

Mr. Herzl said this is your first extension?

Mr. Flannery said yes.

Mr. Herzl opened to the public.

Mrs. Morris said I haven't received any comments on these.

Mr. Herzl asked for a motion on both.

Mr. Flancbaum made a motion to grant the extensions as requested on both applications. Mr. Meyer seconded.

Mr. Herzl said Ally, now you know that Justin is here.

Mrs. Morris said I see, and took a vote. All were in favor.

4. SP 2412 Lakewood Cheder School

South Park Street

Block 248.01, Lots 69, 70, & 72

Preliminary and Final Major Site Plan for an addition to an existing school

Mr. Vogt said per our letter dated March 8th, submission waivers include A6 PLS plans, proof of submission to Ocean County Planning, the B waivers for topo, contours, manmade features within 200', plans and profiles, an EIS. We support the waivers for hearing purposes for reasons stipulated.

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, the application requires a front yard setback variance, a rear yard setback variance. We are asking for testimony in terms of the adequacy of parking. It appears they have necessary parking per UDO standards. The Board will have to act on buffer relief variance as well as off-street parking setback variance. Under design waivers, you have multiple driveways shown on Second Street. Easternmost driveway is within 30' of the intersection. Parking is shown within 20' of street lines, and driveways are closer than the minimum. We've given recommendations as indicated on page 5 of our review, I'm sure we will hear testimony shortly. We are recommending the applicant consider possibly consolidating some of these accesses and maybe simplified movements.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said as Terry indicated this is an application for the Cheder, everyone is familiar with the property, with the school. He had Mr. Brian Flannery affirmed.

Mr. Flannery said exhibits were submitted, A-1 is a copy of the tax map. The site is located on South Park Avenue and fronting East Second Street. This is a site plan to add an addition to the building. The addition would be 13,000 sf footprint. With respect to parking, 59 spaces are required and 65 are proposed. The one thing I would like to comment on the submission waivers, a waiver was granted for submitting to the Ocean County Planning Board. It's our testimony that we don't exceed the threshold, we aren't on a County road, so we are exempt. And we would demonstrate that to the Board Engineer during compliance. Getting to the zoning, we are asking for a front yard setback the same as the existing school building that is there at 13.8' where 35' is required. Rear yard setback, we are asking for 6.42' where 30 is required. The existing building is 0.5', so the addition will be further than the existing. With respect to the parking, with the addition and the existing building there would be 40 classrooms, 7

offices, 12 tutor rooms, which equates to 59 parking spaces needed, 24 which were required for the first building, and we are proposing 65, in excess of the Ordinance requirements.

Mr. Herzl said the front setback... most of the buildings here more or less have the same setback I think.

Mr. Flannery said yes. South Park Avenue in that area, and our building, is setback the same. We kept that. It fits in with the block. We are asking for a buffer variance and for a buffer for the parking. Obviously the added parking is a benefit. It will be a welcome addition. It's my testimony it is warranted. With respect to the variance relief, they are C2 variances. The Master Plan of 2017, the Vision Statement, says encourage development and redevelopment based on smart growth planning principles. It's my testimony that this does this. It says provide sufficient educational, recreational, and community facilities to meet future needs. My testimony is that this does that. The same Master Plan, under community facilities strategies, number 4 is continue to support the development of private schools in the Township of Lakewood. 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 the school addition is an inherently beneficial use and complies with that. For C2 variances we need to show it relates to a specific piece of property. We have this piece of property on the corner of this intersection where there is an existing school. The purposes of the Municipal Land Use Law would be advanced, the variance can be granted without substantial detriment to the public good, and it's my testimony that it's actually a benefit and not a detriment. The variance will not impair the intent and purpose of the zone plan and zoning ordinance, and the benefits outweigh the detriments.

Mr. Herzl said I think the corner property used to be a hall, and the school will use much less parking than that hall did.

Mr. Flannery said yes, I was at several events at that hall and I think the school is a much better alternative. Terry talks about the design waivers for the three driveways and the driveways within 30' of the intersection. My testimony is we are trying to provide that no one gets stuck in there and has trouble with busses. Terry's final comment is that we review it with Traffic Safety, and as part of resolution compliance we would be happy to meet with them. If we need to make some right-in and right-out based on those recommendations, the applicant is willing to do that.

Mr. Herzl said my opinion, the one closest to Park Avenue, that's a little too close. I don't think you can make a left out of there.

Mr. Flannery said I tend to agree that right-in and right-out for that one would be appropriate. Typically this many entrances you would discourage, but when you get to a location like this, where the traffic a lot of the times is stop and go, the extra entrances don't create the same kind of conflict that they would on a free-moving street. Again, Traffic Safety will be very in tune to that, they know the area, they're the experts on that. And the applicant would agree to a condition to modify that based on recommendations from them.

Mr. Herzl said can you show me the flow of traffic?

Mr. Flannery said the major flow of traffic is the busses. And the busses come in, they pull in front of the school, and they drop the kids off and pull out. The remainder of the parking is mainly for staff. And they learn the parking very well. It reminds me of those automatic vacuum cleaners, and it goes one time and figures out where all the rooms are and it just very efficiently does it. I think you're going to see the same thing with the staff in this parking lot.

Mr. Herzl said how many busses can stack there, from Second to Park?

Mr. Flannery said the plan shows three in front of the school and there is room for two more behind that.

Mr. Herzl said and the school doesn't anticipate to have more than five busses at once?

Mr. Flannery said at one time, no. They have staggered times.

Mr. Herzl said which entrance does the staff come in? Are they all entrances and exits, or...

Mr. Flannery said the driveways for staff are both meant to be entrance and exit. The two on Second would be where I would anticipate the staff to come in, and as you're coming from the downtown area it would be the second and third entrances. They'll pull in and stay the whole day. Depending upon the arrival time of the staff, the spots closest to the building will fill up first, and then the staff that comes in later will know where the available spaces are. It's pretty much going to repeat itself day after day.

Mr. Herzl said ok.

Mr. Flannery said the plan review comments, there are some comments with respect to the existing pavement and certainly we would be ok with the condition that upgrades be made per the Township Engineer at the time of construction.

Mr. Herzl said all the children are getting off at the bus loading zone at the front of the building, that will be the front of the building, and from there you can access all the building. You aren't going to have any kids walking on Park Avenue.

Mr. Flannery said there are a certain number of kids that walk to school. And there are some kids that get dropped off. But with respect to those on the bus, they'd all be getting dropped off in the new parking area.

Mr. Herzl said and going straight in. You don't need a path going around the building, that's the main entrance.

Mr. Flannery said yes.

Mr. Stern said as Chaim points out, I got this package like 2 hours ago. It was dated March 8th, why did we get it today? Could this not have arrived Monday?

Mr. Herzl said I didn't get it either, I just went online.

Mr. Stern said it's hard to read these ginormous plans.

Mr. Herzl said on a screen it's very small.

Mr. Sabel said add to that, the RVE report wasn't even available online. Ally just added it now. We couldn't even review the letter.

Mrs. Morris said unfortunately that was my mistake, and if anyone had commented that they needed it or it wasn't there, I certainly could have fixed that. But that wouldn't fall on the applicant, that's just my over sight in not putting it online.

Mr. Sabel said it's just not fair we haven't had time to review this whatsoever.

Mr. Jackson said these things happen, we are doing the best we can in the environment that we have. The Board does not have to act tonight. If the Board wants to take time to look at it and consider it on a different evening, we can continue it.

Mr. Herzl said it's a school, I'd rather... I know they are desperate for time. I don't mind, if we could bring up the report again and let all the Board members read it, and if we have any questions...

Mr. Stern said one of the things that's referenced is the Traffic Report, and I don't have a Traffic Report. Is that not in the package?

Mr. Josh Schmuckler of New Lines Engineering appeared and was affirmed. He said we send out the plans normally on Friday. We had a whole huge stack of FedEx boxes. FedEx decided, we all leave at 1:00, they come usually 3 or 4:00. We came in Monday morning and the boxes were still there, so that's why you got it a little later than usual. The Traffic Study was just completed I believe last week, Wednesday or Thursday. Scott was out with COVID for a good few weeks, so everything got backed up. He's doing better, but...

Mr. Herzl said is anyone testifying tonight on traffic, or just Brian?

Mr. Flannery said I would be happy to testify on the traffic if the Board wants to hear it. Scott's report, which I have a copy of, indicates, it gives the number of trips, the existing condition, I think Terry's report references some of the levels of service and I think we all knew without looking that the levels sometimes are D and F, just because of the location of the school, but my testimony is this is going to improve the situation rather than detract from it. His conclusion at the end of it is based on the analysis, the plans to construct the two-story addition can be approved and operate compatibly with future traffic flow in the area.

Mr. Herzl said Ally, is that part of the record?

Mrs. Morris said I'm sorry, I wasn't listening I was counting Board members and wondering if Justin Flancbaum was still here. I did not hear what you're asking me is part of the record.

Mr. Herzl said I'm asking if the Traffic Report...

Mr. Meyer said he lost power, he's logging back in.

Mr. Herzl said is the traffic report part of the record.

Mrs. Morris said yes, it's available online to the public. Mr. Isaacson left, but even without him and without Mr. Flancbaum for the moment, we have 5. But we will need Mr. Flancbaum if anyone else is leaving.

Mr. Flancbaum said I'm back on, I just lost power for a minute.

Mr. Herzl said did you hear Brian's testimony on the traffic?

Mr. Flancbaum said I heard everything up until about a minute and a half ago. I lost power and then I logged back on, I apologize.

Mr. Herzl said my opinion is I think it's a great application. It's a very busy corner and I'm very thankful the school is buying this extra property to put the parking lot in there.

Mr. Flancbaum said I tend to agree with you. I reviewed the application.

Mr. Herzl said the only issue I have is with the first entrance which is very close to Park and Second. At the least I would recommend a right-in and right-out.

Mr. Flannery said the applicant would agree with that as well as agreeing to meet with the Board Engineer and Traffic and Safety, and if there are other recommendations that would make it better, the applicant wants it to be better also.

Mr. Stern said the three busses that you have on your plan, are those kids dropping off or are they going to make a right and be part of the queue dropping off. The kids at the grata school get dropped off on Park. And they have their orderly line up and they drop off the kids. Are those three busses part of that queue, or this is now an additional drop off...

Mr. Flannery said that is additional.

Mr. Herzl said you're going to have busses pulling up on Park also?

Mr. Stern said yeah, sure.

Mr. Herzl said I understood you're going to have it staggered and all come in from the front drop off. That's what I was asking.

Mr. Flannery said I think the applicant can meet with Traffic Safety and they can talk about staggering and what makes the most sense for the busses dropping off, to do it the most efficiently and with the least disruption to traffic.

Mr. Herzl said I see Mr. Rottenberg with the school is on, does he want to speak?

Mr. Aharon Rottenberg appeared and was affirmed.

Mr. Herzl said the question was raised, how many busses are you going to have coming to the school, are they all going through the parking lot or are they going to be dropping off on Park.

Mr. Rottenberg said right now we have 18 busses coming in the morning, and in the afternoon it's staggered. There's two times, like 8 at 3:00 and 10 at 3:30. So the afternoon drop off could all be handled from the new building. The morning drop off could also probably be handled at the new building because they don't come in at the same time, from 8:30 to 9:15. So I believe most of the kids could be dropped off by the new entrance. Right now we have 18 busses dropping off on Park Avenue, so we are taking most, if not all, off of Park Avenue.

Mr. Herzl said that's what I would like to hear, because Park is a very busy road. I would like to get whatever we can off Park Avenue.

Mr. Stern said that would be good. I'm trying to understand...are these different grades or what's the difference between these two shifts?

Mr. Rottenberg said it's different grades. The primary goes in at 9 and out at 3, and first and second grade goes in at the same time but leaves at 3:30.

Mr. Stern said so everybody starts at 9?

Mr. Rottenberg said everyone starts at 9, but the busses start dropping off at 8:30. They come and they go.

Mr. Stern said so will there be busses on Park or all in the parking lot? How's this going to work?

Mr. Rottenberg said we are going to try to get them all through the parking lot. They should pull up, drop the kids in front of the door, and pull out.

Mr. Stern said that would be a massive improvement.

Mr. Pfeffer said the busses don't all come at 8:30, is that correct?

Mr. Rottenberg said they don't all come at 8:30, they come any time between 8:30 and 9:15.

Mr. Herzl said no busses will be parked in the parking lot in front of the school. They just come, drop off, and they leave.

Mr. Rottenberg said yes. In the mornings, for sure. In the afternoon sometimes when they pick up a bus driver comes a little earlier, but those guys would be waiting in the bus lane.

Mr. Stern said Brian, you said that the level F service, which I think we all know you don't get worse than F, is going to be improved by this plan. If what Rabbi Rottenberg is saying is accurate, and we can get everyone in the parking lot in and out, that certainly would be an improvement. Is that your understanding as well? How is this getting better? Will it go below an F, or still will be an F?

Mr. Flannery said based on Scott's report, it's still going to be an F but it's going to be a better F. F means it's...

Mr. Stern joked it will be an F+.

Mr. Herzl said if you get the busses off Park Avenue, it's definitely a win.

Mr. Stern said that's a huge win.

Mr. Herzl said I went down there. Right now the school doesn't have any parking. I think they have some trailers on the side of the building. They have zero parking. People are parking all over the place right now. If we bring them in with 59 parking spaces, that takes off the street and the busses of the street, it's a big win.

Mr. Stern said it is. And getting rid of that simcha hall that had zero parking, that's a big win too. Is the auditorium going to be used as a simcha hall?

Mr. Rottenberg said no it will not.

Mr. Herzl opened to the public.

Mrs. Morris said we had one gentleman who left me a voicemail indicating that he did not have internet access and he wanted his comment put on the record. Ms. McLeer (Mrs. DiCicco) spoke with him. This is Chaim Katz of 4 Midtown Circle and he said "My main concern is with the parking they want to make at the corner of 2nd and Park. The traffic on 2nd Street is getting worse and worse, and there are a lot of busses associated with this application that will make traffic much worse." That is the only public comment that I received via email, but there are a number of unknown callers who may wish to speak.

Mr. Pfeffer said in response, obviously we've provided a traffic report and you've heard the testimony of Brian Flannery that we are taking the busses off of the street. And we are going to be making the whole traffic area with the busses a significant improvement with the understanding that it's still going to be a level F, but we are taking the busses off of the street.

Mr. Herzl said another thing, we are taking the students off of Park Avenue. The main entrance is going to be from a side parking lot. I think it's much safer for the students, instead of lining up on the street. It's a busy street. I don't want any kids, as much as possible, in that area.

Mr. Herzl asked for any call-ins who would like to comment to speak up, but no one came forward.

Mr. Sabel said I have a question regarding lights in the parking lot. I don't see any lights proposed.

Mr. Flannery said a lighting plan was submitted and we will provide lighting in accordance with the Ordinance. Sheet 5 is the lighting plan.

Mr. Vogt said it's referenced in our review, they are showing lighting for the proposed new lot only which is the northern part of the property at the intersection. Nothing is shown at the existing lot on the southern end.

Mr. Herzl said what lighting plan do we have on the southern end Brian?

Mr. Flannery said the lighting on the southern end is as was approved by this Board with the original application, and again it's in compliance with the Ordinance.

Mr. Herzl said ok. If you need any upgrades, then you'll do it right now.

Mr. Flannery said yup. And item 24 in Terry's report references the lighting plan was submitted and we will agree to as part of resolution compliance-

Mr. Herzl said to satisfy the Engineer.

Mr. Flannery said yes.

Mr. Herzl asked for a motion.

Mr. Sabel made a motion to approve with the entrance or exit closes to the corner should be a right-out only and a right-in at the west. So the most east, closest to the corner should be out only, right-out only, and the other one right-in as proposed, and also no simcha hall as the applicant agreed whatsoever.

Mr. Herzl said Ally, do you have it?

Mrs. Morris said I have most easterly entrance to be right-out only, and most westerly to be right-in only, and no simcha hall.

Mr. Vogt said I want to clarify that the final circulation design is also subject to the review of the Traffic Safety bureau in terms of the overall movements.

Mr. Herzl said 100%.

Mr. Sabel said that entrance should be right-out. That's my motion.

Mr. Herzl said Mr. Jackson do you have the motion? Are you clear which entrance is right-in and which is right-out?

Mr. Jackson said Jilian will be doing the resolution, let me make sure she has all that down.

Mrs. DiCicco said I believe I am clear, yes.

Mr. Flancbaum seconded. All were in favor.

Mrs. DiCicco said before we move on, Mrs. Morris I just wanted to confirm did you also get the condition in the minutes?

Mrs. Morris said it's on the recording, so it will be typed, yes.

Mrs. DiCicco said ok I was focused on muting and unmuting people, so I just wanted to confirm. Thank you.

Mr. Sabel said I can clarify if you need me to.

Mrs. DiCicco said ok if you wouldn't mind I will write it down at my end as well.

Mr. Sabel said the entrance closest to the intersection of Park and Second should be right-out only, and the no simcha hall. And the entrance at the other side of the parking lot, so there is west and east, the intersection... so one right-in, and then there's a middle for both in and out, and then there's closest to the intersection should be right-out.

Mr. Herzl said is that clear?

Mrs. DiCicco said yes, and I wrote it down. Thank you.

Mr. Herzl said also part of the resolution that it's subject to Traffic and Safety to agree with it and if there's any other changes Traffic and Safety would like, they will have to accommodate us.

Mr. Sabel said that was not my motion.

Mr. Herzl said but it has to go to Traffic and Safety regardless.

Mr. Sabel said ok, so if they want different then I guess they will have to come back to us.

Mr. Herzl said no problem. I'm sorry, I stand corrected.

Mr. Sabel said and of course no simcha hall, that was also part of my motion.

Mr. Herzl said ok.

5. **SD 2471 Yeshivas Ohr Olam**
Vermont Avenue Block 1100, Lots 17, 19, 22, & 23
Minor Subdivision to create two lots

6. **SP 2410 Yeshivas Ohr Olam**
Vermont Avenue Block 1100, Lots 17, 19, 22, & 23
Preliminary & Final Major Site Plan for a school

Mr. Pfeffer said number 5 and 6 are related. We will need two separate motions but I know in the past the Board wants to hear the whole story, if you want to reserve the vote on the subdivision until you hear what's coming next. So I just ask that Ally introduce both applications with the understanding that we are going to be doing two separate votes. Also Ally I think a link was sent to you for a video, once Terry goes through the report if you could just play that for the Board.

Mrs. Morris said I didn't receive a video.

Mr. Schmuckler said it was in the exhibit email.

Mrs. Morris said oh.

Mr. Jackson said can that be played on someone else's...

Mr. Schmuckler said yeah.

Mr. Jackson said can you email it to me and I can screen share? Or can we let someone else screen share?

Mrs. Morris said I think anyone can screen share, I'm opening the link now. It's a link with pictures and video, I'll see if my computer can handle that. Currently I have the other 6 exhibits open.

Mr. Jackson said if someone wants to email me the video I can open it and play it.

Mr. Herzl said ok, Ally can you please bring up Terry's report and we'll start with that first.

Mr. Vogt said I'd like to go through the Minor Subdivision first. From our letter dated March 11, under submission waivers, we have listed proof of submission to Ocean County Planning, which we can support because the County will have to sign the plans if approved anyway. That's the only submission waiver for the Minor Subdivision.

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

Mr. Vogt said continuing under zoning, we note for proposed Lot 23.02 there would be no off-street parking spaces. That is it under variance relief for the Minor. Under design waivers, required for improving the frontages of Fulton, Gates, Lambert, and Caldwell Avenues, as well as street trees along the same frontages. That's the relief for the Minor Subdivision. Would you like me to read the relief on the Site Plan too?

Mr. Herzl said yes please.

Mr. Vogt said from our March 11 review for the Site Plan, SP 2410, under submission waivers you have traffic study, proof of submission to the County, topo, contours, manmade features within 200', an EIS. We can support the waivers as indicated in the letter for hearing purposes.

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

Mr. Vogt said under zoning, you have faculty housing proposed. We want testimony as to that being permitted within the zoning. Under bulk variances, you have front yard setback to Vermont as well as Fulton as well as Lambert. Parking relief for the faculty housing building. 20' buffer to adjacent residential uses for buffer relief. Also for relief with respect to location of parking within the buffer. Under design waivers, waivers are required from improving Gates and Lambert Avenues. Partial design waiver for street trees along Gates and Lambert Avenues. And finally a design waiver is required for a driveway more than 30' wide which is proposed along Fulton Avenue. That's all the relief.

Mr. Adam Pfeffer appeared on behalf of the applicant. He asked for the video to be presented.

Mr. Jackson said I did get a couple, but there was no video.

Mr. Pfeffer said it's a link in the body of the email.

Mr. Schmuckler said I just resent it as a link.

Mr. Pfeffer said I think it's important for the Board to understand the concept of what the school is doing, it's really a beautiful project. We'll start with that and then we'll swear Brian in.

Mr. Jackson said I have it, I just have to share screen. He played a video of a walkthrough in and around a 3D digital model of the proposed building.

Mr. Pfeffer said we'll mark that as A-1 for both applications. The video did have the name of the architect who created that.

Mr. Brian Flannery, professional engineer and professional planner, was affirmed. He said for the record we won't do this for every school from now on. This is a unique situation. The application is first a Minor Subdivision. It's 4 lots containing 8.74 acres. It's being subdivided into two lots of roughly half each, 4.3 something acres a piece. The front lot, which is 23.01, will have frontage on Vermont Avenue, an improved roadway, and that's the location where the school would be. Proposed Lot 23.02 would be for future development. With respect to the relief required in Terry's report, on page 3 zoning he indicates we are in the R-20 and schools are permitted-

Mr. Herzl asked Mrs. Morris to share the plan on the screen.

Mrs. Morris put the subdivision plan on the screen.

Mr. Flannery said this shows the subject property with a subdivision line in the middle to break the 8.74 acre property into two pieces. As Terry indicates in the report, no variance relief is required for Lot 23.01. Lot 23.02, which is the future development, has an existing house sitting on that which has a gravel driveway, so it has no paved parking. So we would be requesting the relief for that not having paved parking.

Mr. Herzl said the house is staying?

Mr. Flannery said the house is staying until the plan for future development... it's a 4.4 acre property with one house on it, there's plenty of room for parking, just not paved parking as per the Ordinance so we require relief for that.

Mr. Herzl said you have to park between the trees.

Mr. Flannery said there is gravel access, and it's parking that's worked for 20 or 30 years, I think it will work for another few years until someone comes back to develop this property. We are asking for a design waiver also with respect to improving the frontages of Fulton, Gates, Lambert, and Caldwell Avenue. When we do the site plan we are going to improve the frontages that we are using. If the Board looks, Lambert Avenue is a little stub that doesn't provide access to anybody, it should probably actually be vacated. We have very limited access on Gates Avenue, and that abuts mainly Township property that is slated as a preservation area. It's a sending zone so that any private owners that have property in there can get development credits to develop somewhere else. And Caldwell Avenue is the same thing, we aren't impacting that. So we would request those waivers.

Mr. Herzl said are there any other houses on these two streets?

Mr. Flannery said no.

Mr. Herzl said it's all vacant property.

Mr. Flannery said yes.

Mr. Herzl said is there any properties that could be developed without subdividing?

Mr. Flannery said there are properties that could be developed, and I certainly anticipate within a period of time proposed Lot 23.02 will be developed and at that time whatever is the appropriate improvements would be provided at that time. Moving to the site plan portion of it, the school, you saw the video and I think it speaks for itself. We are talking about a proposed school building which would be along Vermont. We are improving Fulton Avenue so that the busses can come in on Fulton, which is currently wooded, and they would have the access to pull in, drop the kids off, and pull back out, without impacting any of the local traffic pattern. Additionally we have a proposed dorm in the northeasterly portion of the site, and that portion of the site does have access onto Gates Avenue but we are proposing to leave that wooded, and that whole area to the north of us is wooded. A lot of it being Township owned property. We have no need for access and are proposing to leave it wooded. The final building is the proposed faculty housing which would also be fronting on Vermont Avenue. Going through Terry's report, obviously it is a permitted use in the zone. We are asking for a front yard setback of 30' along Vermont, which is to the proposed faculty housing building. The opposite side of the street is all residential structures which are set back 30'. This building will look residential in nature and will fit in with the area and provide the faculty housing as needed. The front setback with respect to Fulton Avenue, we are asking for 23' where 50' is required. And Fulton Avenue, as I indicated before, is a paper street that is wooded. We are improving that and the only activity going on there is the busses so that variance really isn't going to have any adverse impact on anybody. We are asking for a front yard setback with respect to Lambert Avenue of 10' where 50' is required. Lambert Avenue is a little paper street, wooded, in the northeasterly portion of the site adjacent to the proposed dorm that, my testimony is, will never be improved and should probably be vacated. Which is why we are asking for setback relief with respect to that. Item 5 in the report indicates that a variance is required for the parking for the faculty housing. We show four parking spaces in front of the faculty housing, but on the whole site we comply with the parking. So

although there aren't more than 4 for the faculty housing, and it's our opinion that those four are what's needed, there's additional parking all over the site so that parking is provided. IT would be my testimony that we really don't need a variance for that. We are asking for relief from providing a 20' buffer. We aren't buffering to any existing houses, this is a wooded area of the Township and we are asking for relief from putting parking in the buffers, and again the parking being near a property line that is wooded and undeveloped. It's my testimony that that's an appropriate use. If we look at the justification for the variances, they are all C2 variances. The Master Plan of 2017, the Vision Statement, says encourage development and redevelopment based on smart growth planning principles. It's my testimony that this does this. It says provide sufficient educational, recreational, and community facilities to meet future needs. My testimony is that this does that. The same Master Plan, under community facilities strategies, number 4 is continue to support the development of private schools in the Township of Lakewood. So we satisfy that goal. 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 very nice school that's being proposed here certainly does that.

Mr. Herzl said what age students are there?

Mr. Flannery said it's high school boys.

Mr. Herzl said and they're being dormed or bussed?

Mr. Flannery said there is a dorm in the northeast corner of the site. There is bussing, for the students that are not in the dorm. And we have an appropriate area, on Fulton Avenue, an unimproved right-of-way, that the applicant will develop to accommodate the bussing and the drop off. For C2 variances we need to show it relates to a specific piece of property. I think the location of this property in Lakewood and the only forested area of the town now that the Airport Road area is no longer forested is an appropriate location. The purposes of the Municipal Land Use Law would be advanced, the variance can be granted without substantial detriment to the public good. The variances will not impair the intent and purpose of the zone plan and zoning ordinance, and the benefits outweigh the detriments. With respect to the other items in Terry's report, we are certainly going to satisfy his comments. We are looking for design waivers from improving Gates and Lambert Avenue, and again Gates is along the northerly side which is at the top of the sheet. We only own the frontage where the dorm building is and it's more appropriate to leave that unimproved with the trees staying. A partial design waiver from providing street trees along Gates and Lambert, and it's wooded so there would be no reason to do that. And a design waiver for the driveway being more than 30', and that's certainly a benefit.

Mr. Herzl said Block 1100 Lot 1, that doesn't belong to the school.

Mr. Flannery said that is correct. It's vacant land, trees. Behind the school sort of in an area created between the Fulton Avenue improvement, the school, and the dorm, there's a very large area for recreation. On page 6, Terry's comment is with respect to the recreation and a recreation is proposed there. I think when the Board saw the video you get the message loud and clear that the school is being developed to the highest standard possible. The traffic report provides the students and that kind of information. With respect to testimony requested on page 7 building heights, we will comply. The HVAC system will all be screened.

Mr. Herzl said what's with garbage.

Mr. Flannery said it will be picked up by DPW and we will comply with their recommendations.

Mr. Herzl said you don't have a trash pad?

Mr. Flannery said we do in the northern part of the site between the school and the dormitory. There is a trash area located, and to whatever extent DPW feels-

Mr. Herzl said the trucks can back all the way in there to get it?

Mr. Flannery said yes. And if DPW feels differently we will located it somewhere else. There is plenty of room on this site to accommodate the wishes of DPW.

Mr. Herzl said can you show me the traffic pattern, where are the busses and parents coming in?

Mr. Flannery said the bus traffic will be on Fulton Street on the southerly side of the site. They will drive down Fulton Street, into the parking lot, drop off the kids, and pull back out again. There is no other traffic on Fulton Avenue so it doesn't disturb any of the local traffic patterns. And then there is parking distributed around the site for the faculty housing, dormitory, and for teachers and visitors to the school.

Mr. Garfield said momentarily Vermont Avenue will be open to Route 70 as a two-way street and creating a large amount of traffic I expect to relieve Route 9. Has that been taken into account on the flow of traffic? Your busses are going to go in and you're going to have a lot of traffic going both ways on Vermont.

Mr. Flannery said the busses are going to go in but they're going to turn onto Fulton. They're going to get off of Vermont. So yes that was taken into consideration in the design. And Vermont, I think going out to Route 70 is actually going to be a benefit from a traffic standpoint in that vehicular access has different options on how to go places.

Mr. Garfield said that part I know, I was wondering about the traffic going by Vermont and Fulton. I would expect they will probably put a traffic light on Chestnut and Vermont. I'm thinking if Vermont backs up, the bussing, would they be better to go up Lambert maybe. I can't see that going in. Hm. I'm just wondering if it's been taken into account because I haven't heard it mentioned.

Mr. Flannery said yes. Fulton is 200 feet from Chestnut and I would tend to agree with you that a traffic light at Chestnut and Vermont is probably a good idea. But any busses coming to Fulton, I would not anticipate a situation where the busses would back up more than 200 feet. And the impact of the busses and the few parking spaces on Fulton with a stop-controlled intersection, would have very limited impact. And there was a traffic study that was provided by McDonough and Rea with the application and their conclusion on page 5 of the report is that based on the analysis set forth in the report, the plans to construct the new yeshiva dormitory can be approved and operate compatibly with future traffic conditions. The design of the access will effectively and safely distribute site traffic flow to and from Vermont Avenue.

Mr. Garfield said maybe it's possible to get no parking from Vermont to Caldwell. Then traffic could move on Fulton if the busses do get backed up.

Mr. Herzl said I think that has to do with Traffic and Safety. They can request it, but it's up to them to restrict parking on a road.

Mr. Flannery said and we certainly, as a condition of resolution compliance, would meet with the Board Engineer and Traffic and Safety and incorporate any of their comments.

Mr. Garfield said I appreciate that.

Mr. Sabel said I know Caldwell is being developed by a different yeshiva being built over there. This site ends up at the corner of Caldwell and Fulton. I think the applicant only wants to improve Fulton up until Lambert. I think it would be a benefit if we put sidewalks all the way up until Caldwell and maybe even the roadway. So we can ease traffic on the corner of Vermont and Chestnut, provide a normal pedestrian walkway for yeshivas in between. That's my opinion, but I'm not the expert. Maybe someone else wants to chime in. It will also help with the school bus, where it has to make that turn in that very tight bulb. I'm sure you can increase the bulb if needed, but I think the busses going in and out on Caldwell from Fulton Street, I think that's gonna be a benefit to the Township.

Mr. Flannery said this Board reviewed the school that is going in on the corner of Caldwell and Chestnut, and granted a waiver to them from improving Fulton in the back of their school based on the fact that it's a wooded area and we are trying to keep the traffic flow down. And my testimony would be that this is very similar to that, and there's sidewalk along Vermont, there's sidewalk along Chestnut. So there is pedestrian access. My opinion would be that pedestrian access through that wooded portion of Fulton is unnecessary. And a waiver for that portion of Fulton adjoining the property on the other school that was mentioned was granted by the Board, so I think the decision was made at that time and I think it was the right decision. The improvements on Caldwell are limited to improvements that are needed to appropriately access the school.

Mr. Sabel said we didn't give them the... we made them improve Caldwell, and this applicant is improving Fulton up until Lambert, so now there's only a small gap that we need to fix. I think the high school buys are going to walk anyway, they're going to walk through the woods, wherever they need to to make it happen. Might as well provide them with a normal pedestrian walkway. We can discuss roadways, see if maybe that's a benefit or not. It's not a lot of space anyways improving it.

Mr. Flannery said I'm sure the applicant would be ok with a pedestrian walkway to accommodate the pedestrian access. As far as Fulton being developed, when Lot 2.02 comes back to the Board and we see what's being proposed, that would be the appropriate time to require development of Fulton.

Mr. Sabel said which one is that?

Mr. Flannery said the minor subdivision that we first talked about chopped this 8-acre tract into two 4+-acre tracts. The one that fronts Vermont, and the other that fronts Caldwell.

Mr. Sabel said I don't understand, I'm sorry.

Mr. Flannery said on the site plan that's up, Vermont Avenue is at the top of the plan and that's Lot 23.01. And that's where we are providing the site plan for the school. Ally did good, she turned the plan around. You can see now, oriented in the same direction, on the left-hand side is Lot 23.01, which is where the school would be developed. The right-hand side is 23.02, which is a lot for future development. Currently there is one house sitting on that. When that property, and we all know a 4.3-acre site in Lakewood isn't going to remain with trees on it and it's best not to because we all know wooded sites are dangerous, they can catch on fire. It's much better to have a school or something there that's good for the kids and doesn't catch on fire, when that comes in for development, any appropriate improvements to Caldwell and Fulton would be taken care of at that time.

Mr. Sabel said but subdividing this lot is part of this application.

Mr. Flannery said yes it is. And certainly the Board could require it. We are asking for a design waiver. My testimony is that it wouldn't be appropriate to put the burden of that on this school when there will be an applicant for the

second one that would come in and that would be the appropriate application to require those improvements, and it will be a time when we know what kind of improvements are needed.

Mr. Sabel said can we put it in that we don't have to improve it now, up until they start developing this property and then they'll have to do it then? In other words, they can get the CO for this property without improving Fulton 'til the end...

Mr. Herzl said they can only do their fair share.

Mr. Sabel said well they own this property.

Mr. Herzl said ok.

Mr. Sabel said so they don't have to do it, it's not going to be a condition of the CO. But whenever, whoever develops that property is going to have to do it at the time of development. Does that make sense?

Mr. Flannery said yes. That's certainly, as part of the minor subdivision, an appropriate condition and the applicant would be agreeable to that.

Mr. Herzl said thank you.

Mr. Sabel said the dormitory in the back, does that require a parking lot?

Mr. Flannery said parking spaces are required in accordance with the Ordinance, and the parking has been provided in accordance with the Ordinance.

Mr. Sabel said and that calculates the proposed dorm as well.

Mr. Flannery said the Ordinance does not require parking spaces for a dormitory.

Mr. Sabel said ok.

Mr. Garfield said is anything being done with Lot 21? It's not part of the plan, but it's sitting there all by itself.

Mr. Flannery said I'm trying to find Lot 21.

Mr. Garfield said it's at the end of Lambert.

Mr. Herzl said do you mean Lot 1?

Mr. Garfield said on the little map I'm looking at in the computer, it looks like it says 21. It's under Lot 23, to the right of that entranceway.

Mrs. Morris said I think he means there's a little Lot 21 that's on Fulton.

Mr. Garfield said yes, on Fulton by Lambert.

Mr. Flannery said we don't own it.

Mr. Garfield said what's there at the moment.

Mr. Flannery said trees are there, and it looks like 40' deep by 50 wide. Certainly when 23.02 is developed, the applicant for that project, it would be a benefit to determine who owns that and if they want to sell, because by itself it's development potential is severely limited and in combination it makes the most sense for the highest and best use of that.

Mr. Garfield said thank you.

Mr. Herzl opened to the public.

Mrs. Jackson said we have an email from Mr. Zeines.

Mrs. Morris said yes, and also from Shlomo Stein.

Mr. Jackson read an email from Mr. Zeines,

1. How is the faculty housing appropriate for this board? Duplexes are not permitted in this zone?
2. Will Fulton get street lights?
3. I recommend the following be installed on Fulton Street:

I would like to recommend that the board condition its approval on the applicant installing the following:

A. Retro-reflective street name signs along all the corners of this development, and that street name signs be installed on top of the stop signs to ensure they do not get blocked by other traffic control signs.

B. Crosswalks along the corners

C. Stop bars, as well as double yellow solid lines painted 50 feet from the stop bars

D. Yellow paint on the curbs 50 feet from the stop signs and 25 feet from the crosswalks (across from the stop signs) as well as No Parking signs along these areas, to guide drivers not to park too close to the corners.

E. Brite Sticks on each stop sign. Lakewood Public Works has been going around town installing these brite Sticks to brighten up stop signs, so this should be the new standard as well for all new developments.

Mr. Herzl said Brian?

Mr. Flannery said the first comment that says duplexes are not permitted, this is not a duplex and I can read the definition from the UDO. Section 18-200, a building on a single lot containing two side-by-side only dwelling units with fronts staggered by more than 3'. We aren't on a single lot, we're not a duplex. It's faculty housing and an accessory use to the school. With respect to the other items in the report, I would indicate as I have in the past that I think they're very good suggestions and to the extent that it's the Township standard and during resolution compliance the Township and the Engineer feel the recommendations are appropriate for the stop bars and the signs and everything else, the applicant would be agreeable.

Mr. Herzl said ok, thank you.

Mr. Jackson said and from Mr. Shlomo Stein,

I agree with Chaim Sabel.

The roadway of Fulton should be extended to Caldwell.

It makes more sense for the good of both yeshivos.

Mr. Sabel said someone understands me.

Mr. Flannery said and as we indicated, the applicant is agreeable to a condition on the minor subdivision that when Lot 23.02 is improved those improvements will be incorporated.

Mr. Sabel said how will it be written in the resolution?

Mr. Herzl said Chaim, everyone understands you. The only question is is it too expensive for a school. But it's definitely the right thing to as much as possible finish up the roads and sidewalks.

Mr. Sabel said someone told me it's not good for safety because it's more through traffic. What's your opinion on that?

Mr. Herzl said I think it's wrong. I think we need as many streets open, and it should be done the right way, with sidewalks. Kids shouldn't be on the road, they should be on sidewalks. Right now you have double-parked, triple-parked, people going all over the place. We need the roads to get the traffic moving in my opinion.

Mr. Sabel said maybe we should ask them to do it now.

Mr. Flanbaum said I also agree that... I don't like to look at things as black and white. There are gray areas too. I think most of the time it's beneficial to have through streets. Sometimes in my opinion it's not. In this case it would be. But this school is not improving the... they are proposing to improve what they are going to be using for their lot. For the lot next door, when that's developed, let the next person do it. The school is bring improvements up to that lot, and that will be beneficial to the next lot. And the next lot will improve up to Caldwell. But to put the onus on one property owner is not, in my opinion, school or otherwise, is not fair.

Mr. Sabel said do you think a condition that whoever develops the next property should have the burden, does that make sense?

Mr. Flanbaum said what's going to happen is whoever develops the next property is going to take it as far as they're going to use. In other words, up to Caldwell. So this school is going to take it up to the next lot, which will take it up to Caldwell.

Mr. Herzl said you're saying basically eventually it's going to get done, but it will get done as it develops.

Mr. Flanbaum said yes. As natural development occurs, the road will be improved. But you can't put the onus on one owner.

Mr. Sabel said I agree with you, but I think we should put the condition that the subdivision is contingent upon them improving this roadway.

Mr. Herzl said no you can't, you don't get the subdivision now.

Mr. Sabel said no we're granting them the waiver for the CO for the yeshiva. What I'm afraid is whoever is going to come back and develop this and comes before the Board, or finds a way not to develop it.

Mr. Herzl said what you should say is any future development is going to require the roads to be developed. Right now we are giving a waiver only for the school and only for this property.

Mr. Sabel said the question is how you word it properly.

Mr. Herzl said for that you have an attorney.

Mrs. Morris said I believe if you require improvements for the subdivision then it becomes not a minor subdivision. That's why the subdivision is asking for a waiver for all of the street improvements, and then the site plan itself does not need a waiver because it's improving the part of Fulton that it fronts on. Mr. Jackson, if they require the minor subdivision to do street improvements wouldn't that make it a major subdivision?

Mr. Jackson said I don't know that's what makes it a major, I would defer to you. But I know off-site improvements are a tricky business. There's that case that says you can make people improve out to the middle of the street associated with their approval. Usually you make them do streets as part of a subdivision because the streets are part of the subdivision. But here they're along an already existing street, so to make them do the improvements in the street itself is difficult. As far as curbs and sidewalks, you can impose that. But the street to me is a difficult question. If the Board wants it, make them do it. Put the burden on them to prove it's not their responsibility. But to Mr. Flancabaum's point, if he doesn't think it's fair to put it on this applicant then that might be the conclusion that the Board draws as well.

Mr. Herzl said I tend to agree with Mr. Flancabaum. We should try to do as many roads as possible, but to put it all on the school, a non-profit... There will be future development in the area and everyone should chip in their fair share.

Mr. Sabel said I'm in agreement with that, the only question is how do we put it part of the subdivision so we can keep it there down the road. You don't have to do it now.

Mr. Herzl said I think we should say if there's any more development in the area, this waiver is only granted for the school as long as there is no future development. Any more lots being developed, the road will have to be put in.

Mr. Flancabaum said if there is going to be future development, they're going to have to improve. They can't get there, it's all woods. They're going to have to clear the woods and put a street in. They can't get there.

Mr. Herzl said any future development, they have to come back to the Board.

Mr. Flancabaum said they have to come back to the Board and it's physically impossible for them to access their property. Am I wrong?

Mr. Sabel said they could make the entrance from Caldwell.

Mr. Flancabaum said is Caldwell clear or wooded now?

Mr. Sabel said it's being improved as we speak.

Mr. Flancabaum said ok. Well I think any future application that comes before the Board, the Board should weigh the pros and cons of improving Fulton further. I don't know how... I'm for improving Fulton up to Caldwell, I don't want to put it on this applicant. I don't think it's fair. Right now it's of no benefit to anybody. When the next person comes in, let them improve it.

Mr. Sabel said got it, we are on the same page.

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

Mr. Pfeffer said just a reminder, you need two motions.

Mr. Herzl said yes.

Mrs. Morris said do we need to open to anyone who is on the meeting?

Mr. Herzl said yes if anyone is on.

Mrs. Morris said we have an FG, a C, a number ending in 59, cp weisz. Is anyone here to speak on this application?

Mr. Herzl said cp weisz I imagine is the engineer or the architect, I saw his name. Is there anyone who would like to speak?

No one came forward.

Mr. Sabel made a motion on the minor subdivision to approve as proposed with a note or a condition that whoever develops the property in the back has to improve the right-of-way. Brian agreed earlier to a meandering pathway between the yeshivas, I don't know if we put it on this approval or the other one.

Mr. Schmuckler said can we do it on the site plan so we can bond it in one place?

Mr. Vogt said that's a good idea.

Mr. Herzl said ok so let's take a vote on Mr. Sabel's motion just on the subdivision.

Mr. Flancbaum seconded. All were in favor.

Mr. Sabel made a motion to approve the site plan as proposed, with a meandering walkway between Caldwell and this site. No simcha hall whatsoever, and the duplex will not be rented out, it's going to be for the yeshiva only.

Mr. Flancbaum seconded. All were in favor.

Mr. Garfield said with the condition that the effect of Vermont is taken into consideration.

Mr. Sabel asked to confirm there is going to be sidewalk on Vermont.

Mr. Herzl said Mr. Schmuckler is shaking his head yes.

Mr. Flancbaum said I'm unclear on what Mr. Garfield added?

Mr. Herzl said I think he said they should review if they are opening up Vermont, Traffic and Safety should review and see if any changes need to be made and they should take that into consideration.

Mr. Flancbaum said yeah, that's a good idea. I think the County should pay for a traffic light.

5. CORRESPONDENCE

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

Mr. Sabel left.

Mr. Herzl said do we still have a quorum?

Mrs. Morris confirmed we still have 5: Mr. Garfield, Mr. Stern, Mr. Flancbaum, Mr. Herzl, and Mr. Meyer.

Mr. Vogt said we actually had dialogue with the applicant's professionals on this probably at least a month or two ago. The issue with the sidewalk at grade, it was going to create drainage issues. We discussed a recommendation, in lieu of doing at-grade and complicating drainage, should go with some form of a pedestrian bridge which is commonly done to avoid these kinds of situations. I believe the applicant is in favor of that and that's currently what's proposed in front of the Board. This will have to get DOT approval, but I personally think this is probably the best compromise.

Mr. Herzl said they build a bridge along the whole thing? It doesn't get anchored into the ground?

Mr. Vogt said it's a pedestrian bridge. It's a walkway. You see a lot of times, if you go to parks and you see minor streams and this is a wooden span, it's not anything crazy.

Mr. Herzl said we have it in Lakewood around the lake.

Mr. Vogt said yeah. But that's a way of spanning the feature without creating fill or altering drainage or any of the adverse impacts that would occur here if you did an at-grade crossing.

Mr. Herzl said it's like a temporary solution. Eventually when DOT widens the road, that's when you do the permanent sidewalks, road widening, whatever.

Mr. Vogt said at that point in time, they'll have to deal with drainage as necessary for the overall project.

Mr. Pfeffer appeared on behalf of the applicant. He said if the Board recalls, not that long ago we were before you with this request for some waivers. It didn't go so well. I believe this has been with input from the homeowners, the applicant, the Township, there are a lot of outside factors here. We believe this is a much better proposal. He said I have noticed for this correspondence, the property owners being affected have been noticed. He had Brian Flannery affirmed.

Mr. Herzl said and you still have to get DOT approval and feel comfortable you are getting it.

Mr. Pfeffer said correct.

Mr. Flannery said I think it's a very good solution to the problem. Last time we tried to work something out, the Board kinda told us to come up with a better idea. This is a better idea. The only drawback is getting the DOT approval. There's really no reason in the world that they should not approve it. I feel that with the Township Engineer and the applicant's engineers meeting with the DOT and twisting their arm, that we will get them to approve it. If the DOT doesn't approve it, we'd like the Board's-

Mr. Herzl said you're coming back here.

Mr. Flannery said I would hope that the Board would understand if we meet with the Township Engineer and we get a real loud "no" that we can't do it, then we don't have a solution and the alternative would be that the applicant would make a fair share contribution to the impact on the overall project. That would be our request.

Mr. Herzl said ok, thank you. He asked for any questions from the Board members.

Mr. Stern said so the local residents who were last time fairly opposed to the whole process, are they on board now?

Mr. Flannery said we had met with them before and their concern was they didn't want any trees knocked down. They did, same as everybody including me, they did want a sidewalk, and this was actually Terry's idea, this bridge. And as you can see on the plan, there's concrete piers that space it so the water goes underneath. It addresses the DOT's problem, it addresses the neighbors' problem. They've been noticed so if they disagree, I haven't spoken to them since we submitted this plan, but just based on having met with them previously it addresses their concerns and I can't imagine why anybody, including the DOT, would have a problem with it.

Mr. Stern said ok so they were noticed, and Ally do we have any correspondence from them?

Mrs. Morris said no. I did receive proof of notice from the applicant, I have not received any public comments.

Mr. Herzl said my question is how nice does that look, having a bridge on Route 9 on the front of your house.

Mr. Flannery said well it's the back of their house, and it's going to look better than knocking trees down and creating drainage problems.

Mr. Herzl said right, ok. He opened to the public and no one came forward. He asked for a motion.

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

Mr. Herzl said motion approved. Good luck with the DOT.

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