

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 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. Fuentes, Mr. Herzl, Mr. Rennert, Mr. Meyer, Mr. Raitzik were present.

Mr. Dave Magno, P.E., P.P., C.M.E. was sworn.

3. MEMORIALIZATION OF RESOLUTIONS

1. SD 2082A MC Tuscany II Property, LLC

E County Line Rd Block 194; 195; 196; 197; 198, Lots 1 & 4; 1-3; 1-5; 3, 5, & 8; 10

Amended Preliminary and Final Major Subdivision to revise tract boundaries and setback variances

Mrs. Morris said that this draft resolution was not completed and will be scheduled instead for consideration on December 17, 2019.

2. SD 2357 Mark Properties, LLC

Pine Boulevard Block 423, Lot 76.02

Preliminary and Final Major Subdivision to create seven lots

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

3. SD 2402 Imperial Dynamics, LLC

1461 Read Place Block 855.02, Lot 32

Minor Subdivision to create two lots

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

4. SP 2338 Congregation Lutzk

520 New Egypt Road Block 251, Lot 16.01

Minor Site Plan for addition to synagogue

A motion was made and seconded to approve. Mr. Meyer abstained, the rest were in favor.

5. SD 2404 Ave of the States Office Urban Renewal LLC

Avenue of the States Block 961, Lots 2.07 & 2.12

Minor Subdivision to realign lot lines

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

- 6. SD 2412 10 Emerald Court, LLC**
Emerald Court Block 187, Lots 45 & 100.03
Minor subdivision to realign lot lines

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

4. PUBLIC HEARING

- 1. SP 2150A Madison Group Development**
500, 504, 512, 600 River Avenue Block 420; 420.01, Lots 16; 12, 14, & 23
Extension of a Minor Subdivision

Mrs. Morris said Mr. Ulaky is filling in on this application as conflict attorney, as Mr. Jackson's office has a conflict. Mr. Magno does not have a new review letter on that, the zoning has not changed since it was approved.

Mr. Adam Pfeffer appeared on behalf of the applicant and said this is the property next to the CVS off of the corner of Route 9 and Prospect. It's for a Wawa and a gas station. We just received the DOT approval from the State and are going through a few other resolution compliance items and they plan on starting in the Spring if not sooner.

Mrs. Morris said I believe this is an extension for just the Minor Subdivision, not the Minor Site Plan.

Mr. Pfeffer said correct.

Mr. Rennert asked about the ingress and egress.

Mr. Pfeffer said I wasn't the attorney on that application, but I know nothing is changing.

Mr. Rennert said if I remember correctly the exiting of the site was being done onto Prospect only, which required a left turn from Prospect to get back onto Route 9.

Mr. Magno recalls there is a one way in off Route 9 and a one way out to go south on Route 9. His recollection is the same.

Mr. Herzl said it was going through the CVS, I remember a cross access easement.

Mr. Rennert said I remember that, and I remember that I didn't like the application then.

Mr. Pfeffer said nothing has changed.

Mr. Garfield said the State is going to rework Route 9. Has this been taken into consideration?

Mr. Pfeffer said yes, one of the hold ups on this application was getting approval from the DOT, that's part of the reason why it took so long.

Mr. Herzl said this is the first extension?

Mr. Ulaky said I believe so.

Mr. Meyer moved to grant a one-year extension. Mr. Garfield seconded. All were in favor.

2. SP 2345AA Beth Medrash Govoha of America

619 & 633 7th Street, 610 8th Street Block 46, Lots 2-6 & 22-24

Change of Use/Site Plan Exemption to convert an existing house into a school campus

Mr. Magno said this is in the R-12 single-family where schools are permitted and applicable sections of the UDO regarding Planned Educational Campus. Lot 22 requires side yard setback variance which is an existing condition. The plans show the building to be removed so it's not clear whether this variance will be eliminated. The same situation with the combined side yard setback variance on the same lot. Also required is relief for number of off-street parking spaces. 22 are needed and only 8 are proposed. We will need testimony on that as well as the number of staff. If the Board requires any site improvements, they would have to be made conditions of any approvals.

Mr. Adam Pfeffer appeared on behalf of the applicant.

Mr. Sean Gertner appeared on behalf of an objector.

Mr. Pfeffer said before the Board previously was a previously-approved campus for BMG. The three parcels today are being added into the previously-approved campus, so we are looking for a change of use for those parcels. Of those 3 parcels, two of them are being knocked down. The variances called out are not needed, they will be open space on the property at the moment. The third building which is a small single-family house is going to be converted to an office. The report calls out a parking variance, but we are not looking for that, we will revise the architectural to meet the requirements so there will be no variance whatsoever. This evening we are asking for the whole block to be a campus.

Mr. Herzl said you aren't doing any construction work.

Mr. Pfeffer said knocking down two houses and renovating inside the one house to an office. No new buildings.

Mr. Herzl said you're just consolidating.

Mr. Pfeffer said yes. He had Mr. Lines sworn in.

Glenn Lines, P.E., P.P. was sworn in. The exhibit was marked as A-1, which was a copy of the Site Plan.

Mr. Pfeffer asked Mr. Lines to walk us through the application and the review letter.

Mr. Lines said on the easel the two houses shown in green are the two to be removed. The driveways will remain to be used as parking on the campus. The blue house is the one to be converted to office space. We made a mistake in the original plan, the two lots highlighted in purple with a line through the middle are not part of the campus or our application, we just inadvertently shaded those in.

Mr. Herzl said Lot 2?

Mr. Lines said 1 and 2.

Mr. Herzl asked about houses in green to be removed.

Mr. Lines said yes. The uses listed are those in the other three houses on the property, they are existing. We will revise the architectural to only require 8 parking spaces. We have leftover after the 2 dwellings are removed, those driveways stay and the driveway for this property, 8 parking spaces on site to service this building.

Mr. Herzl said all the variances are on lot 6. You're testifying you won't have any.

M. Pfeffer said 2 variances are being removed because the building is coming down. The other variance called out is for parking which we will revise and comply with. The other variances were on the green buildings on the map and those are going to be knocked down.

Mr. Garfield asked how many people are going to be working at the new facility.

Mr. Lines said we will revise it to have only 8 offices.

Mr. Garfield said but how many people.

Mr. Lines said the Ordinance for schools requires 1 parking space per office. I don't know how many people we will have.

Mr. Pfeffer said we don't anticipate more than 15, a lot of those people are already on the site already. They will go from building to building. We will comply with all zoning ordinances.

Mr. Lines said for the additional people there are additional places on site to park.

Mr. Fuentes said so it's adjusting as it's going.

Mr. Lines said yes.

Mr. Herzl said what are the uses of the lots where the houses are being removed.

Mr. Lines said they will be vacant with driveways left over. There is no plan, they're in disrepair and will be torn down.

Mr. Pfeffer said if this applicant ever wants to do something, they have to come back to this board for an approval.

Mr. Herzl said can we make it parking there.

Mr. Pfeffer said at this time it will be open space. We could put gravel for additional parking at this time, but the idea of paving it...

Mr. Fuentes said that's good.

Mr. Lines said we addressed item 1 in the letter. Item 2, there's no proposed handicapped parking for this building, there's other handicapped parking on site. We went over parking requirements.

Mr. Herzl asked how far handicapped parking is from this building.

Mr. Lines said it's across eighth street. It's based on the whole property, you don't have to have it specifically for this building.

Mr. Herzl asked if they could provide it here.

Mr. Lines said we could stripe it, 8 spaces and one of them will be handicapped. Trash will be collected curbside as it is now. Shade tree easements and utility easements, requesting a waiver of those.

Mr. Fuentes asked about shade trees.

Mr. Lines said we can provide the street tree easement. Number 7 we agree to do. Number 8 we are not on a corner, that is not required. We are requesting a waiver of landscaping other than the new grass to be put with the stone parking. There's no changes proposed to the existing building, just the existing landscaping. Same as a lighting waiver, we aren't proposing any additional. In addition, site improvements, we'll show the gravel parking area and details for how that will be built. We request a waiver of anything else as far as curbs and storm drainage. That's the extent of the comments in the letter.

Mr. Garfield asked what type of lighting exists.

Mr. Lines said if there isn't lighting on the existing building, they will provide that. He believes there already is.

Mr. Sean Gertner appeared on behalf of a number of neighbors.

Mr. Pfeffer asked for the individual names of the objectors for the record. It's standard.

Mr. Gertner said Mr. Kleinman retained me.

Mr. Pfeffer said Mr. Gertner said there are several he is representing. We have a right to know.

Ms. McLeer asked the audience not to speak up unless they are sworn in.

Mr. Pfeffer said I received a letter that you're representing a group of people and I'd like to know who they are.

Mr. Gertner said Mr. Kleinman.

Mr. Pfeffer asked for his address.

Mr. Gertner said 631 8th Street.

Mr. Gertner asked Mr. Lines, you've testified about engineering.

Mr. Lines said correct.

Mr. Gertner said from an engineering perspective, what's the purpose of the campus ordinance.

Mr. Pfeffer objected, he said the application isn't for a campus, it's for a change of use.

Mr. Gertner said to add them to the campus.

Mr. Pfeffer said the campus has been previously approved.

Mr. Gertner said and as a foundational purpose, now these are being added to the campus. He's been qualified as a planner and an engineer, he's testifying as an engineer, it's a legitimate question. He's a professional. The objection is noted.

Ms. McLeer said I think the question is ok, but the objection is noted.

Mr. Lines said as an engineer, the application tonight is to add additional area to the campus. The bais medrash has bought additional property and is combining them into the other parts of the campus.

Mr. Gertner asked what does that do for the properties you are seeking to change the use. Does it provide opportunities to seek development waivers.

Mr. Lines said I don't know I'd have to know what waiver you're asking. We've asked for some waivers with regards to these specific lots, but as an overall campus that isn't part of my application.

Mr. Gertner said but in adding these areas to the campus through this change of use, if the Board were to approve this, does it ultimately commit the applicant for future uses from waivers that it would not otherwise be able to seek.

Mr. Lines said I have no idea.

Mr. Gertner said you testified the applicant is looking to maintain the driveway access?

Mr. Lines said yes. To utilize those driveways as off street parking.

Mr. Gertner said you've testified that you would put gravel on those lots so that they could be used for parking.

Mr. Liens said that's what the Board requested for additional parking, and we agreed to that.

Mr. Gertner said something away from the microphone.

Mr. Lines said because we're going to use the building that's shown in blue, has offices in it.

Mr. Gertner said something away from the microphone.

Mr. Lines said yes, we said that from the beginning.

Mr. Gertner said something away from the microphone about paving and grass.

Mr. Lines said yes, other than the grass and the driveways.

Mr. Gertner asked how large lot 22 is.

Mr. Lines said 15,000 square feet.

Mr. Gertner said 1/3 of an acre. If you were to develop as a parking lot, what does the Ordinance require for that on 1/3 of an acre.

Mr. Lines said if you are providing $\frac{1}{4}$ of an acre of new impervious you have to provide stormwater management.

Mr. Gertner said in a developed neighborhood... have you walked the neighborhood.

Mr. Lines said yes.

Mr. Gertner said is it fair to say the neighborhood is fully developed with residential homes, other than the campus creeping into the neighborhood.

Mr. Lines said yes.

Mr. Pfeffer objected to "creeping."

Mr. Gertner said it's your proposal to demolish homes and have grass on them and just use them for parking.

Mr. Lines said our proposal was to demolish the existing homes, park two cars in the existing driveways, and then provide grass on the rest.

Mr. Gertner said are you not asking for design waivers regarding development as a parking lot?

Mr. Pfeffer objected and said we aren't proposing a parking lot. There are existing driveways, again I object to the question.

Mr. Jackson said you asked if there were design waivers for the parking lot, and Mr. Pfeffer said there's no parking lot. What's the point of the question.

Mr. Pfeffer said the Board has asked if we could provide extra parking, so we offered to put in gravel, but it's not part of the application. If they want the extra parking, we are willing to provide.

Mr. Jackson said so what's the point of the question.

Mr. Gertner said Mr. Lines testified that they're keeping the driveway access to allow parking on those lots.

Mr. Jackson said so you're point is that no design waivers have been requested.

Mr. Gertner said yes, and that by maintaining those driveways they could provide access to parking. He continued speaking away from the microphone. They can use those lots to provide the off-street parking for the building that's being improved.

Mr. Pfeffer said that's your opinion.

Mr. Jackson said the problem is these land use cases are not trials. If you have a point you can make it without cross examining someone for twenty minutes.

Mr. Gertner said I tried but he objected.

Mr. Jackson said but Mr. Lines is answering, Mr. Lines are you also a planner in this case?

Mr. Lines said no.

Mr. Jackson said merely the engineer, just the engineer. Let's try to keep it focused. You don't have to develop your case through this witness. Likewise, Mr. Pfeffer, I just went to this seminar and they said most of the objections that you make, you don't have to make. The Board gets it. Try to keep that in mind too.

Mr. Gertner said getting to the point, it's the testimony that there's no design waivers for a parking lot because they aren't really looking for that. You've also asked for waivers regarding lighting and landscaping, correct?

Mr. Lines said correct.

Mr. Gertner asked what the physical view will be when lots 6 and 22 are demolished, what's going to be left.

Mr. Lines said they would be graded out and grass would be planted.

Mr. Gertner said and there will be no lights.

Mr. Lines said no.

Mr. Pfeffer had Mr. Brian Flannery sworn in.

Mr. Flannery said as Glenn indicated, this is an application for 3 lots to be added to the campus. 2 existing homes will be demolished, and nothing will be constructed. The existing driveways will remain for parking. The remaining house shown in blue will be converted to campus use. The plan submitted showed 6 offices and 3 other areas for faculty and students to use. In Terry's report, item 1 indicates Planned Educational Campus is a permitted use. Item 2 indicated variances that Glenn has testified we don't need, they are existing conditions being eliminated. Item 3 is the same. Item 4 talks to parking. Our testimony is that we have 8 spaces we are proposing. The ordinance requirement talks about for the dwelling units and the students, my professional opinion is that this should be looked at as a school building. 18-906C indicates 1 parking space for each of the following: classroom, meeting room, tutor room, library, offices, etc. We have some private offices, the remainder is similar to library or meeting rooms which would be 7. If the Board acts favorably, we would satisfy the engineer during resolution compliance. We would eliminate offices as needed to limit to 8 needed.

Mr. Rennert asked to be shown on the architectural how that would be laid out.

Mr. Flannery said there are private offices surrounding a larger area. That's a place where students already on the campus have work spaces. In my opinion that area is a big room that would be similar to a library or meeting room, it provides desks and workspaces for people already on the campus. It's not for someone coming in just for that work space. My opinion is 7 spaces are required, we're providing 8. If the Board or professionals say otherwise, we will eliminate one of the offices and make it a storage space so that we don't need relief.

Mr. Jackson asked if he has an aerial.

Mrs. Morris said the google earth TVs are not working for the Board.

Mr. Rennert said is it your testimony that all these cubicles are for students on campus and the offices that we see are for rabbi's already on campus.

Mr. Flannery said yes. Now they'll have a private office.

Mr. Rennert said but the work stations are for students on campus.

Mr. Flannery said that is correct. My testimony is no variances are required. On page 3, design waivers, the report points out shade tree and utility easements which Glenn indicated we would provide. Shade trees, to the extent the Board wants a couple shade trees we would certainly put one every 50 feet as per the Ordinance. My opinion is that wouldn't really add anything to this but if the Board wants some shade trees, we aren't averse to that. What's being done here is a simple modification. We are knocking down 2 buildings that should be knocked down and are leaving open space. Obviously the Board is aware the applicant may reconfigure this property in the future. The Board asked for gravel for parking and the applicant is agreeable to that. Landscaping, no other landscaping is really required per the Ordinance. Lighting, we will do a lighting study and to the extent there isn't sufficient lighting for the existing parking lot we will add it. I think adding it to the vacant lots would be a negative rather than a positive. My testimony is that we don't need any design waivers. Looking at the other comments, they were engineering in nature and Glenn answered them. With respect to the Master Plan, the 2017, on page 7 the vision statement says encourage development and redevelopment based on smart growth planning principles, and we do that. Municipal Land Use Law NJAC 40:55D.2. says encourage municipal action to guide the appropriate use and development of all lands in the State in a manner that will promote public health, safety, morals, and general welfare, and it's my testimony that this does this. I heard a question earlier with respect to the intent of the campus ordinance that was adopted in September 2009. I have a copy of it here. It indicates what the Township was feeling. It says it's been determined there are a growing number of college level institutions in Lakewood that have campuses that contain a mix of buildings for various uses such as academics, sports, student residences, dormitories, dining facilities, faculty residences, along with ancillary buildings such as maintenance and storage, and it's been determined that a campus-like setting in which students and faculty live, reside, and study together is essential to the learning experience and it has therefore been determined for good planning principles that a campus ordinance will allow for proper planning of such campuses. And that's what the governing body said in 2009 when they adopted that, and I think this fits into the intent of that ordinance.

Mr. Jackson said in your opinion no use variances are needed.

Mr. Flannery said correct and I think the Board engineer's report agrees no use variance is needed. It clearly fits in the definition of campus, it's adjoining the other campus and I think everybody in the room knows what that area is like and we don't have to look at Google Maps because it's a prominent part of Lakewood and this is across the street. You can see on the map it's adjoining other properties that are part of the campus.

Mr. Jackson said the reason I asked for a Google Map is it unconventional or unusual throughout the State and the Country to have college campuses that are interspersed with the surrounding communities?

Mr. Flannery said there are some that are gated in but it's certainly not unusual especially when you get into cities. The campus grows and needs space, the city has properties that become available, the residents are there and happy and they stay and these particular properties have been in proximity to the campus for many years.

Mr. Jackson said so the use would fall under the umbrella of the larger institution and people would walk and it would be interconnected in terms of use and function.

Mr. Flannery said yes.

Mr. Garfield said you're saying this is part of the school. The building that is being renovated, will it meet the safety requirements, fire and zoning, of a school?

Mr. Flannery said yes.

Mr. Rennert said the review letter said it's going to be a school. It looks like its going to be office space for existing staff, and workspaces for existing students in the school. These rabbis, knowing the names, help place people in the workforce. It doesn't look like it's going to be used as a school.

Mr. Garfield said I'm just looking for the safety of everyone.

Mr. Jackson said when you say...

Mr. Herzl said what's the dumbwaiter on the architectural. There's more than one floor?

Mr. Flannery said I think it's existing, I didn't even notice it.

Mr. Herzl said I want to make sure it's not 3 floors, bringing things up...

Mr. Flannery said this will occur on one floor, we have no need to bring things up.

Mr. Jackson said Mr. Gertner, I apologize for coming in late. I don't think we've heard your clients concerns.

Mr. Gertner said Mr. Jackson and Mr. Flannery hit the nail on the head when Mr. Jackson was asking how unusual it is or is not as a campus or school moves into a neighborhood. That's the crux of where you're going. The Board probably gleaned from the cross examination of Mr. Lines that the point of moving into a long existing neighborhood, there are old standing houses as the school creeps, moves into the neighborhood. My client is not objecting per se to the application. I want to make that clear. What my client objects to are the design waivers and other waivers and a reflection in our opinion that the school, not the building, but BMG itself, doesn't recognize that this campus is growing, and it affects a preexisting neighborhood. One of our arguments is, for instance, when you hear, and quite frankly I'm mixed up. I don't think the Board has clarified... My client is most concerned with these two lots and what's not clear, and Mr. Flannery and Mr. Lines talked about this, that the lot is going to remain to provide parking for the campus. They're going to have these lots that may or may not be gravel that are not going to be engineered at all as parking lots.

Mr. Pfeffer said the driveways...

Mr. Jackson said Mr. Gertner's point is they'll just be driveways and they'll just be parked on, and it will just be the wild west, and that may not be attractive, desirable, or advantageous to the homes in that community. I think he wants to see a little bit of design and improvement. You look at it now, it's just gravel lots.

Mr. Herzl said the feeling of the Board I think is that the school needs parking. If we have the lots we should utilize them for parking. I know it's a residential area with a lot of traffic.

Mr. Pfeffer said we have no objection to using them for additional parking, and giving shade trees and landscaping to make the Board happy. He continued away from the microphone.

Mr. Jackson said I think this is what the issue is. When I went to college at Villanova there were a lot of out buildings. It's sudden, and it seems that way around Princeton too. I think the zoning allows for that here. It's not unconventional. There has to be a way to make it work together.

Mr. Herzl said be a good neighbor, put the trees in, make it friendly with the neighborhood.

Mr. Gertner said you are 100% correct. In taking the leeway you granted me, I asked the Board to think about this. We have this perception of BMG, but in terms of your jobs as the Planning Board, think about this as if it's Villanova or Monmouth University or Princeton moving into neighborhoods. There's a campus ordinance. They're asking for this change of use to incorporate these lots into the campus. Ultimately once that happens, they can do whatever they want within the confines of the campus ordinance. As the campus continues to creep into the neighborhood, you still have existing lots that deserve protection from ingress and egress and traffic and proper lighting. If the testimony is going to be that most of these kids are walking, just because the lots are denuded doesn't mean that there shouldn't be proper lighting, landscaping, drainage, fencing. The idea that you're going to maintain the ingress and egress of the two lots and parking is going to stop where the paving ends, there's no way the Board can enforce that.

Mr. Jackson said you don't want the stage set for a free-for-all for parking.

Mr. Gertner said correct, our argument is that those two lots should be designed for what they ultimately are going to be used for, for parking.

Mr. Herzl said it's going to be temporary, ultimately they have to come back to the Board if they ever want to expand on the building.

Mr. Gertner said we don't know if its going to be 6 months or 6 years. The minute these lots become part of the campus, defacto, there is no way to enforce they won't be used for parking.

Mr. Pfeffer objected to all the testimony.

Mr. Jackson said would there be any issue with going back to your client to have it designed as a parking lot.

Mr. Pfeffer said that's not what we...

Mr. Flannery said at this point we have an application that my testimony is it complies with the ordinance. With respect to the two lots where the buildings are coming down, our intent is that it would be just one parking space in the one driveway, two parking spaces in the other. We can mark them and put a sign up, permit parking only. So that it's not a free for all. Those spaces can be assigned to those Rabbi's that are on campus and are already parking somewhere else. And those three spaces will be private for faculty of the campus. That's less trips than the houses that were there. It wasn't our idea to put gravel. If we know what the issue is, this applicant is a good corporate member of Lakewood Township. They want it to work. To the extent that the neighbors want that controlled, that's very easily controlled. We have two lots that would be three parking spaces, and the existing building which is across the street from the other campus and parking.

Mr. Jackson said I'm looking at the aerial photograph, it looks like there's a large gravel lot...

Mr. Pfeffer said something away from the microphone. All parties discussed the aerial image away from the microphone.

Mr. Pfeffer said our original proposal was to knock down the two houses, have grass in that area, and only utilize the driveways for parking.

Mr. Herzl said BMG isn't leaving it vacant. The neighbors are asking that we should make it as presentable a possible in the meantime.

Mr. Pfeffer said no problem. We aren't proposing a sand area for parking. We are proposing grass with no parking. It's open space grass. If a future application comes, we can address that then.

Mr. Jackson said what do you think is going to happen a year from now when Mr. Gertner's client calls and says there's cars parked all over that lot.

Mr. Flannery said how are the cars going to get in there, drive over a curb onto grass? We can put a small fence there.

Mr. Fuentes said I think that sounds great.

Mr. Gertner said he wanted to make it clear that they offered to meet with the applicant.

Mr. Pfeffer said a meeting with certain concessions starting the meeting is not...

Mr. Jackson said you've both done a good job of holding your positions.

Mr. Gertner said I want to ask some questions of Mr. Flannery. From a planning perspective I heard some testimony that the goal is most of the folks are going to use the blue building and are already within the compound. What are the operations of that building going to be?

Mr. Flannery said similar to what the rest of the campus is used now. I don't know the times.

Mr. Gertner said you don't know the hours of operation of that particular building.

Mr. Flannery said it's going to open early in the morning and close later in the evening.

Mr. Gertner said is it your testimony that people are going to be walking late and night and that no lighting is needed?

Mr. Flannery said no lighting is needed on the vacant lots because there is no campus activity other than the driveways and there is streetlighting and sidewalks along the street.

Mr. Gertner said no folks are going to access the building from west of Private Way?

Mr. Flannery said no the access would be from 7th Street.

Mr. Gertner said no one is going to walk west to east.

Mr. Flannery said on the sidewalk, yes.

Mr. Herzl said there is sidewalks around all the way.

Mr. Flannery said yes.

Mr. Gertner said I have nothing further.

Mr. Shloma Klein appeared and was sworn. He asked Mr. Flannery, you always claim Lakewood needs more housing. By eliminating these houses are you pushing to the agenda of the Master Plan or going against it?

Mr. Flannery said the Master Plan has many goals and objectives, this is accomplishing goals of the Master Plan that don't relate to housing.

Mr. Klein said by taking away housing and adding parking is ...

Mr. Flannery said taking away housing isn't a Master Plan goal. But we're satisfying Master Plan goals with this application.

Mr. Klein said to knock down these houses, do you need to come in front of this Board?

Mr. Flannery said no.

Mr. Klein said this lot, could you come to this Board and ask for a change of use without doing it as the campus ordinance?

Mr. Flannery said knocking down a house and leaving a driveway isn't a school. The applicant is being straightforward that it's part of the campus.

Mr. Klein said doing it as the campus is making you, is making the availability to put it into parking. Technically you're coming to the Board asking for a parking lot.

Mr. Flannery said some applicant that wasn't as straightforward would just get a demolition permit and then just park there. This applicant is straightforward.

Mr. Klein said putting in a parking lot, do you need to come to the Board? Could a permit to make a lot without using the campus ordinance?

Mr. Flannery said the applicant has many things he could do with this property. If he wanted to find a back door to putting in a parking lot there, that's not what this application is.

Mr. Klein said so it's fair to say the reason why you're asking for the campus ordinance is because you're planning to do something in the future there and you shouldn't have to come to the Board.

Mr. Flannery said that's not fair.

Mr. Herzl opened to the public.

Dr Rubin Shanik appeared and was sworn. I moved to Lakewood in 1977, I'm a pediatrician on 4th and Madison. I've lived on 8th street since 77. It's very suburban. The problem is one house they knocked down is a parking lot on 8th street. It's wall to wall cars. The driveway is open, it's wall to wall cars, it's not paved, there's no lighting. Stop by there any time and you'll see wall to wall cars.

Mr. Jackson asked what the solution is.

Dr. Shanik said it should be paved with lighting and landscaping, rather than mud and dirt with no drainage and no lighting. It's quite a mess.

Mr. Jackson asked if he'd be satisfied if the area was cordoned off.

Dr. Shanik said we need the parking lot, let there be a parking lot with no entrance or exit onto 8th street. It's a suburban area with lots of children. If you open that entrance to 8th Street it would really be a danger.

Mr. Herzl said you'd like the 8th Street entrance closed?

Dr. Shanik said we had a meeting with Aaron Kotler. There are plans for 230 parking spaces on that lot. No entrance on 8th Street, it's not safe. It should have proper drainage, paving, and lighting. Other than that we aren't going to tolerate that.

Mr. Rennert said is the plan over here to ultimately have a parking lot?

Dr. Shanik said that's what we're told in our meeting with Aaron Kotler. We the neighbors and the Rabbi signed a statement saying that it will be a parking lot, no entrance or exit on 8th Street, it will have proper drainage, landscaping, trees, and lighting.

Mr. Rennert said does that include the existing building that they want to keep and renovate?

Dr. Shanik said they want to keep one building.

Mr. Richard Cohen appeared and was sworn. I want to echo what Dr. Shanik said and make the Board aware of what happened before this. Thank you to BMG for meeting with us. The house they are proposing to knock down was already knocked down. The mud lot is wall to wall cars. However, whenever I called Rabbi Kotler there was concern. I told him that 8th Street is an untenable situation. Very quickly he had a chain link fence put up to prevent vehicle access from 8th Street. We reached an agreement, I can't say I speak with every neighbor on the block. When I spoke to Aaron Kotler he expressed the need for parking which we all agree. There already is an access on 7th Street into that parking lot. Another concern is if there would be a driveway on 8th and on 7th, suddenly if someone decides they want to circumvent the light on Forest what do you think they're going to do? Cut right through the lot. Now suddenly the "parking lot" has an entrance on both sides. Now its sort of a new private way, a street. It's totally not safe.

Mr. Fuentes said they need to fix that.

Mr. Cohen said yes when we spoke to Aaron Kotler... what we wanted to see and he agreed, was no vehicular access from 8th Street. Drainage, lighting, trees, everything all correct. My concern was the safety of the children on the block.

Mr. Jackson said would you have any issue if there was gravel and not dirt and also not tar.

Mr. Cohen said with two entrances or one entrance?

Mr. Jackson said let's say one entrance. If there was a fence around it, it was controlled, and then they put down blue stone or something.

Mr. Cohen said I don't understand construction or blue stones. If the gravel would take care of that, great, if not then we'd have to find some other solution. Aaron Kotler and the neighbors did sign an agreement that says there will be no vehicular access from 8th Street.

Mr. Jackson asked Mr. Pfeffer if they'd have any objection to putting that into the resolution.

Mr. Pfeffer said I'm objecting because that has nothing to do with this application. We have no problem with putting up some fencing and shrubbery to prevent parking on the grass. What you guys are talking about is something in the future that is not part of this application this evening.

Mr. Jackson said Mr. Pfeffer doesn't want to put in what amounts to a settlement agreement. Under the rules of court settlement agreements are not admissible in this type of proceeding and my recommendation to the Board is to not accept that.

Mr. Cohen said having an entrance on 7th and 8th, making a thoroughfare... does the Board have any advice how we can deal with that.

Mr. Rennert said what is this blue stone thing that's being suggested?

Mr. Jackson started...

Mr. Flannery said if I can add, I don't think the neighbors want any blue stone. They don't want any parking or anything additional there. We are proposing to block off the driveways so that cars can't drive on there. The Board had indicated that initially, it's a bad idea, the neighbors don't want it. The neighbors are talking about a future...

Mr. Herzl said he said that he wants parking, but that it shouldn't come out on 8th Street.

Mr. Flannery said he wants parking but that's not part of this application for these three lot, that's a future application for the entire property. And yes that is needed. As you can see, the applicant is talking with the neighbors so that when they design a parking lot it meets their needs. That's not tonight's application.

Mr. Jackson said does your application shown fencing and barriers.

Mr. Flannery said is doesn't because we didn't feel it was needed. If the Board feels it's needed, we're willing to add those features.

Mr. Jackson said can you draw on your diagram...

Mr. Rennert said wait, we didn't vote yet.

Mr. Jackson said I know, just where they would suggest it.

Mr. Flannery showed on his exhibit and said we would prohibit parking elsewhere on the lot. You'll only see two Rabbi's parking in those spaces...

Mr. Herzl said a fence around the three parking spaces so they can't go through the middle?

Mr. Flannery said yes. I think the misunderstanding is that we're looking for a parking lot. We're not.

Mr. Rennert said why can't you just take those two lots out of tonight's application.

Mr. Flannery said it's a conforming application. We're adding lots to the campus that we're entitled to by Ordinance. It's by-right.

Mr. Rennert said if you're not doing anything to the lot, why add it to the campus?

Mr. Flannery said because it's three parking spaces that provide the requirement... if the Board says you're going to give us a parking variance then it would make sense. To me, it doesn't make sense to take them away.

Mr. Rennert said that's needed for this application for parking?

Mr. Flannery said yes.

Mr. Jackson said the point is when you're combining these lots, the Board can look at the lots that you're combining with.

Mr. Flannery said we're asking for these three lots to be part of the campus.

Mr. Rennert said one lot I understand why, but the other two lots, where you're demolishing the houses. Why do you want that to part of tonight's application?

Mr. Flannery said because it's a by-right application and there's no reason not to.

Mr. Rennert said can't you do the same thing without adding it to the campus?

Mr. Flannery said we have three parking spots that three Rabbi's can park in, that's going to open up other spots.

Mr. Pfeffer said you heard from one of the neighbors that there's an issue with one of the lots that we're helping cure by including it. He spoke away from the microphone about shrubs and fencing.

Mr. Jackson said isn't it strange to just have freestanding parking spaces on a lot?

Mrs. Morris said I believe the applicant is proposing to consolidate these lots?

Mr. Flannery said the Ordinance does not require consolidation. I didn't see anything that said that. When we come in for the parking lot they would be consolidated because that would make sense. At this point they are just adding them to the campus.

Mrs. Morris said Chairman my understanding is that once these lots are changed to a campus use, then they are not required to come back to this Board for just a parking expansion. They could be exempt from Site Plan requirements. A parking lot addition is not a building addition, typically parking expansion is exempt from Board approval.

Mr. Jackson said so they'd be able to do that administratively.

Mr. Rennert said would that go through your office.

Mrs. Morris said yes.

Mr. Pfeffer said but we would have to comply with all zoning requirements.

Mr. Magno said you should hear from the rest of the public. Then a revised plan should be submitted and carried to another meeting for our review.

Someone spoke away from the microphone about the purpose of doing it now.

Mr. Herzl said there's no reason that if they want to make it part of the campus that we shouldn't allow them. It's variance-free. The question is do we want parking or don't we, do we want it paved, do we want sidewalks. If they want to come back with plans, they wouldn't have to...

Mr. Pfeffer said it would not get away from Ordinance requirements.

Mrs. Morris said correct, it would still need to comply with all requirements and would need Board approval if it needed a design waiver or something.

Mr. Rennert said I don't know that we should care if they're going to make a parking lot, why would they come here for that? If you want to do something else, come back here.

Mr. Gertner said I wanted to make the point that it is what Ms. Morris indicated is the reason why I was asking the questions about the goals and purpose of the campus ordinance. Now is the time for you to see what's actually going to be... As you listen to testimony, take note of the fact that as they've presented it they've included these lots which gives you jurisdiction over how those lots are going to be used. The idea of ingress and egress, and them not be used for parking, I think is not proper.

Mr. Yechiel Kleiman appeared and was sworn.

Mr. Gertner said this is my client, I'm not sure how the Board wants to handle this.

Mr. Jackson said it's probably better if Mr. Gertner asks him questions.

Mr. Gertner said Mr. Kleiman, how long have you lived in the neighborhood.

Mr. Kleiman said 23 years.

Mr. Gertner said can you give the Board a general idea of how this application will affect your quality of life.

Mr. Kleiman explained the neighbors who he grew up with. He said recently they've been buying up houses and currently have three. Recently they demolished one of them and they graded the lot and are using it as a parking lot.

Mr. Gertner said which lot.

Mr. Kleiman said the brick building that was demolished. It doesn't have proper drainage and lighting, it's noisy and being used as a parking lot. It's been going on for a while. It's reached a point where it's not possible to live there anymore. I know some of the other residents are afraid to testify or they made a deal or something. I'm testifying for my family and for anyone who doesn't have opportunity to testify.

Mr. Jackson said you can only speak for yourself.

Mr. Kleiman said fine. There was an agreement signed between Aaron Kotler and some neighbors that there would be no vehicular access...

Mr. Jackson said we already heard that. There is no question pending, what other questions do you (to Mr. Gertner) have for your client?

Mr. Gertner said with regard to living here, ... he spoke away from the microphone.

Mr. Kleiman said we know there will be a parking lot. What we would like to see is a proper parking lot with proper drainage with a fence and trees and bushes. We also request no vehicular access onto 8th Street. When they did have a parking lot...

Mr. Jackson said I'm going to stop you, these are things Mr. Gertner has said and will say.

Mr. Gertner said what about hours of operation for the parking lot.

Mr. Kleiman said they are from about 9:00 to 8:00.

Mr. Gertner said the question is if the Board requires parking on those lots, do you want to see hours of operation on those lots?

Mr. Kleiman said I would like it to be a regulated lot, correct.

Mr. Gertner said what are the hours?

Mr. Kleiman said I would like from 9 to 7. The problem is when it's used 2, 3 in the morning.

Mr. Gertner said that's because of the proximity.

Mr. Kleiman said yes I live within 200 feet.

Ms. Chaya Rabinowitz appeared and was sworn. She said I want the Board to take into consideration the safety of the block. We like BMG and want to live like nice neighbors. We want the safety of the children taken into consideration. All the neighbors are in agreement.

Mr. Herzl asked Mr. Flannery what's on the left of Lots 6 and 22.

Mr. Flannery said Google Maps is showing houses.

Mr. Herzl said BMG doesn't own that.

Mr. Pfeffer said no.

Ms. Rivka Heinemann appeared and was sworn. She said we are grateful to have BMG. As an 8th Street resident I want to say that we are concerned about the safety of the children and the residents. We wanted to suggest that as part of the resolution they put in the agreement that was made.

Mr. Pfeffer said I've already objected to that.

M. Jackson said we've already ruled on that.

Mr. Shloma Klein appeared and was sworn. What does concern me is that when an application comes in front of the Board they should be open with what they are doing. Coming into the Board and saying we aren't putting anything in, they could come to the Board like everybody else and get it done. As far as the two lots, there's not reason to ask for a campus. They're getting this leeway in this campus ordinance. You should ask them what they're planning to do with this campus. Why do you need it? Tell the Board what you want to do and let the Board say how they should use the parking lot. Finally, I'm not against cameras, but there are individuals over here snapping the public. I asked them if they got paid to come here, they told me yes. I asked the applicant if they hired them, they said no. So I'm assuming the opposition hired them to come in. When it's being used as mafia-style tactics this is not acceptable.

Ms. Chanie Pruzansky appeared and was sworn. She said I was one of the three who signed the paper that we were ok with the parking lot for the safety of the children on the block as long as there was no entrance or exit on 8th Street.

Mr. Herzl asked if she objects to fencing off the driveways as Mr. Flannery suggested to prevent a thoroughfare.

Ms. Pruzansky said as long as there is a gate, just parking there on the driveway. I think that would be ok. We had guys going into the parking lot and coming out like they were racecar drivers.

Mr. Herzl said Mr. Flannery testified that it would be the Rabbi's there.

A lot of people talked over each other.

Mr. Pfeffer said on 8th Street there would be two signed parking spaces, fenced in so you can't go through. The same would be on 7th Street, one car and that's it. No thoroughfare back and forth.

Mrs. Pruzansky said there's no parking lot anymore?

Mr. Pfeffer said this application tonight doesn't propose a parking lot.

Mrs. Pruzansky said there are constantly cars going in and out. There's a hill, and a fence now. There's a whole big parking lot there now.

Mr. Pfeffer said we are not proposing a parking lot. There was never an application for that. It will be fenced off and graded and seeded.

Mr. Herzl said would BMG agree to come back to the Board for whatever they decide to do.

Mr. Pfeffer said whatever they do will be in compliance with all the zoning.

Mr. Rennert said something about the ingress and egress.

Mr. Herzl said and then the neighbors could comment.

Mr. Flannery said we heard the neighbors testify that Rabbi Kotler has an agreement and when he agrees to something, he does it.

Ms. Pruzansky said so let it be part of the resolution.

Mr. Flannery said Rabbi Kotler isn't here.

Mr. Herzl said that's hearsay.

Mr. Pfeffer objected again, there is no application for a parking lot. It has no bearing on this application. The application is straightforward. We're not hiding anything. There's indication the applicant has met with the neighbors over time, that's great. This application has nothing to do with it.

Ms. Pruzansky we saw a picture of bushes, a solid fence, and trees in the Rabbi's office. He said this would be a good buffer for cars. Right now we don't have any of that because I live right across the street and I'm concerned.

Mr. Pfeffer said right now you won't have this parking lot.

Ms. Pruzansky said what is this application for? He needs the parking lot. All I can say is that the situation is very scary for us.

Ms. Rabinowitz appeared again. She said once they make this into a campus they can do whatever they want. The letter isn't going to be part of the resolution. They can build a bridge or a dormitory and no body can say anything. They could do whatever they want. Making this into a campus, that's what we're scared about.

Mr. Jackson said what's the Board supposed to do, it's a conforming application.

Ms. Rabinowitz said the Board should try to understand the residents and make this letter...

Mr. Pfeffer asked Mr. Flannery by making this into a campus, what does that do.

Mr. Flannery said any structure that gets built, it needs to come back to the Board. A small parking addition... from what I'm hearing it's a 200-car parking lot. I would be surprised if there's a 200-car parking lot that gets submitted and the engineer's office doesn't determine that that needs to come back to the Board.

Mr. Jackson said so you'll come back to the Board.

Mr. Flannery said I'm stipulating that we'll follow the Ordinance.

Mr. Herzl closed to the public.

Mr. Gertner said thank you for your time. There's no doubt that BMG has been good for the municipality. I'm proud of my university. We suffered the same sort of issues as the grounds continued to grow on the existing neighborhood and that's what's going on here. I ask the Board to be cognizant. You now have jurisdiction over those lots because they've come before you. You've heard testimony of the need for parking. It is now the time to implement correct drainage and design of that parking lot, lighting as well. You've heard testimony on the activity of this campus. We aren't asking you to be cognizant of anything different than what occurs at every other college. These are 20-year-olds creeping into the neighborhood. Don't fall into the fallacy that because it's BMG that these kids are different than any others. I ask you to be cognizant of the fact that once this campus is there, I ask you to be cognizant of the fact that once it's there, there are administrative procedures that block the public from seeing what's going on there in their neighborhood, and in addition, talking about enforcement, if you impose anything I would ask that you make sure that parking obtains Title 39 rights from the municipality so the police can enforce that. There's a case, Grongol vs Robels, that talks about the rights to look at the entirety of the application.

Mr. Jackson asked Mr. Pfeffer what the application is for.

Mr. Pfeffer said it is to add these three lots into the campus, knock down two houses and convert the third house into an office.

Mr. Jackson said and then it becomes part of the overall campus.

Mr. Pfeffer said yes. We all want safety, we all want it to be right. We will make the correct parking lot when that application is made. We are looking for 3 parking spots that exist today. It's no different regarding hours than if someone came home late to their house. To implicate there are these wild parties going on, other than Purim, I don't know what they're talking about. If the Board wants extra parking, we will add gravel. We will put up the fence, do the grading and put seed down. In the future if we do come in, we have to comply with the zoning ordinances

Mr. Herzl said we'd ask that you come back to the Board.

Mr. Pfeffer said if an application is made for a parking lot, if the zoning office feels it must come back to the Board then we will.

Mr. Herzl asked for a motion.

Mr. Rennert motioned to approve with the following stipulations: until the full parking lot is put into place, the few parking spots on 7th and 8th must be fenced off to make sure there's no thoroughfare. Also the shrubs and whatever else you said should be put in. In addition, these parcels, where you're knocking down two houses, should be for a parking lot in the future and should that parking lot have any egress or ingress onto 8th street, it needs to come back before this Board.

Mr. Garfield seconded the motion.

Mrs. Morris asked if the Board is able to restrict the permitted uses on a lot.

Mr. Jackson said the Board can put that condition, if they want to fight it... if we lose, we lose. It seems to serve a purpose and is going to satisfy the neighbors. There has been some representation to the neighbors about a parking lot. Hopefully the applicant can abide by that. I don't see a big downside to putting in a condition in there that says they have to come back to the board if they reconfigure this as a parking lot.

Mr. Rennert said I don't think they have to come back if there's no access on 8th Street.

Mr. Jackson said ok so that's only if there's access onto 8th Street.

Mrs. Morris said my concern is that Mr. Rennert said that these lots should be used for a parking lot.

Mr. Jackson said he just clarified that.

Mr. Herzl said no, it should stay as a parking lot, but if they use the entrance on 8th Street then they have to come back to the Board.

Mr. Jackson said but they're not asking for a parking lot.

Mrs. Morris said it sounds to me like he's saying that these parcels should be for a parking lot and not for a building for example.

Mr. Rennert said right, if they want to change the use out of a parking lot they should come back before this Board.

Mr. Pfeffer said no problem.

Mr. Magno said a design waiver for site lighting is still requested for the two westerly parcels.

Mr. Herzl called for a roll call. All were in favor.

Chairman called for a three-minute recess.

3. SD 2397 453 Ridge LLC
453 Ridge Avenue & 121 Highgrove Crescent Block 223, Lots 9.06 & 78
Minor subdivision to realign lot lines

Mr. Magno said a submission waiver from submitting to the County is required. We recommend that you grant that, the project will have to go there eventually anyhow. There was a motion to grant the waiver and all were in favor.

Mr. Magno continued under zoning. The existing properties with a lot line proposed to be moved, they are narrow and both new lots require width variances which is an existing condition now. Both lots also require front yard setback variances, also existing conditions now. The existing dwellings require side yard setback variances. The one on Highgrove Crescent. 9.66 is the minimum side yard. The one fronting Ridge, the minimum side yard shown is 7.45, however it appears by the zoning data that they are requesting 5'. Aggregate side yard setbacks, once again existing conditions. On Highgrove Crescent it would have 19.46' combined side yard setback, where 25 would be required. The lot fronting Ridge would have 22.07 combined side yard setback, where 25 is required. However, once again it looks like by the zoning data they are requesting that be reduced to 15'. There is a shed to remain on Lot 9.12 which would require accessory structure setbacks. On the lot fronting Ridge, that's gonna require a variance for number of off-street parking spaces. There is an ingress/egress easement to the lot to the west. When you take that into consideration, there's only one legitimate off-street parking space proposed for Lot 78.01. There's a couple design waivers, along Ridge for not doing a right-of-way dedication, they are proposing an easement instead, also from providing street trees along the Ridge Avenue frontage.

Mr. Adam Pfeffer appeared on behalf of the applicant. Almost all of the variances are pre-existing. There are two lots and we are going to end with two lots, and they're going to be more in conformance than they are today.

Mr. Glenn Lines appeared and was sworn.

Mr. Pfeffer asked Mr. Lines to walk us through the review letter and the variances.

A-1 was marked as sheet 1 of 1 of the Final Plat, with revisions to 9/20.

Mr. Lines said we have one lot on Highgrove Crescent and one on Ridge Avenue. All but the side setbacks mentioned are existing to the house on Highgrove Crescent and the existing house on Ridge. We did request variances for a 5' setback on the east side of the Ridge Avenue house where its currently 7.49, and a combined setback of 15, which would give us 5' on the east and 10' on the west side. The west is where the 10' access

easement currently is and that provides access to Lot 79. It's an existing access easement and it's not quite clear where that is. It's a very oddly-worded easement.

Mr. Jackson said it's in the chain of title.

M. Lines said yes. It serves lot 79, to the west on the plan.

Mr. Jackson said so that lets someone come off of Ridge Road and get onto Lot 79.

Mr. Lines said yes.

Mr. Jackson said you're not proposing to change or disturb that in any way.

Mr. Lines said not at this time.

Mr. Herzl asked if there were any other easements.

Mr. Lines said we are proposing the typical 8.5 width right-of-way easement along Ridge Avenue, and then 16' utility easement on Highgrove Crescent.

Mr. Jackson asked if there's anything on the ground that would be consistent with the ingress/easement.

Mr. Lines said yes there's a paved driveway on the west side of Lot 78. It's on the second plan, A-2, the Existing Conditions Plan and on the Improvement Plan. It's that gray driveway.

Mr. Jackson asked if the driveway has a continuation onto Lot 79 or 78.

Mr. Lines said gravel, dirt. I looked on the Google Map today and on Lot 78 there were 3 or 4 cars parked and on Lot 79 there were one or two.

Mr. Jackson said so your proposed conditions isn't changing anything.

Mr. Lines said nothing. And the setbacks we've requested would allow a wider house to be built on Lot 78.

Mr. Jackson said would that interfere with that driveway at all.

Mr. Lines said not the easement, a little piece of the driveway may have to come off but that is definitely on the applicant's property. We would still provide 10' clear which is what the easement requires. The main part of our application is the section in the back that we are subdividing from 78 to Lot 9.12 and that's 2,739.29 square feet. So Lot 6.06 that is 8,000 plus square foot lot and makes it a 10,798 square foot lot. It makes them both 10,000 square feet.

Mr. Jackson said why are you doing this?

Mr. Pfeffer said it makes the property more in conformance with the Ordinance.

Mr. Lines said the property owner on Highgrove Crescent wants a larger lot.

Mr. Jackson said it's an agreement between the two property owners. I just want to understand.

Mr. Magno said the existing house facing Ridge, since you're asking for additional setback relief, is that house being removed?

Mr. Lines said not at this time. We are requesting the variances so in the future we wouldn't have to go to this board or the Zoning Board.

Mr. Magno said will you provide a 30' front yard setback then. You now have no justification for that. You can remove that.

Mr. Lines said that's existing. If I tear the house down, the house has to be 30' back or I have to come back and ask a variance.

Mr. Magno said since you're listing it as 28.14 on this map, the map gets filed, it stays. I'm asking you to put it back to 30' for the future house.

Mr. Lines said so you're saying I don't need a variance for the existing house.

Mr. Magno said I didn't say that. I said you could agree as long as the existing house stays, but when you come in in the future you're requesting the 5' side, 15 aggregate, but you should make the front yard 30.

Mr. Lines said we agree to do that and will work out how you'd like the plan to reflect that.

Mr. Rennert asked for clarification.

Mr. Magno said they're asking for more relief than is shown on the plan, that's why I asked the question. A couple other things. There is an encroaching shed from neighboring Lot 72.08 to the east, it encroaches onto the proposed lot to the north. How is that going to work? It's not a fence or driveway encroachment, it's a structure. There needs to be some type of agreement to address that.

Mr. Lines said the client advises the shed has been taken down and will be removed.

Mr. Magno said you will submit revised surveys during compliance to show that.

Mr. Lines said correct.

Mr. Rennert said I'm lost. Besides this in the middle that you're moving around, what else. Or is that it.

Mr. Lines said that's really all we're doing.

Mr. Pfeffer said we are asking for the future footprint, side yard setbacks.

Mrs. Morris said they are asking for side yard setback variances for a future potential house that has not yet been designed that may replace one of these houses to be demolished in the future.

Mr. Jackson said when you do a subdivision you can establish setbacks but there's no justification for it. There's no proofs to show that there's a hardship. You're giving no purposes of the Municipal Land Use Law that are being advanced.

Mrs. Morris said I believe, before the Board gets too hung up in deciding that, there's a neighbor that wants to speak to that directly.

Mr. Jackson said I haven't heard any proofs at all. And to Mr. Magno's point, if you're doing that then get the building envelope that conforms in the front. Don't say well we want a setback for something that may be built in the future.

Mr. Pfeffer said the applicant agrees to remove the side setback variance requests. All we are asking for is to move the lot lines in the back yard to make the properties more conforming. We do have to ask for the variances for the existing conditions. Is there anything else, Glenn, in the letter that we need to address?

Mr. Lines said no.

Mr. Magno said last question. What's happening to the off-street parking for the lot facing Ridge? Right now you can't count the easement area as parking spaces because that would block the neighbor. There's only one space.

Mr. Lines said as I indicated earlier, they currently park in the dirt in the lot. If you had the Google Map up, you'd see...

Mr. Magno said the neighbor or this property.

Mr. Lines said both of them. Nobody can park in that driveway and still access either of these lots.

Mr. Magno said so you are asking for a variance for no parking spaces because they aren't paved.

Mr. Pfeffer said correct and that is existing.

Mr. Raitzik asked if they would put in parking or a driveway in the future

Mr. Lines said if a new house gets put up, we would put up conforming parking that would not conflict with the easement.

Mr. Avrohom Rozsansky appeared and was sworn. He said I am the neighbor to the west at 179. I support this application as a subdivision without the side yard setback variances.

Mr. Herzl opened to the public.

Mr. Shloma Klein appeared and was sworn. He asked how much they are moving the lot line foot wise.

Mr. Lines said 50 feet.

Mr. Klein said the property on Ridge is getting smaller or bigger?

Mr. Lines said smaller.

Mr. Klein said by Township Ordinance code, when someone comes for a subdivision, are they required to put in off street... do you need a waiver to ask for the off-street parking or can you say it's an existing condition and you don't need a waiver because its existing.

Mr. Lines said technically we are asking a waiver to maintain the surface as it currently is.

Mr. Klein said it's required now to put in the off-street parking and you're asking the Board for a waiver.

Mr. Lines said we have the off-street parking.

Mr. Klein said you don't on Ridge, you don't have any.

Mr. Lines said they park on the lot as it is today. We are asking for a waiver for paving.

Mr. Klein said according to Township Ordinance, are you required to pave those parkings when you realign those lots?

Mr. Lines said we have the required off street parking.

Mr. Jackson said what's your point?

Mr. Klein said accordingly to Township Ordinance, the Board doesn't have to give them that parking waiver. We could have paving instead of dirt. The Board should know accordingly to the law he has to put in the pavement now that he is realigning the lots. On Ridge Avenue. Now that he is realigning the lots and he has some kind of benefit, I don't understand why we should give him... On the other hand, he is not a developer, I feel bad for him...

Mr. Jackson said I think you've made your point.

Mr. Pfeffer said we are bringing the lots more into conformance than they are today.

Mr. Herzl closed to the public.

Mr. Magno said it should be clear that no off-street parking is proposed on Ridge.

Mr. Herzl said if they want to build any new building, they have to comply.

Mr. Magno said for this subdivision, it's zero off-street parking what's being requested.

Mrs. Morris said I think there's a difference because Mr. Magno is indicating a variance is required for no off-street parking spaces. Mr. Lines is indicating we have parking spaces, we are asking for a waiver from the Township requirement that parking spaces be paved. It's a difference between a design waiver and a variance. Two sides of the same argument.

Mr. Magno said in other words, Mr. Lines is testifying that you actually park behind the existing house on the dirt.

Mr. Raitzik said and the waiver would be grandfathered in?

Mrs. Morris said I believe the Board could write it that it self-extinguishes.

Mr. Magno said it's up to the Board, you could ask them to pave it.

There's an accessory side yard setback variance for the existing garage that is encroaching across the property line where normally that would have to be set back 10'. There's buffer relief required for a 20' perimeter buffer that isn't there, and parking within that buffer area.

Mr. Brian Flannery, P.E., P.P., appeared and was sworn. He said this is a Change of Use site plan exemption. A-1 is the plan that was submitted. It shows the 2-acre site with all the improvements with a driveway big enough to accommodate the parking. A-2 is a copy of the tax map that shows where the property sits relative to the neighbors. The applicant entered into an agreement with the neighbor behind that he would construct a 6' solid fence on the north side of the property with no doorway on the northern property line. The first 10' length adjacent to Bnos Esther Malka will be at least 8' high. The applicant agrees to that as a condition of approval. We'd agree to provide curbs and sidewalks.

Mr. Herzl asked about cars turning around the back of the building.

Mr. Flannery said there is room for them to turn around. We only need about 6 required parking spaces.

Mr. Herzl said you can put 30 cars in that driveway.

Mr. Flannery said yes. Ee can show a plan as part of resolution compliance to show where they will park and where they will turn around, there's plenty of room. With respect to design waivers, there is bus drop off/pick up, this could occur on White Street.

Mr. Meyer said absolutely not. White street is extremely dangerous. You cannot get through.

Mr. Flannery said we will provide onsite, a bus drop off and pick up area.

Mr. Meyer asked big or small busses.

Mr. Flannery said big busses. There's plenty of room to provide for a 54-passenger bus to turn around. There will be a maximum of 80 students, it's a boys' high school. Getting back to the waivers, we are no longer requesting the bus drop off area. The shade tree and utility easement, we'll give you that as well. It's my testimony that no landscaping is required and we will give lighting in accordance with the Ordinance with respect to the parking area.

Mr. Herzl said it's a long way for students to walk.

Mr. Flannery said there's no sidewalk on White, only along our property, so that's not a good place for students to be walking anyway. As Mr. Klein said at some point there will be sidewalk. We will have lighting at our frontage and at the parking area complying with the ordinance. Trash and recycling will be rollout and picked up by DPW or private if they don't agree. We will provide proposed grading for the turn around and the curb and sidewalk. The waiver list just got knocked down. I don't think there's any left. Landscaping, my testimony that it's not required by Ordinance, it's a wooded area.

Mr. Herzl said its wooded anyway.

Mr. Rennert asked where the bus turnaround will go.

Mr. Flannery said at the first place it can turn around is where it will be, it will be lighted as well. In zoning..

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

Mr. Flannery said the existing accessory side yard setback for the garage is existing. Perimeter buffer relief is also existing, as is the parking in the buffer. The turnaround will not be in the perimeter buffer. All relief is because of existing improvements. Design waiver for curb and sidewalk, we've agreed to provide. Comments asked for testimony. It's a boys' school, the maximum number of students would be 80. There's no students driving or parents parking and dropping off. It would be done in 2 busses and a few parents that might drop when the kids don't make the bus. In addition, the review indicates that 6 spaces are required, we would provide something that shows at least 6 that will be striped and don't require a turnaround. With respect to the existing variances, the 2017 Master Plan, on page 7, indicates encourage development and redevelopment based on smart growth planning principles. It's my testimony that this does this, It's an inherently beneficial use and serves the general welfare. Municipal Land Use Law NJAC 40:55D.2. says encourage municipal action to guide the appropriate use and development of all lands in the State in a manner which will promote public health, safety, morals, and general welfare. It's my testimony that this does that. The existing variances would be C2 variances, it relates to a specific piece of property. You can see you need 2 acre lots. The purposes of the Municipal Land Use Law will be advanced, the variances can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance, it actually enhances it. And the benefits outweigh the detriments, it is my testimony that there are no detriments.

Mr. Herzl opened to the public.

Mr. Shloma Klein appeared and was sworn. I don't want you to blame Brian Flannery for not providing curb and sidewalks. Second, I asked the applicant and he said Mr. Isaacson is on this Board, I asked him where he lives and he lives on White Street, it's two houses down.

Mr. Meyer said false, it's about a quarter of a mile.

Mr. Klein said I am retracting my statement I'm not getting involved in any more disputes. Thank you.

Mr. Herzl asked for a motion.

Mr. Rennert made a motion to approve subject to everything that was said including the bus turn around for a full-sized bus, and Mr. Meyer seconded. Mr. Garfield abstained, the rest were in favor.

5. SP 1838D NJ Hand, Inc.

Towers Street & Vine Avenue Block 807-809, Lots 1; 1 & 2; 1 & 2
Preliminary and Final Major Site Plan for Phase 6 of the Lakewood Commons for 65 affordable units
and a recreation building

An announcement was made to carry this application to the December 3, 2019, public hearing.

6. SD 2418 Yeruchem Gelb

414 & 420 Ocean Avenue Block 539, Lots 3-6
Minor Subdivision to create six lots

An announcement was made to carry this application to the December 3, 2019, public hearing.

7. SD 2117 Meyer Gross

1844, 1852, & 1880 New Central Avenue Block 11.02, Lots 9, 10, & 27
Extension of Major Subdivision to create 5 lots

An announcement was made to carry this application to the December 3, 2019, public hearing.

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary