrs. Morris said SD 2477, Yeshiva Chemdas Hatorah, a large subdivision on Cross and Massachusetts, is no longer on this agenda because they had a problem with the notices. The applicant will be providing new notice to the correct neighbors. I believe it's June 22<sup>nd</sup> we have that scheduled for.

- 1. SD 2475 519 Arlington LLC**  
105 Melville Ave & Vine Ave                      Block 763, Lots 8 & 16  
Minor Subdivision to create four lots (reopening hearing for public comment)

Mrs. Morris said the Board had previously heard this on May 4<sup>th</sup> and approved it. We received comments from a neighbor that they had wanted to speak at the meeting and were not given the opportunity. Mr. Jackson asked that we reschedule this under the public hearing section of the agenda so that we can reopen for public comment and then take a new roll call from the Board. Mr. Rennert and Mr. Isaacson were not here when we first heard the application, so I don't believe either of them can sit on this public comment portion.

Mr. Jackson said I believe the comment and the concern is Ms. Leeds just wants to have confirmation that her property is not going to be used. She wants to tell the Board. So it might be satisfactory if the Board and the engineer can assure her that will be in the resolution. Mr. Herzl, with your permission I will read her comment into the record.

Mr. Herzl said yes please. I want to apologize to Ms. Leeds that she couldn't be heard.

Mrs. Morris said before we read, we should check that the call-in users are not her because I was under the impression she wanted to speak.

Mr. Jackson said before we do that, let me read it to the Board and I'd like to know from Mr. Magno whether this is something that was part of the approval. And then we'll hear from her as well. That might satisfy her. From Laurie Leeds, of 21 Oxford Drive, it's dated June 8<sup>th</sup>, addressed to the Board:

Dear Planning Board members,

I am Laurie Leeds, owner of Block 931, Lot 1, which is across Vine Ave. from Block 763 Lot 8.

In plan made by New Lines Engineering, there is a property asphalt turnaround on my property.

There is absolutely no need for this turnaround. One house away, 50 feet down from Block 763 Lot 8. There is a turnaround on my property, which connects to a finished road, which complies with the Residential Site Improvement Standards. This turnaround connects to a finished road, to a gravel and dirt road, which is already well travelled to Cedar Bridge Ave.

This turnaround adversely impacts my property with additional impervious coverage and creates additional disturbance.

In New Lines plans there is an arched Bulb Line on my property, Block 931 Lot 1, at the end of Vine St. and Cedarbridge Ave.

New Lines plans for a road, do not state they are doing anything there. They do not have permission to do anything there. I want confirmation that nothing will be done on the corner of Vine and Cedarbridge Ave. on Block 931 Lot 1 or any property connected to Block 931 Lot 1.

Looking forward to providing testimony per Attorney John Jackson ruling that the meeting must be open for my public testimony and then a vote taken after the testimony.

Thank you for your kind consideration,

Mr. Jackson said so before we determine whether Ms. Leeds is on the line, I have a question for Mr. Magno. My recollection is that there was no turnaround on her property and her property was not being used. Can we give her that confirmation?

Mr. Magno said it sounds like her property is at the corner of Cedarbridge and Vine. This property doesn't go that far.

Mr. Pfeffer said we have Glenn Lines here, I believe he can clarify this. I believe it was a hammerhead that the Township requested at the end of the street. We have no issue not putting that hammerhead in.

Mr. Magno said the hammerhead is in the right-of-way, why would we want to eliminate that?

Mr. Herzl said Glenn, I want you to put on the record, are we touching Mrs. Leeds property at all?

Mr. Glenn Lines, professional engineer and professional planner, was affirmed. He said no, that red line is per property line and that's the other right-of-way line. The gray hatched square is the turnaround that the Township Engineer required when the administrative approval was given for the duplex on the other side of the road.

Mr. Herzl said that's Township property?

Mr. Lines said yes the entire piece of that turnaround is within the right-of-way of Vine Avenue.

Mr. Herzl said ok so you're not touching her property. I want that on the record.

Mr. Jackson said I don't believe that was the only concern she had. I think her concern was also that there's a turnaround nearby. Let's leave this on and have her...

Ms. Laurie Leeds appeared and was affirmed. She said I am Laurie Leeds, owner of Block 931, Lot 1, which is across Vine Ave. from Block 763 Lot 8. In plan made by New Lines Engineering, there is a property asphalt turnaround on my property. There is absolutely no need for this turnaround. One house away, 50 feet down from Block 763 Lot 8. There is a turnaround on my property, which connects to a finished road, which complies with the Residential Site Improvement Standards. This turnaround connects to a finished road, to a gravel and dirt road, which is already well travelled to Cedar Bridge Ave. This turnaround adversely impacts my property with additional impervious coverage and creates additional disturbance. You only put a turnaround on property when it leads to no exit. This

turnaround that's there now leads to Cedarbridge Avenue and leads to an exit. When it only leads to a dead end is when you have to put a turnaround. The RSIS state that you only have to have a turnaround when it leads to no exit. But this turnaround that's there now, which is on my property, it goes from the Township right-of-way into my property, the one that's there now. And there's no reason for another one. New Lines plans also put an arched Bulb Line on my property, Block 931 Lot 1, at the end of Vine St. and Cedarbridge Ave. New Lines plans for a road, do not state they are doing anything there. They do not have permission to do anything there. I want confirmation that nothing will be done on the corner of Vine and Cedarbridge and also on Block 931 Lot 1 or any property connected to Block 931 Lot 1. New Lines plans and the Planning Board gave 519 Arlington LLC the right to build the road and to do the grading and I would appreciate a copy of those plans and a certified noticed a week before when they're doing it, because I'm right across the street and I would like to know what's going on because everything going on there affects me. I appreciate you letting me talk tonight and I look forward to your caring decision. Thank you. I was told that I would be able to talk tonight and also that there would be a vote tonight.

Mr. Herzl said thank you. Dave, she's saying we're going on her property. Is there anything on her property.

Mr. Magno said not on the plans that I'm looking at. Everything is within the right-of-way.

Mr. Herzl said you're saying there's nothing on her property.

Mr. Magno said correct. On the screen you can see the right-of-way lines and the turnaround is within those. The Town wants the turnaround because we don't want to encourage people to drive on the gravel where it goes into the County intersection, because that's not paved and that's not a safe way to enter the highway. That's why the turnaround is there.

Mr. Herzl said Mr. Lines your testimony is that you are in the right-of-way and you aren't going on Ms. Leeds' property.

Mr. Lines said that's correct. Also she talked about the curve shown on her property at the corner of Cedarbridge. That's a stray drafting error, it has nothing to do with anything. There's no work proposed on that corner at all.

Mr. Jackson said Ms. Leeds had two points though. She said that's on her property, and I can see why she'd think that because it's unimproved and we can't see property lines. But also, I believe what she's referencing, I see a similar type of turnaround to the left. She has two points. She says there's a turnaround right there, why do you have to have another one so close to the intersection. It's going to disrupt my property and I don't want it there and it's unnecessary because there's already one there. I think she was making two points.

Mr. Pfeffer said we are doing no work on her property. The hammerhead was a request by the Township. We are happy to put it in or not. Bottom line is nothing is changing on this application, everything is what we're seeing. We're not touching anyone's property but our own. If the Board requires the hammerhead, we'll put it in. If they say don't put it in, we won't put it in. We're good either way.

Mr. Herzl said I think we should leave that up to the Township Engineer, if they feel it's necessary.

Mr. Magno said I agree Mr. Herzl. The other catch to that is I understand the other turnaround is there because that's what happened first. DPW is going to want this second turnaround up further because they're going to be collecting trash from these new duplexes.

Mr. Stern said I sent Ally an email with pictures. This is a screenshot from Google Earth. It appears that the road from that 90 degree angle road, all the way to James, is fully improved. Then from this intersection to Cedarbridge, it's kinda halfway improved. At the very top of the screen you see the hammerhead. So Vine Street has always been a mystery to me. I thought it had environmental sensitivities or something, but I guess there's not. Why has Vine never been fully developed and why don't we just make the road a real road, like to the James Street exit. Why is the gravel on the entrance of Cedarbridge, why is that not being paved.

Mr. Pfeffer said those lands on the other side have not come before the Board, so just like we're putting in our half of the street, they would have to put in their half.

Mr. Jackson said we can require a half-width in front of the property being developed. That's what's being done here?

Mr. Herzl said I think it's existing over there, no?

Mr. Magno said that is correct Mr. Jackson. There is some history to Vine. I recall the earlier subdivision to the south, where it intersects Elm, and there is actually a plan for Vine to go all the way through but as Mr. Pfeffer said the lots on the corner and the other side have not been proposed for development and the Township has not pursued completing Vine to Cedarbridge Avenue. So that's why it's where it is today. To finish it, it would have to be on behalf of the Township, and approved by the County, or development of the corner lot on the southwest side of the intersection or some of the lots on the east side of Vine. That would be how it gets completed out to Cedarbridge.

Mr. Herzl said I think when it does eventually get completed, then we won't need this hammerhead.

Mr. Magno said that is correct. And let me point out, the hammerhead is pavement that won't have to be done later because it will exist.

Mr. Stern said am I mistaken in my recollection that that portion of the Cedarbridge Development has environmental restrictions and may never be developed, or am I thinking of a different piece of this.

Mr. Magno said I think you're correct, as you go east there are wetlands and I'm not sure if the front of Vine could be developed on the east side.

Mr. Stern said you're not sure it could be developed? That's my recollection as well. Therefore if the supposition is we are only building half a road because one day the trees on the other side are going to be knocked down and we'll have other homes built that will require that future developer to put in the other half of the road, that may be a false assumption. If we are ever going to have a real road that fire trucks and garbage trucks can go down, now may be the time to build the whole road.

Mr. Magno said the right-of-way is extra wide here. Even though the half-width goes past the centerline, so they do get the required width from RSIS standards.

Mr. Stern said why did this Board, a little further to the south, apparently felt it was important we have a full width road?

Mr. Lines said I represented the three duplexes on the west side of the road. There was no street there on Vine at all. It was a gravel road that people traveled. The Board required us to improve from Elm down to the northerly line of the three duplexes and provide that little turnaround that is completely within the right-of-way, and they only required a half width. Where the pavement is, it's very clear, there's a perfectly straight line that runs 24' off the curb line so that you have two conforming 12' lanes with a turnaround. The property on the opposite side of the street of those duplexes, which Ms. Leeds owns, is developable. It was not part of the Cedarbridge Development Corporation back in 2000. That's her property. It could be sold or developed. That had nothing to do with Cedarbridge. On the other side of her property going east, it's all Township property protected by conservation easements so nothing can get built there. But this was private property, owned by, I believe, Ms. Leeds at the time.

Mr. Stern said so south of Elm, why is that road double wide?

Mr. Lines said that road for whatever reason the Board... maybe that was the Zoning Board. It only goes another 100 feet or so to two more duplexes, and then that road is done. From there down, it's all environmentally sensitive wetlands, there's streams, marsh, whatever. So there's probably a few hundred feet between the paved road on the bottom down to Pine Street. And you need environmental permits from the DEP to do that. To fill and pave the road.

Mr. Stern said do you need a DEP permit to fill the hammerhead?

Mr. Lines said no there's no wetlands by our property.

Mr. Stern said so there's wetlands to the south but not the north.

Mr. Lines said right. To the north is all high and dry, to the south is wetlands.

Mr. Stern said thank you.

Mr. Herzl said we heard from both engineers, nothing has changed. I think there's a misconception here. She thinks we're going on her property. No one is going on her property, and the Township Engineer confirmed it. I don't think we need another motion, I think the original motion stands.

Mr. Jackson said let's hear from Ms. Leeds. We also got some comments from the public and have to figure out what we're going to do with that.

Ms. Leeds said I couldn't hear everything.

Mr. Herzl said they're not doing anything on your property.

Ms. Leeds said they're not going to put this turnaround?

Mr. Herzl said the second turnaround is not on your property.

Ms. Leeds said it is on my property. I don't want it there. I have the plan for it. It goes into my property.

Mr. Jackson said the Board Engineer and the surveys indicate it's actually in the right-of-way that adjoins your property.

Ms. Leeds said it's in the public right-of-way and into my property. Why would you need two turnarounds 50' from each other.

Mr. Jackson said that's a different issue. Let's go one at a time. The Board is not approving anything on your property.

Mr. Herzl said we can't.

Ms. Leeds said I'm discussing two turnarounds. Why do you need them 50' apart, and the RSIS, their standards say you only need a turnaround when the turnaround leads to a dead end. And that first turnaround leads to Cedarbridge Avenue, which is not a dead end. So you're going against their standards or law, you can't do that.

Mr. Jackson said what I'm hearing from the Board is that this configuration was preferable to having the one hammerhead because the garbage trucks would have the ability to turn around in front of those two units.

Ms. Leeds said there are trucks there that go back and forth now, and they do everything very well.

Mr. Herzl said we have to move on. I heard what she had to say.

Ms. Leeds said this is a harassment against me from Lakewood. They don't lay off of me now for 20 years. I need some help. I am not going to agree to the second turnaround. It's lawfully illegal.

Mr. Herzl said then you should retain an attorney. We have to continue. We are just going in circles. We confirmed that it's not on her property. The deed shows very clearly that we are not touching her property.

Ms. Leeds said if I get a survey and can prove that you are on my property, then what?

Mr. Herzl said then they can't build. Then it's illegal for them. We are not giving them any approvals on that.

Ms. Leeds said can we leave this that I get a survey? I have to have the right to defend myself.



Mr. Pfeffer said the applicant has gone on. He has made his application. We've gone over and beyond, we've allowed you to reopen for all the comments to come in. You've had testimony from both Glenn Lines and the Board's engineer indicating there is no work being done on Ms. Leeds' property. The Township Attorney (Engineer) has confirmed that he is in agreement with Mr. Lines. We've said it 17 times, we are not touching Ms. Leeds' property.

Mr. Jackson said we have to draw a fine line here. We want to be polite and hear everyone's opinion, but it's also- We're not in a format where everybody has to agree to everything. At some point, the gavel has to come down and we have to move on. I wanted to alert the Board that I did receive an email while this was pending... Ally, do you know, I have a handful here...

Mrs. Morris said no I didn't get any.

Mr. Jackson said this is from a Mark Becker.

Mrs. Morris said that's regarding a different application, 2419.

Mr. Jackson said ok.

Mr. Herzl closed to the public. He said my personal opinion, I'm not an attorney, I don't think we need a motion. We just confirmed nothing is on her property. The motion stands, and I would like to continue. If she feels differently, I think Ms. Leeds should retain an attorney and come back to the Board.

Mr. Pfeffer said I was sent a draft resolution on this, as the Board voted last month. I would just ask Mr. Jackson if there's any reason why we couldn't act on the resolution tonight.

Mrs. Morris said I believe Ms. McLeer left some blanks in it, she was going to add Ms. Leeds' comments and then have the Board act on that resolution.

Ms. McLeer said that's correct. I've been updating the resolution.

Mr. Herzl said if the draft is not updated, then I think we should wait 'til next week.

Mrs. McLeer said the draft is updated, I've been updating it. We should confirm.

Mr. Jackson said has that resolution been circulated Mrs. Morris?

Mrs. Morris said yes, it's been in the One Drive aside from whatever Ms. McLeer just added about Ms. Leeds' comments. I would recommend she put it on the screen.

Ms. McLeer said yes I can do that. Bear with me.

Mr. Herzl said Mr. Jackson, I closed to the public. The only thing, to be fair to Ms. Leeds, maybe we should give her a week to get a survey.

Mr. Pfeffer said I'm putting my objection on the record. This is now the second time we've opened up this application. She had plenty of time to go get any survey. We've had two professionals confirm we're not doing anything on her property. If we are, then there's another avenue to deal with that. And what happens next week when she doesn't have her survey completed? We're going to wait again for the vote? This is not fair to the applicant. We've done everything we are supposed to do, we've given all the opportunities. She could've given that survey last week.

Mr. Isaacson said I did not vote on this application, but I think there's extenuating circumstances here. This is not an open public forum, this is a little bit more difficult, especially Ms. Leeds doesn't even have a computer. In a proper public setting she would come forward and say that her survey shows it is on her a. I think you have to allow her that right of one more week, to come and present the survey, and lets see if there is something being built on her property.

Mr. Pfeffer said I understand those concerns, if there was something shown. But we're in the right-of-way. It's perfectly clear. And for the record the applicant has already agreed if you don't want that hammerhead, take it away. We are willing to do it. Or take it away. We'll agree to build right now without the hammerhead. Should Ms. Leeds show that it's on her property, no problem it just won't get built. If it's not, and the Township wants it, we will build it. That has nothing to do with the application. You realize the hammerhead is on the Township's right-of-way.

Mr. Herzl said Mr. Stern are you ready to vote on it now?

Mr. Stern said I think so.

Mr. Herzl said Mr. Meyer?

Mr. Meyer said yes.

Mr. Herzl said I'm also ready. Mr. Sabel?

Mr. Sabel said yes.

Mr. Herzl said Mr. Rennert?

Mr. Rennert said I'm not voting on this.

Mr. Herzl said I'm closing to the public and asking for a motion.

Mr. Meyer made a motion to approve.

Mr. Garfield seconded.

All were in favor.

Mr. Sabel said that's the motion for the resolution Chairman.

Mr. Herzl said yes, for the resolution.

Mr. Stern left the meeting.

Mr. Herzl said we have a quorum still.

**2. SD 2185 Mark Properties, LLC**  
Netherwood Drive Block 435, Lot 6  
Extension of Minor Subdivision to create two lots

Mrs. Morris said this is an extension of a previously-approved minor subdivision. I put up the original plans showing they are providing curb, sidewalk, and shade trees around the entirety of the property.

Mr. Herzl said it's just an extension, right? How long do they need?

Mr. Brian Flannery appeared and was affirmed. He said we are asking for our third and final one year extension. This property is on the corner of a County road and Township road. The applicant is asking for their third and final one year extension.

Mr. Herzl asked for a motion.

Mr. Sabel made a motion to approve.

Mr. Isaacson seconded.

All were in favor.

**3. SP 2419 Bnos Devorah**  
Oak Street Block 1149; 1152; 1153, Lots 1, 5, 6;1; 1, 5, 6  
Preliminary and Final Major Site Plan for a school

Mrs. Morris said Mr. Jackson, this is the one we received a couple of emails on at the start of the meeting, starting with Mr. Zeines, questioning the notice and jurisdiction of the board because of the hall shown on the plans.

Mr. Herzl said it's a school, and they're making a hall. We always voted on a lunchroom being used as a hall. It's not a self-standing hall.

Mr. Jackson said no one's ever really raised this issue. I think we had something similar last week. The argument is a pretty good one. He says that a banquet hall has different demands, different impositions on the neighbors, and the notice doesn't apprise the general public that a banquet facility is going to be present under the auspices of the school.

Mr. Herzl said he's not questioning jurisdiction on which Board it goes to, he's just questioning the notice because the notice does not put it in.

Mr. Jackson said right. It doesn't say there's going to be banquets and the parking lots going to be filled up 'til midnight three nights a week, four nights a week.

Mr. Herzl said what's your opinion? Should we ask them to come back in an abundance of caution?

Mr. Jackson said I think if there's a hall on the property, the average citizen wouldn't know... they see an application for a school, well a school is a certain thing. But now all of a sudden there's banquet halls. There's banquet halls in Lakewood, we know, that are like the school happens to be part of a banquet hall. I don't know if everybody would get the idea and it depends if you want to be conservative. The other side of the coin is well it's a school, that's what schools typically have.

Mr. Herzl said my opinion, I can't talk about the legality, but everybody knows that every school lunch room gets rented out. And I don't think any people live on Oak Street.

Mr. Jackson said if it's your judgement that you think that term, in this community, lets you know that there's going to be a banquet hall there, then that's the ruling. My recommendation is I think you should notice for a banquet hall. I don't know what we do on all our other ones. This has never come up before. Putting that aside, I'd like to hear what Mr. Pfeffer has to say.

Mr. Pfeffer said this is no different than any other application the Board has seen. This is first and foremost a school. We have noticed for a school. Everyone is talking about what's going to happen on this site, but our professionals have not had the opportunity to provide testimony for that. There's a hall, there's a room that has a stage that's going to be used for a school and may have other ancillary uses which might be for a hall at times. The first and foremost use is a school and it's always been accepted as an ancillary use, things that can be rented out, just like the public school does. Public school, you can go rent out right now.

Mr. Jackson said I suppose it's not a whole lot different, you go to Point Pleasant Beach High School and use the gym. Let's say it was a private school and it was a gym. You'd say well I didn't know there was going to be basketball games there four nights a week in the winter and there's going to be 400 people here, and there's going to be wrestling matches on Wednesday nights and I didn't know that this is going to be going to 10, 11:00 at night and all day Saturday. Someone would say well it's a school, who would know? I thought the kids were going to play volleyball.

Mr. Herzl said historically, every single school in Lakewood has a hall.

Mr. Jackson said what I just said is along the lines of your thought process.

Mr. Herzl said Mr. Rennert, what's your opinion?

Mr. Rennert said I would like to see the notice state that there's going to be an ancillary use of a hall. I agree it's ancillary, but it should be noticed. That's my opinion.

Mr. Sabel said I'm looking at Terry's letter, page #3 under zoning, Terry's asking the question. Testimony shall be provided whether the large wedding hall is a permitted use. So someone should answer. Is this a permitted use in the zone or not?

Mr. Pfeffer said we would love to give the testimony, but we need our professionals sworn in and to start our application.

Mr. Jackson said that's a trickier question. The question is whether uses that are under the umbrella of a larger use, it depends on the fabric of the community. Let's say you have a catholic high school, and they have a gym where they have basketball games. Well, that's normal, just like every other high school in the state. Maybe in Lakewood it's normal to have banquets in the hall. We have the same issue with high schools that have dormitories. Where I think in a lot of communities they'd say no, high schools generally don't have dormitories. I think in Lakewood, it's the exact opposite. And the case law says that what's an accessory use, what's under the umbrella of the overall use, is really a question of fact that has to be developed on the record and I think the applicant wants to be heard on that.

Mr. Sabel said can we ask Dave, is this zoning, is a large wedding hall permitted?

Mr. Magno said the question is, what our letter was looking for, is testimony. And I think Mr. Pfeffer mentioned, their claim is that the wedding hall is inside the school and ancillary to the school. I believe that's going to be their testimony. I think the issue Mr. Jackson is having is that the notice simply doesn't mention the hall. And that's what the crux of the problem is. It's not really whether you're before the correct Board. I think the testimony by Mr. Pfeffer has already confirmed that this is before the correct Board.

Mr. Garfield said what is the parking allowance of a school compared to a banquet hall? A banquet hall can have a lot more people.

Mr. Herzl said that is testimony. I think we should deal with the issue, do we want them to renotice and come back in two weeks, or are we going to hear this today. What's your opinion, Mr. Garfield?

Mr. Garfield said I think it should be put off until we get some answers.

Mr. Meyer said I think we should go ahead. As Mr. Jackson said this is no different from a school with a gym with sports games. It's a part of the school.

Mr. Herzl said that was my opinion, I just want to make sure we have a majority of the Board.

Mr. Rennert said I'm ok going forward if the Board is, I just think maybe for the future it should say a multi-purpose hall.

Mr. Isaacson said my opinion is we should go forward and hear testimony.

Mr. Herzl said I think a majority of the Board said we should go forward.

Mr. Magno said

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

Mr. Magno said as we discussed, this is for a new school with a wedding hall in the building. It's a large site that fronts Oak Street and it borders two other right-of-ways on the east and west side. So it has three frontages. The only side is to the south where there is currently wooded area before you get into residential area further south. There are submission waivers needed. We are basically ok with the submission waivers, provided that a couple things will be made conditions of approval. The information within 200' can be waived provided that the survey is updated to show

what is already built on the Lambert Avenue side of the property. And as a condition of approval we would need complete plans and profiles for both Lambert and Caldwell Avenues because they are both public right-of-ways that are being improved for the project. If the Board can make a motion we can go forward.

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

Mr. Magno said under zoning, Mr. Pfeffer has already given some testimony with how this is going to work with the school being a permitted use and the hall being ancillary. Here's the question, whether we are really before the right Board, is the building height. It's not clear on the plans what the building height is supposed to be. They are permitted 35' and the plans we are looking at, it's 41' on three sides of the building. I don't know, we're going to need testimony on that, how it's going to fit in.

Mr. Jackson said if that's more than 10% over the 35, that's a deal killer.

Mr. Magno said right. That's why that needs to be clarified. Moving on to the other items, it does need a front yard setback variance because it has three frontages. The building is going to be 44.5' from both Caldwell Avenue and Lambert where 50' is required. The other variance would be buffer relief on the south side which currently is undeveloped but could be in the future. As far as design waivers, it needs waivers for the number of driveway intersections on Caldwell and Lambert. But we do want to point out, a majority of these intersections are one way, which I believe is going to be the reason for the request and they'll have to give testimony on that. Right now there is a partial design waiver from completing the sidewalk on Lambert and Caldwell Avenues, and really the plans can be revised to eliminate that waiver by going to the terminus of the road. It's not that much of a change from the existing plans.

Mr. Pfeffer said I'm going to skip my preamble. I have two witnesses, Brian Flannery for engineering and planning questions, and Scott Kennel for any traffic concerns.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said as indicated we have an application for a site plan for Bnos Devorah High School, which is a girls' high school. This is an existing high school. It's a plan on Oak Street in an area where there are a lot of schools. The Township, years ago, had designated the Oak Street corridor for schools and had sold a lot of property to private schools. As indicated previously, it's not a residential area, we are surrounded by schools. To Terry's report, the first item is with respect to permitted use and whether a large wedding hall is a permitted use. We aren't proposing a large wedding hall, we are proposing a school that has rooms that will be used for other purposes, similar to other schools. Bais Tova across the street has a hall also as part of the school approved by this Board probably 15 years ago, as well as other schools that are approved-

Mr. Herzl said assuming that it is a hall, do you have enough parking?

Mr. Flannery said yes we do. We have 367 parking spaces. If you take the whole area, and the plan is that some of it is going to be possibly for basketball, some of it for an auditorium, it gets used for a lot of things. But if you just took the whole area, if they wanted to rent it all out one night, I have 16,297 sf. The most stringent ordinance requirement for parking that we have is for restaurants, at one per 50 sf. We are providing one per 44 sf, well in excess of that. 367 parking spaces is more than Lake Terrace has, and they have a larger facility. When you look at what's being proposed, the parking accommodates what's there.

Mr. Jackson said I think this was one of Mr. Sabel's questions. What do you hang your hat on to say this use of a banquet hall is permitted here. Are banquet halls expressly permitted anywhere else, is it expressly permitted here, are you trying to-

Mr. Flannery said banquet halls are not expressly permitted. But these rooms in the school are accessory uses to the school. And as anyone that's been in Lakewood a long time knows, schools rent out their rooms. The private schools as well as public schools, as well as in any other municipality that I've been in. My testimony is that it's an accessory use to the school.

Mr. Jackson said alright please proceed.

Mr. Sabel said I have nothing against the school or the banquet hall, but you're telling me these rooms are accessory uses to the school. But I don't think a school needs a chuppah room and a yichud room where it's clearly said in the plans, family suite, chuppah room.. I don't think a school where it teaches Yiddish and English is required to have a chuppah room.

Mr. Flannery said those are multi-purpose rooms on the basement level. And the architect labeled them in a fashion which would indicate the greatest use and parking demand, so that when we came to the Board and they asked how much parking we needed, which is typical of every school application that comes to the Board. As we've been through many times before, the Ordinance provides for parking requirements for halls associated with a shul. And that goes from-

Mr. Sabel said you're not answering the question.

Mr. Flannery said I am answering the question. The architect labeled those so that the Board could see the most intense use that could be anticipated for this site. Those rooms will be used for other functions additionally, but the architect labeled those with the most intense use that could be accommodated in the basement so that the Board would have an understanding of the parking demand required, which is the usual conversation when a school comes in. OK, you have a multi-purpose room, you have an area that can be rented out, how much parking can we anticipate so you can accommodate the parking and not adversely impact your neighbors.

Mr. Herzl said we may have to change the ordinance and be more specific about halls in schools, which I think we should do. As of now, every school in Lakewood has a hall, and as long as he's giving me enough parking, more than any other hall, then my personal opinion is we should go forward.

Mr. Sabel said I have nothing against the ballroom and I think they have nice parking and it's a nice site. But saying that a yichud room and chuppah is an accessory to the school, I don't think that's the right thing to say. That's false comment on behalf of a professional.

Mr. Herzl said I agree with you. I think we can call it, not an accessory use to a school, but maybe like a financial aspect for the school. That's where the school makes money.

Mr. Sabel said maybe. But to say that the kids need it, and it's a benefit to the school-

Mr. Herzl said unless the room can be used for playing ball also, like a gym.

Mr. Sabel said we all know it's going to be a banquet hall, and all the Board members know. Maybe there's nothing wrong with that. But to say this is for the kids, I think you should retract that comment. Because that's a false comment.

Mr. Herzl said ok.

Mr. Garfield said most rooms of this size, a limit is set to how many people can attend in this size, which would affect the parking. So we'd know what the maximum would be, based on the people in the building.

Mr. Herzl said I think Mr. Flannery addressed it, he said the most stringent parking for a restaurant is 1 per 50 sf. And he testified they're giving 1 per 45 or 44.

Mr. Flannery said 1 per 44.

Mr. Herzl said so you're giving more than the most stringent ordinance we have on record. I think it's up to the Fire Marshall to say how many people can fit into the building. But I don't think that even if they make a hall they're asking any variance on parking. They have ample parking, more than any other hall.

Mr. Flannery said the second comment is with respect to the building height. The building height per the UDO is defined as the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, and that's the important part, at the front of the building, because Dave has testified that it's 41' high on three sides, but the height is measured at the front of the building, to the highest point of the roof deck, to the deck line of a mansard roof, and to the average height between the plate and the ridge of a hip or gable roof. So in this particular case, the average grade at the front of the building is 88.65'. And the building height is 41' from the first floor, from the finished floor on the first floor level, which is higher than the average grade. Based on the average grade at the front of the building at 88.65', the height of this building as defined in the UDO is 35'. So we don't even need a bulk variance for the height, and we are at the right Board. Those details can be provided and documented during resolution compliance if the Board acts favorably. I'd be happy to run through all those numbers with you, it's a very tedious mathematical calculation.

Mr. Herzl said ok. Dave, do you accept that?

Mr. Magno said yes I just wanted to make sure what their intentions were so that we knew it was before the correct Board before we act on it.

Mr. Flannery said the next variance which is the variance we do need is for the front yard setback to Caldwell. We've proposed 45.07', where 50' is required. I'm sure the Board is familiar that at the last Master Plan, the Board decided that setbacks for schools should be further than typical setbacks. In the R-10 zone, the front setback required for anything except a school is 30'. Here we are asking for 45', which is less than the 50' required by Ordinance, but that's a C2 variance for which I will provide testimony. If this were a location where it were surrounded by houses, my testimony and the application would be different. But this is in an area that's developing with schools. The property to the rear that's indicated may be developed in the future is owned by the Township and just like the other property owned by the Township in this area that the Township has sold, they've sold to schools because Lakewood has a need for the schools which is an inherently beneficial use. The other relief that we need is from a 20' buffer from a residential use or district. Again we are surrounded by the roads so providing a buffer would not accomplish anything and it's my opinion that we've complied with the intent of the ordinance. Looking at the Master Plan of 2017, the vision statement, it says encourage growth and development in appropriate locations consistent with established land uses. And that's what's being done here. The established land use is schools, as facilitated by the governing body. It also says provide sufficient educational, recreational, and community facilities to meet future needs. And that's what's being accomplished here. The same Master Plan, under community facilities strategy, says continue to support the development of private schools, which the governing body has done and this application does. 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. For C2 variances we need to show it relates to a specific piece of property. This is a property in an undeveloped area of Lakewood, one of the few remaining undeveloped areas, where development has been directed towards schools. 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. The only variance is 45' instead of a 50' setback-

Mr. Herzl said which is de minimis.

Mr. Flannery said yes. And I also want to state, with respect to what's been provided for this school, you can see that there's a whole line of busing allowed in front, the deliveries are in the back. It has been well laid out so that it doesn't adversely impact any of the neighbors. And that's the relief that we're asking. We have to show that it will not impair the intent and purpose of the zone plan and zoning ordinance. And it's my testimony that this does this. And then we need to show that the benefits outweigh the detriments. My testimony is that there are no detriments, the relief being requested is de minimis. And the benefits are providing this use which are requested in the Master Plan and the governing body also understands the need for schools.

Mr. Herzl said is there anything in the report that you don't agree with?

Mr. Flannery said no, we will satisfy all of the comments in the report.

Mr. Jackson said did you explain about the height, how this isn't a D height variance?

Mr. Flannery said it's not. The UDO defines height as the distance from the roof to the average grade along the front of the building. And the average grade along the front is higher than the three sides, where the RVE report points out that there is a height greater than 35'. But the building height as defined by the Ordinance is in the front of the building. The average building height to the roof is 35' which complies with the Ordinance.

Mr. Herzl said I asked Dave, he agree with it.

Mr. Sabel said if you can go to design waiver number 2. If you can show us on the map where that is.

Mr. Flannery said it's in the very back of the building. The sidewalk goes all across the front, all the way up both sides up to the building-

Mr. Sabel said Brian we can't hear you.

Mrs. Morris said it's probably the storm. I think we're losing him.

Mr. Herzl said how much is that area you're asking for a waiver from sidewalks.

Mr. Flannery responded but was breaking up.

Mr. Pfeffer said Mr. Chairman if the Board would like, the applicant will put the sidewalk in.

Mr. Herzl said it doesn't pay to fight.

Mr. Pfeffer said we're withdrawing the request of that waiver.

Mr. Herzl said ok. Any other questions.

Mr. Herzl asked Mr. Flannery to call in on his phone.

Mrs. Morris pulled up the public phone number on the screen. She said it's the information included in all the public notices.

Mr. Herzl said Brian are you there?

Mr. Flannery said 0196 is me.

Mr. Sabel said item number 4, public turnaround has not been designed. Where is that?

Mr. Flannery said yes. We don't feel that a turnaround is needed because you can pull right behind the building.

Mr. Sabel said that's a one-way, correct?

Mr. Flannery said yes.

Mr. Sabel said and if somebody wants to go back up that street? If they don't want to go behind the building.

Mr. Flannery said it's the same as behind any building where there's one way if they're behind the building and they'll have to wait. Before they get in behind the building they have the opportunity to turn or do a k-turn.

Mr. Sabel said is Lambert one-way or two-way?

Mr. Flannery said the public streets are both two-way. The only thing that's one-way is the driveway behind the building.

Mr. Sabel said and the bus loading.

Mr. Flannery said correct.

Mr. Sabel said so if somebody goes down Lambert, all the way to the end, and then there's a truck loading, he has to be able to turn around.

Mr. Flannery said theoretically he would see that occurring and he could go into the driveway and turn around at that point or make a k-turn on the street.

Mr. Herzl said how wide is the street?

Mr. Flannery said it's a standard 32' wide cartway.

Mr. Herzl said so you have plenty of room to make a k-turn.

Mr. Flannery said yes.

Mr. Sabel said and number 5 recommends some type of barrier. Those are at the end?

Mr. Flannery said at the end, yes, because those are a dead end. And we would provide whatever DPW says is appropriate.

Mr. Sabel said what's going on with the other side of Caldwell and Lambert regarding sidewalk?

Mr. Flannery said as you can see on the plan there is some existing sidewalk from the sites that have developed. We are only proposing sidewalk on our side.

Mr. Sabel said can we legally require you to do it? Or it's not your property.

Mr. Flannery said my opinion is it would be an off-site improvement and would not be appropriate.

Mr. Herzl said I don't think we ever...

Mr. Sabel said can we ask Dave or John what's the legal jurisdiction of the Board or what's the code.

Mr. Pfeffer said John I believe Mr. Sabel is asking for sidewalks not abutting our property, but across the street at the neighbor's property, which we don't have jurisdiction to install.

Mr. Jackson said are there full width roads there now? There's nothing there now. I don't know. There's a case that says your only supposed to make a developer like this improve their side of the street.

Mr. Herzl said that's how we've been doing it 'til now.

Mr. Sabel said is the applicant only improving their half of the street or the full-

Mr. Jackson said their half of the street. Well I'm sorry, that's what I was trying to figure out.

Mr. Flannery said we are providing full width but we are not providing sidewalk on the other side of the street.

Mr. Sabel said can we request at least meandering please? If it's too much money, the concrete.

Mr. Pfeffer said it's not our property. The right-of-way is a little bit different, because it's Township owned. But you're talking about sidewalks or meandering paths, that goes on to the neighboring property owner, who we don't have the authority to go onto. It also raises additional issues with regards to bonding off-site improvements that our not ours, it has nothing to do with this application. I think it's inappropriate and I don't think there's a justification to do it.

Mr. Jackson said how about this argument. Mr. Flannery said he's looking for variances under C2, where the benefits outweigh the detriments. Maybe one of the benefits of this application that could tip the scale would be that they would provide sidewalks on the other side of the street.

Mr. Herzl said yeah but how could he do it if it's not his property.

Mr. Sabel said they are the same owner, Bnos Devorah owns both properties.

Mr. Jackson said I'm just pointing it out there. I don't get to vote.

Mrs. Morris said and the sidewalk would fit between the curb and the property line. It's still within the right-of-way.

Mr. Jackson said right, correct.

Mr. Sabel said and the reason for my request is, I believe it's a design waiver for too many driveway accesses. So this would make it a long way for pedestrians to walk without any crosswalks or any driveway in and out. That's the justification.

Mr. Herzl said would the applicant agree to make the sidewalks?

Mr. Pfeffer said there are some issues with regard to grading. Let's proceed to the other questions and we'll get back to this one item.

Mr. Herzl said ok. If the applicant agrees we don't have to worry about it.

Mr. Sabel said can we do Caldwell one-way out? The reason is because we have a lot of buses. They're going in one way...Lambert is a two-way. Buses and trucks will have to go in from Lambert. They end up going into a one-way street in front of the school or in back and have to go back to Caldwell. Can we make that a one-way?

Mr. Flannery said that would be a Township decision. I don't think it makes sense because there's other property owners, and if the road gets extended further south, it creates a situation. But if the Board feels that's appropriate, we would make the recommendation to the governing body and if they agree to it, it would be a one-way.

Mr. Pfeffer said can we wait on this one comment. We do have Scott Kennel who deals with traffic and might be able to give some extra insight. I know Brian is an expert also in traffic, but since Scott's here we will try and add him as well.

Mr. Scott Kennel, traffic expert, appeared and was affirmed. He said as far as Caldwell is concerned, I'd follow up on Brian's comment that there's other properties along the length of Caldwell that would benefit from that being a two-way traffic flow. But obviously you can defer to the Mayor and council, but in my opinion it should be two-way just because providing full access to the other properties that could develop along Caldwell.

Mr. Herzl said I agree with that.

Mr. Sabel said I think the property next door to it came in front of the Board recently, we gave them the approval, and we didn't make them finish Caldwell. So I don't think they're going to need it. Maybe further down the road. I think it's a good idea maybe, to have some buses and trucks, everybody getting stuck in there. I don't think it's a good idea. I think one-way in and out, we have it by the fountain bowl, it works a lot better when there's a one-way in and one-way out. It's a Chosson hall, it's a big hall.

Mr. Kennel said I know there was a comment about the number of driveways. But the site has been designed very well, where it enables to segregate the bus traffic, passenger vehicle traffic, and delivery vehicles. And typically deliveries are not during school starting and dismissal times. But you also have to look at that the parking lot between the school building and Oak Street also has an access directly to Oak Street and also to Lambert and Caldwell to better distribute Caldwell. Not everyone is going to be exiting directly to Caldwell, they have access to Oak Street and to Lambert.

Mr. Sabel said maybe we should do the one-way the other way around, so it's Lambert. If there's going to be another school on Caldwell, there's going to be trucks and buses, everybody forced to go out one way.

Mr. Kennel said in my opinion, Lambert needs to be two-way because you have the school that's on the west side of Lambert that needs access to Oak Street. So again, the fact that we have multiple driveways and access points helps to distribute traffic from this site, but I think creating a one-way traffic pattern on either Lambert or Caldwell are going to have negative impacts on other properties.

Mr. Sabel said I do agree with you that this is a very nice application. The parking lot is beautiful, the sidewalk... We're just trying to figure out not to have that many buses and trucks, deliveries... For cars it's going to be perfect, but not for commercial and buses. So if there's a way we can fix that it'd be great, and if not we will go along with it.

Mr. Herzl said thank you. He opened to the public.

Mrs. Morris said John we received multiple emails from Mr. Zeines and another public commenter who had questions about the hall. I don't know if those additional comments should be read in, or if they're just repeating what was already summarized by you.

Mr. Jackson said I think we should read the new comments. From Mr. Moshe Zeines:

I am writing to bring up a jurisdictional matter regarding SP 2419, Bnos Devora. The notice says "school", it does not mention any banquet hall. However, the plans as submitted do show a large banquet hall. In February 2019, in Lakewood Realty Associates v. Lakewood Township Planning Board & RD Lakewood LLC, the Appellate Court ruled that the public notice for a development application must describe the proposed uses within a project, and the court deemed the notice deficient because it did not describe the banquet facilities. As tonight's application notice did not describe the proposed banquet facility, I believe the notice is insufficient and that the board lacks jurisdiction on the matter. The Appellate Court in the above mentioned case specifically stated that "[a]ppropriate public notice serves an important gatekeeping function in land-use matters. It is not sufficient for an applicant to circulate and publish an uninformative and vague notice and expect local residents to go down to municipal offices to inspect the plans in order to ascertain the critical features of the proposal." The Appellate Division took judicial notice that not all hotels contain a restaurant with a bar and a liquor license, nor do they all operate a banquet facility or a conference center. Additionally, the court deemed the notice deficient because it did not describe the hotel's restaurant, banquet facilities and intention to obtain a liquor license, which could raise particular public concerns. The court cited Pond Run Watershed v. Hamilton Township, which found that traffic and public safety issues associated with a facility serving intoxicating beverages would reasonably be of concern to surrounding residents and property owners. Some, - but not all - schools include wedding halls, therefore this applicant should clearly state on their notice that they are proposing a wedding hall. I urge the planning board to consider my comments, not only for the instant application, but also for the many other school + wedding hall applications that are coming soon to the board.

From Mr. Mark Becker:

I live in Lakewood in the vine st. area and want to express my concern about Planning Board application # SP 2419 Bnos Devorah. The applicant's published Legal Notice states only that it seeks approval to construct a school, which on its own is a permitted use in the R-10A zoning district. It states further that "schools are a permitted use" in this zone. But the statement in the Public Notice is only half-truthful and misleading to the residents. This is because the architectural plans clearly depict an additional second non-ancillary use, that being a huge "Wedding Hall" aka Banquet Hall, available for rental every single night. The building plans in fact show an over 15,000 SF "ballroom" (on the Brian Flannery Site Plan) and also referred to as a Multi-Purpose room on the Newlines Site Plan) divided into two separate men and

women sections, Reception Room, Yichud Room, Kabbolas Panim Room, Bride and Groom Family Suites aka Dressing Rooms, and other banquet-hall related areas. This Wedding Hall area appears even larger than the actual school premises. There is no way that this wholly separate and regularly operating business use can be considered ancillary. To his credit, the RVE engineer also noted in his review that a Wedding Hall is intended as a Second use for this site. The applicant school is fully aware that Banquet Hall facilities are a prohibited use in this R- 10A zone. It does not matter which creative phrase the school or its paid professional chooses to use on its plans instead of the word Banquet Hall, to circumvent the Zoning Code and avoid a legally required public hearing in the proper venue. The Planning Board has no authority to approve a non-conforming use. I object to this application from being heard on two (2) grounds: 1. The Notice is deficient, because it does not provide any detail about the second proposed use or even state that the applicant is seeking a variance for an otherwise prohibited Wedding/Banquet Hall use. Further, the Notice leads the reader to believe that all of the intended uses on this site are "kosher", when in fact the un-noticed Banquet Hall is not. 2. The Planning Board lacks jurisdiction to hear a change of use, or otherwise illegal use, application. This application is in front of the wrong Board. It is unfair for the school owner to cheat the public out of the process and deny them their rightful hearing at the Zoning Board. There are several other zones in town where this type of use is permitted by right. This application cannot legally be heard by the Planning Board, and if the Board moves forward, it should be expected that more lawsuits regarding School-based Simcha Halls will be filed against the township and the applicant.

From Mr. Zeines:

Last week, Mr. Aurbach told the board that some schools that he has built have banquet halls and some schools do not. Accordingly, since some, - but not all - schools include wedding halls, this applicant should clearly state on their notice that they are proposing a wedding hall. To Mr. Herzl's point that there are no residential neighbors on Oak Street, I remind the planning board that when the infamous hotel was approved on Pine Street, there certainly were no neighbors within 200 feet, and still and all, the Appellate Division found that the notice needs to be "legit".

From Mr. Yosef Riger:

It is DIFFERENT when a hall is on notice or when it's listed as a school. NOT every school has a hall. This is a lawsuit waiting to happen.

From Mr. Becker:

Please read my comment into the record. I want to reiterate that smuggling a prohibited use (banquet hall) inside the walls of a permitted use, does not convert the prohibited use into a permitted use.

Mrs. Morris said we have to open to call-in users.

Rabbi Yosef Notis appeared.

Mr. Herzl said are you the applicant?

Rabbi Notis said yes.

Mr. Jackson said you're the applicant. You have an attorney, you have professionals. They didn't call you as a witness. You don't get to make arguments twice. There's no two bites at the apple.

Mr. Herzl said we heard from your attorney.

Rabbi Notis said I want to say something. It's something the attorney didn't mention that I want to be on the record.

Mr. Jackson said unless Mr. Pfeffer wants to call him as a witness. Is there anyone else from the public who'd like to be heard?

No one came forward.

Mr. Pfeffer said I need to call the applicant as a witness at this time.

Mr. Jackson said why don't you find out what he wants to say and then you can bring him on.

Mr. Herzl said a few people have to leave at 8:00.

Mr. Jackson said we can adjourn this so we can hear what he has to say.

Yonoson Sanders appeared and was affirmed. He said this property belongs to me and I have made up with Rabbi Notis that I would sell him the property on certain conditions.

Mr. Sabel said please continue.

Mr. Herzl said Mr. Rennert can you take over? I have to leave. You have Mr. Rennert, Mr. Garfield... I don't see five people. Ally who is still on?

Mr. Isaacson said if you leave we will have a quorum.

Mr. Herzl said Mr. Rennert, please take over. I'm signing off.

Mr. Rennert said I'm here. Ally is there a problem with my mic?

Mrs. Morris said yes it is you right now. As long as you're off when you're not speaking, it's fine.

Mr. Rennert said ok so we'll recognize Rabbi Sanders.

Rabbi Sanders said you know this property belongs to me. It does not belong to Rabbi Notis, however we happen to be very good friends. And we made up different things that would be dependent on me selling him the property. And um...

Mrs. Morris said Rabbi Sanders, you can continue.

Rabbi Sanders said Rabbi Notis and I have made up...I find that my voice is not being heard. We made up that 30' of trees would remain in the front of the property. I don't know why I can't speak.

Mr. Rennert said you are speaking and we hear you.

Rabbi Sanders said so Rabbi Notis said we made up that a depth of 30'...

Mr. Rennert said is there any other conditions?

Rabbi Sanders didn't respond.

Mr. Rennert said this is really not working here.

Mr. Sabel said Chairman, I'm not sure if any of the conditions of the sale depend on this application. Anybody can submit an application on a certain property. This has nothing to do with the Board. If they have an issue and can't close on the property, it's nothing for the Board. And we are up to here, I think we should continue it.

Mr. Rennert said yes but if there are certain conditions that he wants included in the resolution, and the applicant agrees, we can put it in. I want to hear what he has to say. Rabbi Sanders?

Mrs. Morris said I re-muted him. I think the issue is the Rabbi is listening to the broadcast, possibly on-watching the video. So we are hearing ourselves talking, and then when he goes to speak and he stops and we say something else, it's throwing off his timing. He needs to listen just on the phone.

Mr. Rennert said Mr. Isaacson was thrown off, his internet is off. Do we still have a quorum?

Mrs. Morris said not without Mr. Isaacson. If he can call in and listen that way, that would work.

Mr. Sabel stepped away for a minute.

Mrs. Morris said let's take a two-minute recess, and I will call or text Levy and get it straightened out.

Mr. Isaacson rejoined the meeting.

Mr. Rennert said I just got off the phone with Rabbi Notis and Rabbi Sanders. They have certain things which they want on the property to stay. Rabbi Notis wanted to be able to put it on the record, that's why he wanted to talk. And Rabbi Sanders wants the same thing. It has to do with... we have to make sure the plan is going to meet whatever they agreed upon. Like if they want 30' of trees in the front of the property, we have to make sure that the plan could handle the parking with the 30' in front. I think we should have the attorney call Rabbi Notis as a witness, so they could put their agreement on the record.

Mr. Pfeffer said and I believe the applicant has met with Rabbi Sanders. There were a few comments that he wanted to request from the Board, to see what the Board says, so they can resolve it. They've been dealing with it directly, not including me. So I'd rather call him as a witness and see what he has to say.

Mr. Jackson said do you think it's the Board's role to serve as a mediator, if they haven't worked out exactly what they want?

Mr. Pfeffer said I'm not asking the Board to serve as a mediator, there's some requests. They're not contingencies on the deal, it's a matter of a request of how the Board wants to see something.

Mr. Rennert said I think we should hear what Rabbi Notis has to say. And then we'll make a decision.

Mr. Pfeffer asked to confirm 5 members were present.

Mr. Meyer, Mr. Sabel, Mr. Garfield, Mr. Rennert, and Mr. Isaacson were present.



Mr. Rennert said Mr. Pfeffer, call your witness please.

Mr. Pfeffer said Rabbi Notis, are you there?

Rabbi Notis appeared and was affirmed. He said I wanted to say we've been neighbors for a lot of years. The front part of this property is owned by him and he's being kind and willing to sell it for a much needed school in Lakewood. There were a few conditions that he wanted. He started mentioning about having a buffer, a row of trees along Oak Street, in front of the parking. And number two is for traffic, not sure if they mentioned before about having Caldwell a one-way, if Caldwell could be a right-turn only. If that's a possibility. And then also, someone mentioned about also making Lambert a one-way. Is that going to be part of the approval?

Mr. Sabel said I missed number one.

Rabbi Notis said to have a nice row of trees as a buffer along Oak Street. The whole front of the property should have a row of trees.

Mr. Rennert said is that going to interfere with the parking as it's set up currently?

Rabbi Notis said possibly, I don't know, it was a last-minute thing. I don't know how much off we are from Oak Street now.

Mr. Rennert said is the agreement 30 feet of trees?

Rabbi Notis said yes. A buffer of 30'.

Mr. Rennert said can we ask Mr. Flannery if that would work?

Mr. Flannery said we do have a couple places where we have 30', but would lose some parking to provide 30' all the way along. We'd lose about 12 spaces.

Mr. Pfeffer said the applicant would agree to do their best to get as close to 30' as possible without losing any parking. In the areas that we would lose, we'd have a little bit less. But we will do substantial buffering, but not to lose any parking.

Mr. Rennert said I just got a text from Rabbi Sanders, he said he wants to speak and a row of trees to a depth of 30' to remain in front of the property along the whole length, and then he wrote want to speak. What's the second thing?

Rabbi Notis said in regard to Caldwell, they said it was going to be a one-way, but we wanted it to be a right-turn only heading towards Albert. The traffic should go out and make a right.

Mr. Sabel said then might as well make it a one-way.

Rabbi Notis said he said someone mentioned making it a one-way. I agree with that.

Mr. Sabel said but that's not up to the Board, it's up to the Township and we have issues with other properties. I don't know if you can commit to that. I would love that, but I don't know if you can legally commit to that.

Rabbi Notis said why wouldn't they want that?

Mr. Sabel said because it's not a road just for this school. It has other property owners further down south that might need this roadway.

Rabbi Notis said I know, but the other school that already came on the other side of Caldwell didn't have to improve it at all. So it's obviously not going to affect them. I don't know what else is further there.

Mr. Sabel said Rabbi, I had the same argument. If we can make it happen, I'd be very happy. I think it would be a big safety improvement.

Mr. Rennert said there's too much going on in my texts. Now Rabbi Sanders said Vermont Avenue, Lambert Avenue should be paved, and will be left unimproved. It seems like that's redesigning what we have here currently.

Mr. Sabel said should we move this to the next meeting?

Mr. Rennert said I feel we should straighten this out and get it all...

Mr. Jackson said we should, and witnesses shouldn't be texting to anyone. What they want to say should be through this format and not through a private text.

Mr. Rennert said I understand, and that's why I read it out loud.

Mr. Jackson said and I understand we are having technical difficulties and you're going out of your way to try to make things work. Like I said earlier, there is no page in the manual what to do when we have an electrical storm.

Mrs. Morris said we are losing our quorum. Levy Isaacson needs to leave.

Mr. Rennert said so let's carry it.

Mr. Jackson said while that's being carried, my instruction to the Board is these two should not be working out their differences. If they want to submit a document, and they want to amend the plans to have a buffer or tree save area, that should be on the plans. That's not something they should be asking for at this stage. They're basically co-applicants, one is selling the property to the other. They've gotta get their act together.

Mr. Sabel said thank you to New Lines and the applicant for putting a very nice application together.

Mr. Rennert asked about dates to adjourn this to.

Mr. Sabel said might as well re-notice with the banquet hall.

Mrs. Morris said Rabbi Sanders is asking for changes to the plan that's going to effect the site plan and make us lose parking, so I think Rabbi Sanders and Rabbi Notis need to come to an agreement, put it on the plans so it can be reviewed by Terry or Dave before the meeting, and then the Board will have the actual plans showing what they've agreed upon before they are asked to vote on it.

Mr. Jackson said it should be on file 10 days before the hearing. In other jurisdictions, if their case needs to get adjourned because the plan hasn't been fully formulated, to get adjourned for months.

Mr. Rennert said we want to get it done as quick as possible. When's the next availability?

Mrs. Morris said June 29<sup>th</sup> is the next time we can realistically hear anything. That would give time to renote and revise the plans. Otherwise you can put it on the 15<sup>th</sup> or the 22<sup>nd</sup> and expect that other schools and applications that have been carried a number of times are going to get carried again.

Mr. Pfeffer said I would ask to move it to next week's meeting. We will resolve these issues internally. Obviously if significant changes occur, then we'll have to amend the plans. We understand that. I believe we will be able to work this out internally without issue.

Mr. Rennert said ok let's do one week, and if we have to carry it again we will carry it again.

An announcement was made to carry the application to the June 15, 2021, public hearing, with no further notice.

- 4. SP 2416 650 James Street, LLC**  
650 James Street Block 385, Lot 6  
Preliminary and Final Major Site Plan for an office building

An announcement was made to carry the application to the June 15, 2021, public hearing, with no further notice.

## **5. CORRESPONDENCE**

- SP 2289 Yeshiva Ohr Yehuda, Block 500, Lots 19, 34, 41, & 42 – request to modify approved fencing

An announcement was made to carry this item to the June 15, 2021, public hearing, with no further notice.

## **6. APPROVAL OF MINUTES**

## **7. APPROVAL OF BILLS**

## **8. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary