

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and *The Star Ledger* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable, comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL & SWEARING IN OF PROFESSIONALS

Mr. Garfield, Mr. Stern, Mr. Herzl, Mr. Rennert, Mr. Meyer were present.

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

3. PUBLIC HEARING

4. SP 2109A RD Lakewood, LLC

Pine Street & New Hampshire Ave Block 961.01, Lots 2.02 & 2.03
Amended Preliminary and Final Major Site Plan for a hotel

Mrs. Morris said we received word this afternoon from Mr. Gasiorowski that he isn't able to attend tonight. I believe we were considering carrying this to a later meeting date. We should choose a date and make that announcement.

An announcement was made to carry the application to the August 25, 2020, public hearing.

1. SD 1564B Harvard Partners, LLC

Lanes Mill Road Block 187.15, Lot 9
Amended Preliminary and Final Major Subdivision to create 15 lots

Mr. Vogt said our letter is dated July 21st. On zoning, bottom of page 2, comment 2, minimum Lot area variance is requested for proposed Lot 9.01, which will be on the northern corner of Lanes Mill Road and new street Haifa Lane. 14,427 square feet is proposed versus 15,000 square foot minimum. It's our recommendation, if feasible, in lieu of the variance request, the adjoining Lot 9.06 has over 1,000 square feet of excess property in the rear. If there is a way to swap more of 9.06 into this, and minimize or eliminate the variance, great. If not, I'm sure we will hear shortly as to why.

Mr. Rennert said Terry, why would you want that?

Mr. Vogt said because by doing so, you eliminate a variance. The idea is, you grant variances essentially as a last resort.

Mr. Herzl said and this is a new variance? This wasn't previously granted?

Mr. Vogt said I don't recall if there was relief or not on that lot. I'm sure we will hear shortly. At first glance if you look at the two lots, there is sufficient area to swap over where you could at least minimize the variance. Or, best case, eliminate it. Let's get the rest of the letter on the record and then we can hear testimony. Comment 3,

minimum lot area variances are requested for Lots 9.13 through 9.16. Those lots are under the 15,000 square foot minimum and that's something the Board will hear testimony as well. That's it in terms of relief.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said I want to ask, I want to confirm we have 5 members and I can't see everyone.

Mrs. Morris took roll again. Mr. Garfield, Mr. Stern, Mr. Herzl, Mr. Rennert, and Mr. Meyer were still present.

Mr. Pfeffer said this application goes back a couple years. The County has come in and made some requirements and some changes. Based upon that, we have to come back before the Board for a few variances. He presented Brian Flannery to be sworn in.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said this application is a 6.95 acre tract. What was previously approved is 15 R-15 lots. As indicated in the RVE report, the County approval expired before the subdivision moved forward. We had to go back to the County, and they required additional right-of-way. So what the applicant is proposing is 6 of the lots, the maximum we'd be taking from any lot is 273 square feet. The smallest lot size we are requesting is Lot 9.13 and we are looking for 14,727 square feet for that lot. The average lot size of all the 15 lots is 15,032 square feet. So these are very large lots, so Lakewood type lots, they're like 5 acre lots in any other town. It is large lots, they fit in with the neighborhood. Nobody is going to notice the 2% deviation in the smallest lot which is 9.13. For context, in the R-15 you are allowed a density of 2.9 units per acre and the lots we are proposing is 2.3 per acre, so we are 80% of what we'd be allowed to get density-wise. Terry indicates the approval was first granted in 2014. The County sometimes isn't easy to get everything done. In the process, that approval expired and their Master Plan was updated. They required additional widening along the front, which is a benefit to the public and the de minimus relief that we are requesting is warranted by that. RVE in their report had requested for Lot 9.01, on the westerly corner of Lanes Mill and the new road. The original plan showed the lot line coming out as it had previously, and as RVE pointed out there is a trapezoidal piece of 315 square feet that really isn't needed in Lot 9.06. So we do have a plan that was submitted and was provided to Ally and is posted online, showing how that change would be. We'll mark the plat that was submitted as A-1 and the map showing RVE's suggested change as A-2. You can see there is a 315 square foot trapezoid that comes out of Lot 9.06. That lot still exceeds the 15,000 square feet and Lot 9.01 then jumps to 14,742 square feet, consistent with the four lots on the easterly side of Haifa Lane that are 300 and change short of the 15,000 square feet.

Mr. Vogt said I think that's a reasonable solution.

Mr. Herzl said Brian, that's the only variance you have, on the lot sizes?

Mr. Flannery said that is the only variance we have on the lot sizes. We are requesting area variances on Lot 9.01, 9.13, 9.14, 9.15, and 9.16, and the smallest lot we are proposing is Lot 9.13 which is 14,727 square feet.

Mr. Herzl said and everything else stays the exact same as before.

Mr. Flannery said correct.

Mr. Herzl said and the only reason you are requesting this is because the County wants road widening.

Mr. Flannery said correct. I'd like to put on the records the reasons we are asking for relief. I can't imagine why anyone would have a problem with this, but I'd like the justifications on the record. I think there was a little misunderstanding based on the notice because it has the catch-all that says any other relief that the Board says we

need, we're not asking for anything other than what we've just proposed at this point. The Master Plan of 2017 on page 2 under background information it indicates all the growth that we've had. It concludes on page 3, based on this information it is important that Lakewood plan for residential development to house its growing population. On page 7, the vision statement, it says encourage growth and development in appropriate locations consistent with established land uses. This is certainly consistent. The Municipal Land Use Law, NJAC 40:55D2, under purposes of the act, says A encourage municipal action to guide the appropriate use or development of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. It's my opinion this does this. And E is to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, regions, and preservation of the environment. I did indicate the density that is permitted under the ordinance and we are at 80% of that so it's my testimony that meets that. We are requesting C2 variances, I could say it's a C1 variance, a hardship, because the County's taking stuff, but it's very clearly a C2 variance that relates to a specific piece of property. This is a property that had an approval and a County approval with one right-of-way width. The County now says they need more. We gave it to them and that's why we're here. The purposes of the MLUL would be advanced, I read them to you. The variance can be granted without substantial detriment to the public good. It's my testimony it could be granted without any detriment. The variance will not impair the intent and purpose of the zone plan and zoning ordinance. The relief requested on six lots is deminimus where the average lot size is over 15,000 square feet. And the benefits clearly outweigh the detriments. My testimony and my opinion is there are no detriments.

Mr. Chaim Abadi appeared and said to Mr. Flannery, we had a discussion about a 90-foot lot width.

Mr. Herzl said you're under oath.

Mr. Abadi said I'm talking directly to Mr. Flannery with a question. Brian, the 90-foot lot width on 9.06 becomes a variance even though it's not the main access? Dave told me on the phone that wouldn't be an issue because the main access for that lot is off of the cul-de-sac but it's still a 90-foot frontage along Lanes Mill. Does that have to be brought up?

Mr. Flannery said my opinion is that is not a variance, because that's not the frontage for the property. That's a reverse frontage, and my opinion is actually that per the ordinance, if you have two frontages you have one front and one rear, so this would be a rear, therefore it's not a frontage. So my opinion is it's not a variance. If the Board feels it's a variance, we have the catch-all in the notice and we would request that relief as well with the same justification that was already provided.

Mr. Pfeffer said I point out that Terry's review letter also did not call that out as a variance either.

Mr. Herzl said Brian, everything else in Terry's report you agree to?

Mr. Flannery said correct.

Mr. Herzl opened to the public.

Mrs. Morris said I had one comment from a Etka Schwartz who retracted and submitted a new comment. She said,

Good morning!

Thank you for your assurance yesterday that my letter (below) will be read at the meeting later today. However, after reviewing the letter inviting residents to the meeting and considering my thoughts throughout yesterday, I would like to respectfully withdraw my letter until I can understand the issue more fully. Thank you. Instead, may I request that the following question be instead presented at today's meeting?

Good afternoon. I am emailing in regard to Appeal #SD1564A. My name is Etka Schwartz, and I reside at 1674 Hidden Lane (off of Barrymor).

There is a line in the letter inviting residents to this meeting that I found concerning. Would you be able to clarify what is meant by the line "*The applicant also seeks all other variances and/or waivers that may be requested, existing or are proposed.*"

This line seems to be very vague and to imply a sweeping approval beyond the issue at hand. Does this line mean that the applicant seeks other variances ONLY EXPLICITLY associated with lots 9.13, 9.14, 9.15, 9.16 and 9.01, and ONLY EXPLICITLY due to the county's reduction request?

Or does it also include
Any OTHER type of variance in regard to these lots

OR
Any type of variance in regard to OTHER lots in the project?
If so, why would it be reasonable to expect residents to support unspecified future variances sight unseen?

Thank you for your clarification.
Looking forward to participating in the meeting tomorrow.!

Mr. Herzl said I think Brian addressed this already.

Mr. Pfeffer said in my notice I put what most attorneys do, which is referred to as the catch-all. That is there in the event the Board makes a request of us, to move something a little, do a higher fence, something that's not permitted per se. That catch-all allows us to not have to start from the beginning again and start a new application. We are not seeking anything else. A great example would be what Mr. Abadi just brought up, there was a possibility of another variance being requested because of a front or a rear. We're not seeking that, but in the event the Board said Terry's not sure or he recommends it to be safe, we would have that language to cover us. There's no changes to what's being presented and if we were to make any changes in the future, we would have to come back before the Board.

Mr. Herzl said so basically the only changes were disclosed at the meeting right now.

Mr. Pfeffer said correct.

Mrs. Morris said I think the next one is similar, this is from Yochonon Miller of Long Beach Avenue. He said

To whom this may concern,

It has come to my attention that there will be a planning meeting discussing the changing of R15 zoning in Raintree including a request for waivers for all variances that they want.

It seems ridiculous to give anyone free reign to make potential changes without the neighbors knowing and approval.

I am requesting that this request be denied irregardless of what is decided regarding the five properties.

Mrs. Morris said again, I think there was some confusion on the language in the notice.

Mrs. Morris said that's the extent of what I have for public comment.

Mr. Herzl said so I will close it to the public unless Mr. Jackson has other comments.

Mr. Jackson said yes, I got two emails that just came in.

Mrs. Morris said I'm sorry I didn't see those.

Mr. Jackson said I have an email from Shlomo Stein of Hearthstone Drive. He said,

1. Can we get crosswalks on Lanes Mill and at Haifa x Hidden Lane?
2. Can we get no parking signs and yellow paint 50 feet from all stop signs and 25 feet from all crosswalks?
3. Can we get retro-reflective street name signs?

Mr. Jackson said there is another one from Etko Schwartz at 6:20 pm.

Good afternoon.

We are emailing in regard to Appeal #SD1564A.

We understand Harvard Partners LLC/Nextgen's hardship due to the county's requesting reduction in lot size, and feel it reasonable to agree that they be allowed the requested variance to the zoning in our area.

However, it does *not* seem reasonable that (we quote) '*all other variances and/or waivers that may be requested, existing or are proposed*' be approved carte blanche, unseen, without review by this township and the residents of the area.

While we are glad to understand this specific variance request, we strongly petition that any further variance requests by the applicant be submitted to review at a township meeting that is open to the public. Should Nextgen want to request any more variances, let them ask for another public meeting so we can hear their plans and express our opinions about changes others want to make to our quiet and peaceful neighborhood.

We moved to this area and not a development BECAUSE we want the calm, quiet and safety this neighborhood's zoning affords our families. If Nextgen would like to make changes that may affect that zoning, we would like to respectfully request that we be allowed a voice in that decision.

We look forward to welcoming the new neighbors of this development into a Raintree community that continues to enjoy the peace and quiet of this R15 area together.

Thank you for your time and consideration, and for allowing us a voice.

Most sincerely

Joseph & Etko Schwartz, 1674 Hidden Lane
Eli & Ahuva Hellman, 1643 Barrymor Drive
Azi & Chava Mindik, 1647 & 1633 Barrymor Drive
Eliyahu & Hadassah Chapler, 1644 Barrymor Drive

Naftoli & Batsheva Berger, 1655 Hidden Lane
Moshe & Faiga Goldstein,
Yeruchem & Sara Goldberg, 1685 Hidden Lane
Aryeh & Rochie Feldman, 1660 Hidden Lane
Leibe & Tziporah Kohl, 1670 Hidden Lane
Chaim & Tzippi Cohen, 1651 Barrymor Drive
Chaim & Chanie Rosenberg, 1677 Hidden Lane
Michel & Sara Schwartz, 1687 Hidden Lane
Shimmy & Pessie Roz, 1671 Hidden Lane
Avi & Rivkey Ehrlich, 1673 Hidden Lane
Aharon & Baila Landau, 1664 Hidden Lane
Chaim & Rivka Burstein, 1642 Barrymor Drive

Mr. Jackson said the concern is that catch-all because they don't think variances should be given without the public having the opportunity to scrutinize it in advance. I think the applicant said that they aren't asking for any additional variance, so I think that has been addressed.

Mr. Herzl said right.

Mr. Flannery said with respect to the cross-walks and signs, we would agree to do whatever Traffic and Safety says and the County, whatever the County allows. If they want cross-walks, we'll do whatever is permitted by the Town. That would be worked out during resolution compliance.

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

Mr. Rennert made a motion to approve and Mr. Meyer seconded. All were in favor.

2. SD 2428 Oak St Invest, LLC
262, 266, 268 Joe Parker Road Block 189.03, Lots 181-183
Preliminary and Final Major Subdivision to create 5 lots

Mr. Vogt said reading from our review dated July 27, as indicated on the top of page 2 revised plans indicate the applicant is seeking Preliminary and Final Major Subdivision approval to subdivide 3 existing parcels to create 5 new tracts for two duplex structures (4 zero lot line properties) and a multi-family site. Continuing on to page 3 under submission waivers, we have a number listed. The B waivers, topo, contours, and flood plains within 200', as well as man-made features. C variances, plans and profiles, C9 required road dedication or road widening easement, C13 EIS, and C21 architectural drawings. As indicated below, we support the requested B waivers such that we have sufficient information on the design plans. With respect to the LOI presence/absence, we can support since this would be made a condition of approval and if the line is incorrect versus what the applicant thinks and it affects the plan, they're going to have to come back to the Board anyway. With regard to profiles, we can support the waiver for hearing purposes with the understanding that we will get the required technical information during compliance. Similarly, same thing for the road widening and dedication easements, we can support for hearing purposes only for the same reasons. As far as the EIS, the applicant has prepared or will prepare DEP documentation, which will include addressing environmental issues so we can support that waiver. Architectural drawings, and this is the Board's decision, we support the waiver for hearing if they provide as a condition of approval. Again, the Board may feel differently. But that's our recommendations.

A motion was made to support the waiver requests in accordance with the Board Engineer's recommendations. All were in favor.

Mr. Vogt said continuing at the top of page 4, from section 2 zoning, comment 2, we note that there is a gore between Lots 182 and 183. And the overall boundary of the project has not been confirmed. There is a foot discrepancy between the outbound and the sum of the rear lot lines. Therefore, the bulk variances that are listed below may not be correct. I believe Brian is testifying and I'm sure you'll hear testimony as to how the applicant wants to handle that. A front yard setback variance is required for Lot 182, as well as a rear yard, a side yard, and an aggregate side yard. I believe that's it for zoning. Under design waivers, they are required for proposing a non-radial side lot line between 181.04 and 182 on the revised plans. This is a common thing that has to be dealt with when you have non-rectangular properties and the Board has granted similar waivers in the past.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said as I'm sure the Board recalls, we came before you a couple months back with this application and the Board gave us a lot of feedback. We listened to that. There was concern about too many driveways fronting onto Joe Parker Road and cars potentially backing out onto the road. We listened to you and have redesigned this application into what we believe to be a far superior plan. At this time I'd like to have Brian sworn in so that he can describe the plan.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said the property as indicated before is on Joe Parker Road. It's Lots 181, 182, and 183. We are back with an application. A-1 of the exhibits is the tax map that shows that. A-2 is an aerial that shows the Golfview apartments behind us and the existing single-family along the RM and R-20 zone line to the north of us. The plan I am expecting the Board is going to be happy to see... The last plan had some design issues and has been vastly improved through their input to make a much safer project. The changes include the total parking on the site previously was 64, we've increased it to 68. Previously there were 8 openings along Joe Parker Road and we've revised that to three. There's an opening to the two duplex units that there is an opportunity to drive in. All of the spaces, there is no backing out and there is no double stacking. They pull in and then pull out the other driveway.

Mr. Rennert said there's two plans on the drive. One that you are presenting now, and then another one.

Mr. Flannery said the other one is a concept plan. It is to show that we could have done... It's not a threat, it's to show an alternative design option. So the multi-family lot, we are asking for relief for 15 foot side setbacks, where the Ordinance says 25. That other plan is simply a concept plan, I don't think we even need to talk about it. The Board is familiar with this site, we could have done a 65 foot high apartment building in the R-M zone.

Mr. Herzl said so you have a circular driveway now on Joe Parker.

Mr. Flannery said I'm sure the Board is familiar with James Street, again a very busy County road, the double stacking and the pulling out on James Street. They made provisions to back up and push the units back. Here we pushed the units back, they were originally proposed at 70 feet, we pushed them back to 93 feet. It reduced the back yards a little but provides a much safer... This should really be a template for on a busy road how that can be done. As the Chairman says, it's a circular drive and off that is a safe, convenient, workable parking area with 4 spaces per unit. As I indicated before, the prior plan had stacked parking and the stacked parking at times can be problematic. We've provided parking for the multi-family that exceeds the requirement. We've increased by 4 parking spaces over the previous plan, so that provides some relief. And the access points are separated. The County will be much happier with this plan as well, and may not have approved the prior plan.

Mr. Herzl said there's no variance requested on parking.

Mr. Flannery said that is correct. We exceed the parking requirement. We have 4.4 spaces per dwelling unit.

Mr. Herzl said and sidewalks you're putting on all the frontages. And what's with garbage?

Mr. Flannery said the zero lot line duplexes will have roll-out cans, and we need DPW approval for that. The multifamily lot has a dumpster and will in all probability be picked up by a private carrier, unless there is some provision that DPW will do it.

Mr. Herzl said tell me what's the variance you have.

Mr. Flannery said the variances that we are asking for, and my opinion is that they're de minimus, it's only on the multifamily lot. So four duplex units are on 11,600 square foot lot and 11,300 plus square foot lot. So we exceed the lot coverage by over 1,000. We comply with all the side and rear setbacks. We've provided a 9' side setback to our neighbor on the other side of the RM zone to be good neighbors. The only relief we are asking for is on the multifamily lot, and that's because those standards are typically to ensure proper separation for a 65 foot high building with what could be twenty units. We are not 65 feet high, these are actually duplex units so the 15 foot that we are proposing is the same as the duplex, but we can't comply with the duplex standards, we have to go to multifamily standards. Duplex by definition face the road.

Mr. Herzl said where are you asking for the variance.

Mr. Flannery said we are asking for a front setback on unit 2, the front unit on the northerly side of the parking lot. 25 feet is required, and we have 24.96 feet to the one corner that's angled in the back. Because of the jog in the right-of-way, the right-of-way was previously given to an inordinate width in the front, so we have 20 feet there. But from where the right-of-way is in front of the duplexes and the rest of Joe Parker, except for this area where they gave a lot away, we have well more than 25 feet. So that's a variance that's de minimus, nobody is going to see it, it has no adverse impact on anybody. The other variance that we are asking for is a 15' side setback. It's side, because when you look at the multifamily lot the front is along Joe Parker road, it's got two sides and a rear. So we are asking for 15 foot to the decks where 25 feet is required. And 25 feet they envision to a 65 foot high building. We have 25 feet to the actual buildings, but are asking for 15 feet to the decks, consistent to the 15 feet to the decks on the duplex buildings.

Mr. Rennert said why are you not calling this a rear setback? And if it was a rear, what would be the requirement?

Mr. Flannery said if we could call these duplexes, which they are, but not by Lakewood Ordinance definitions. The Lakewood Ordinance definition says two side by side units facing a road. This isn't facing a road. So for duplexes the rear yard setback is 15. You asked why we are calling it a side, because this is one big multifamily lot. There is one owner for this lot that has the 12 units on it. And as such, if it's one lot, it has a front along the road, two sides, and a rear. And that's why Terry and New Lines call that a side lot line.

Mr. Rennert said so if it was a rear setback, you would conform.

Mr. Flannery said by duplex standards, it conforms.

Mr. Rennert said you're not asking for subdivision approval? All these duplexes are staying as one lot?

Mr. Flannery said the 12 units stay as one lot with one owner.

Mr. Rennert said why?

Mr. Flannery said because it's what makes sense for this property. These are duplex units that will provide housing opportunities, but we can't call them duplexes because they don't meet the definition of side by side facing the road. Our option was to do townhouses here or a 65 foot high building.

Mr. Rennert said I'm trying to ask why aren't you asking for subdivision approval.

Mr. Flannery said because it doesn't meet the definition of duplex, and zero lot lines are not allowed for multifamily units. Zero lot lines are allowed for duplexes and townhouses. Per the ordinance, we can't ask for it. We are coming in with an application to provide housing opportunities, but it's going to be on one multifamily lot with one owner.

Mr. Herzl said do you have any other variances?

Mr. Flannery said let me go through them. Page 4 of the report, there is a gore on the property. The surveyor feels that the way it's depicted is proper and if its not, if it makes it better for us during compliance we would correct that. If it creates a situation that creates relief that we didn't ask for, we'd have to come back to the Board. It's the surveyor's opinion that what we've submitted is appropriate. Item 3 is the front yard setback that I referred to for unit 2.

Mr. Rennert said are you going to get them condominiumized afterwards? For separate ownership?

Mr. Flannery said we have no plan at this time. The applicant has indicated they are for rentals. If the applicant wants to come back in the future to ask the Board to condo it...

Mr. Flannery said they would have to come back to this Board to condominiumize it?

Mrs. Weinstein said no, they don't have to come back to the Board.

Mr. Rennert said that's why I'm asking. If we give the approval today, is the applicant just going to be able to get separate ownership on these by condos?

Mr. Jackson said Mrs. Weinstein is correct. Condominium apartment, fee simple, they are all considered forms of ownership and have really nothing to do with the occupancy or use of the property by the court. So if you live in an apartment or a condominium that you own, in the eyes of the law it's the same type of use. So ownership is something you can just go to the DCA, file a deed, and convert with any type of land use approval. That was litigated, a lot of people disagreed, but that's the way the courts have decided on that.

Mr. Rennert said what I'm trying to get at is there could be separate ownership on each of these units without coming back to the Planning Board.

Mr. Herzl said and what difference does that make?

Mr. Rennert said that was a question. Is that the case?

Mr. Jackson said yes.

Mr. Flannery said and my testimony would be that if that were the case, that would actually be better. Because the owners take more pride in ownership of their property. You'd have a condominium association that owns the entire lot, and you'd have the owners that would have their pride of ownership.

Mr. Jackson said the courts don't agree with that. Renters are of no different status than owners in the eyes of the law.

Mrs. Weinstein said whether or not it's condo'd is beyond the purview of the Planning Board, which I think answers Mr. Rennert's question. But as of now, the applicant has no intention to condo it.

Mr. Jackson said I think there are peculiar differences when things are owned by one owner or under individuals. For example, one owner, it's easier to fix the roof, it's easier to fix the driveway, whatever. But when you have all different owners...

Mr. Herzl said then you have an association.

Mr. Rennert said I just really want to know if there is a new madness going on, trying to circumvent the ordinances. I'm not opposed to this application, but it's good to know.

Mr. Flannery said it certainly wouldn't be a madness, the ordinance would allow us to do this as condominiums.

Mr. Rennert said I meant circumventing the duplex ordinance by...

Mrs. Morris said I think the Board has seen this before, where this is kind of done as a shared driveway, and they drop lot lines down it. In my opinion that's actually worse, but the Board has seen something like this before where they all get their own little lot and one little arm that goes out to the road and it's not something the Board hasn't seen.

Mr. Rennert said yes I'm familiar with those.

Mr. Flannery said continuing with the variances, the rear yard setback variances, item 4 talks about that for Lot 182, that again is this multifamily lot. Item 5 talks about the side yard setbacks, which are the ones that look like rear yard setbacks. Item six is minimum combined side yard setbacks, again for the same lot, where you're supposed to have 60 feet for the two of them and again in this particular case it's really not a side lot line. With respect to the proofs for the variances requested, per the 2017 Master Plan, on page 2 the background and growth information indicates all the growth in Lakewood and includes, on page 3, that based on this information it is important that Lakewood plan for redevelopment to house its growing population, and this certainly does that. The governing body designated this as RM, where they want density. We are providing less density than the RM permits, but we are providing a product consistent with the adjoining uses. Master Plan strategies, on page 8, indicate create a range of housing opportunities and choices, and this is doing that. We have Golfview, and the other duplex development just down the street...

Mrs. Weinstein said Tamarind Park.

Mr. Flannery said yes, Tamarind Park. F is strengthen and direct development towards existing communities, which this does. 7 is encourage redevelopment of existing underutilized sites. And certainly for the RM, 3 houses is underutilized. Traffic and congestion, on page 23, talks about compact developments, and that's what we're providing here. The Municipal Land Use Law, NJAC... I'm getting old I guess.

Mrs. Morris said 40:55D2.

Mr. Flannery said yes, D2, under purposes of the act... It's my testimony that the Board can grant this relief without any substantial detriment to the public good, and it will not substantially impair the intents and purpose of the zone plan and zoning ordinance. We're talking about C2 variances, where it relates to a specific piece of property. This is a specific piece of property near Golfview development, in the RM zone. The purposes of the Municipal Land Use Law would be advanced. The variances can be granted without substantial detriment to the public good. The benefits outweigh the detriments. In my opinion there is no detriment here in that we are providing housing opportunities that are consistent and fit in well. And the variance will not impair the intent and purpose of the zoning ordinance.

Mr. Herzl said is there anything else in Terry's report that you can't agree to?

Mr. Flannery said I don't think there is anything. There were a couple he asked for testimony on, but we would certainly satisfy all the comments in his report.

Mr. Rennert said what's behind units 9, 10, 11, and 12, where you are asking for that setback variance.

Mr. Flannery said that's the Golfview condominiums. You can see that on the aerial rendering.

Mr. Rennert said it has to move a drop more to the left, and then behind those units on the left.

Mr. Flannery said Golfview wraps all the way around behind the property. This property is wooded, the property behind it is not because the Golfview wraps all the way around.

Mr. Rennert said usually I don't see so many comments from the Shade Tree Commission. Did you get to review them and can you agree with them?

Mr. Flannery said my testimony would be what it always is, that we would do whatever is required by the ordinance and whatever is reasonable as determined by the Board Engineer.

Mr. Herzl said ok, thank you.

Mr. Garfield said are you including a play area for children?

Mr. Flannery said no. Because all of these have duplex type backyards.

Mr. Herzl said they all have a backyard, they all have a porch, they all have their own.

Mr. Garfield said the porch isn't a play area.

Mr. Herzl said yeah, behind the porch they also have a play area.

Mr. Stern said no question, I just want to acknowledge that the applicant heard what we have to say and came back with a vastly improved plan. I agree this should be a template for especially busy roads, so we don't have double-stacking and backing out during rush hour. Job well done and I think this deserves our support.

Mr. Flannery said just don't say Brian Flannery recommended it, because my clients will not be happy with that.

Mr. Herzl said Bruce, I second that and say thank you to the applicant for listening and coming back with a much better plan.

Mrs. Weinstein said and we want to thank the Board for all the good feedback, because I think we did this one together.

Mr. Herzl opened to the public.

Mrs. Morris said we received one email. This is the same gentleman from before, Shlomo Stein. He said,

Hi.

Please clarify how many units.

2 duplex structures = 4 housing units

How many apartments will be in how many apartment buildings?

Terry's report says 16. Please explain.

Mr. Flannery said there are 16 units in 8 buildings.

Mr. Herzl said thank you. Any other correspondence?

Mrs. Morris said that is all I received.

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

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

3. SP 2380 Congregation Tiferet Tzvi Yehuda Bluzev
Bradhurst Avenue Block 1034, Lots 4.03 & 4.04
Preliminary and Final Major Site Plan for a synagogue

Mr. Vogt said I'm reading from our July 23rd report, and noting on the project description, the revised plans indicate the applicant is seeking preliminary and final site plan approval for construction of a 2-story synagogue with basement and associated parking. The preliminary architectural plans indicate the synagogue will have a sanctuary of 1,494 square feet. The applicant proposes to further develop the site with parking, stormwater, utilities, landscape, and lighting. On page 3, under submission waivers, we have traffic study, proof of submission to Ocean County Planning Board, the B waivers topo, contours, manmade features within 200 feet, C waivers plans and profiles, EIS, and tree protection management. As indicated per testimony from the applicant, unfortunately they could not obtain current traffic data because of pandemic conditions. We concur that County Planning Board approval is not required. We can support the B waivers since we have sufficient information on the plans. With regard to utility profiles, we can support this for hearing purposes with the understanding that we will get adequate technical information during compliance. Submission waiver for EIS we can support since the applicant supplied similar paperwork for the CAFRA permit as part of the Oak Street Core project. We recommend waiver of the tree protection management since this site has no mature trees.

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

Mr. Vogt said under section 2, zoning, as indicated a variance is required for rear yard setback, side yard, as well as aggregate side yard, building coverage, and perimeter buffer relief. Under design waivers, the driveway exceeds the 30' maximum in the code. The board has granted several similar waivers recently. And finally a waiver is required for street trees. Based on the design, there is no realistic way of having trees there.

Mr. David Klein, Esquire, appeared on behalf of the applicant. I'm going to hand it over to Glenn Lines, the engineer, but the basic idea here is this is a small synagogue to service the local area. And for the most part as Glenn is going to explain there is no simcha hall, no heavy use in the basement, it's a modest, small synagogue to service the local residents primarily walking there.

Mr. Glenn Lines, professional engineer and professional planner, appeared and was affirmed. He said as Mr. Klein indicated, we are proposing a small synagogue on what were originally subdivided as two duplex lots in the Bradhurst area. That whole subdivision was done for however many blocks this is. We are building on the one highlighted in yellow. They were left larger, they weren't originally subdivided as duplexes. But they are the size of two duplex lots. We are proposing to have a parking lot in the front of the building which creates that design waiver so people can pull in and take the parking off of Bradhurst Avenue. And we have an area where we've double stacked the parking to get an additional 6 spaces, so we are providing 15 all together.

Mr. Herzl said how many do you need? Are you asking for any variance on parking?

Mr. Lines said no, we need 15. So the double stack allows us to provide 15. The sanctuary is 1,484 square feet.

Mr. Lines said I see the building is 3,149 square feet. But the main sanctuary is under 1,500.

Mr. Lines said correct. It's approximately half of the building. Looking at the architectural plan, half of the first floor is the main sanctuary. The remainder is a small women's section, coat room, stairways upstairs and down.

Mr. Herzl said what's on the second floor?

Mr. Lines said there's the Ezras Nashim, the main ladies' shul, two stairways up and down, and bathroom.

Mr. Herzl said and the basement?

Mr. Lines said the basement is the mikvahs, dressing room, bathroom, a very small warming kitchen of about 85 square feet, and a secondary room for possibly a lunch or...

Mr. Herzl said there's no big room to have a big simcha hall.

Mr. Lines said there's no big simcha hall, there's no plan to have any big functions, this is almost like for an afternoon meeting, where you'd want to warm up some food.

Mr. Herzl said so there's no outside rentals. I think it's too small, but I want to put it on the record.

Mr. Lines said no, my understanding is there's no outside rentals. It's just for the use of the congregants. We have variances for a rear setback. 20 feet is proposed, we have 15 feet. We are five feet short in the back. The side yards are 8.94 and the other one is... and then we have a combined setback of 16.71. It is a small shul, it's gonna have the same setbacks you would see for a small residential house. Lot coverage we are just over a little bit at 31.49, where 25% is proposed. I think all these variances for this type of neighborhood shul are in keeping with the intent of the

ordinance and I don't think they would cause any harm to the zoning ordinance or any substantial detriment. Other than that, I read through the letter and don't have a problem with any comments. There are the design waivers. One design waiver, because we have the parking across the almost entire front of the property, we have a very wide depressed curb. As you know the curbs out in this neighborhood are all depressed, they're that sloped Belgian block, so ours really doesn't have what you'd typically see as a driveway entrance but it is a wider depression than normal so we could get those parking spots. As far as street trees, on one side we have the sidewalk coming out to the street in the little strip between the parking and the property line, and on the other side we have our utilities that come into the building and we can't plant a tree on that. As Ally was just showing, on the left side that's where there's utilities. On the right side, that's where there's access to the building so you don't have to walk through the parking lot.

Mr. Rennert said I think you skipped over the zoning, the perimeter buffer.

Mr. Lines said the perimeter buffer around, would be... 20 feet by ordinance requires on three sides of the building. Again, we are in a residential neighborhood so there's not a lot of activity in the back other than the handicapped ramp and the entrance to the mikvah. We will put a fence up around the rear and sides of the property.

Mr. Rennert said ok.

Mr. Lines said right now where Ally's arrow is, that's an open space lot. That was originally a street right-of-way, but that's an open space lot so on that side there won't be another building directly next to us. And on the left hand side there's also I think a 9 foot wide strip of land that was left between the major blocks.

Mr. Rennert said but you said you are putting up a fence along the rear and the side.

Mr. Lines said yes, we will fence the rear and sides rather than landscape.

Mr. Herzl said what are you doing with garbage.

Mr. Lines said garbage is on the left rear of the building. We will have a small dumpster for roll out cans, they will be rolled out to the street on collection days. Again, we aren't going to have a simcha hall so we aren't creating a lot of trash, so that should be sufficient for the synagogue's needs.

Mr. Rennert said on the tax map, I see that it's highlighted yellow and it's like that on every block. Why is it like that? Why are they not separate lots there for houses?

Mr. Lines said they were at the time, my recollection, I may not be correct. But my recollection was there were lots out there that were owned by other people and they did not want to be involved in the overall subdivision of the property into the duplexes for whatever reason.

Mrs. Morris said I put up the current tax map that shows the subject lots.

Mr. Rennert said oh, ok. So they are actually separate lots.

Mrs. Morris said highlighted before was all of these 4.0 lots. That wasn't the current tax map, the application is actually just on these 4.03 and 4.04.

Mr. Rennert said so where is the public lot.

Mr. Lines said so we are 4.03 and 4.04.

Mr. Rennert said so is the one to the right of 4.04, is that the public lot?

Mr. Lines said yes do you see the little 4.05? There's a strip of property there from where Nassau Avenue was vacated on that side.

Mr. Herzl said which can't be developed.

Mr. Lines said correct, so it's an additional 5 feet of buffering. And then the rest of it is a 25 foot wide Township lot.

Mr. Rennert said ok, thank you.

Mr. Herzl said Glenn, everything else in the report you agree to?

Mr. Lines said yes.

Mr. Meyer spoke but his connection was poor.

Mrs. Morris said I think he's asking if there's any way to get the parking not laid out the way it is now. He said it seem like it's going to be a disaster with this open parking lot and massive, shared driveway.

Mr. Herzl said and it's also double stacked.

Mr. Lines said if we revised it to be head in parking with an aisle in the middle, we'd be lucky to get 8, maybe 12 spaces, and that's right up to the property line in the front.

Mr. Herzl said we're on Bradhurst, it's not such a busy street.

Mr. Lines said it's not a busy street, again it's not for...

Mr. Herzl said and I think you testified it's going to be more of a local synagogue, where people are going to be walking.

Mr. Lines said yes, I did testify to that. It's a community synagogue. We are expecting most of the congregants to from within 2 or 300 feet in any direction. Cars for rainy days only.

Mr. Meyer asked about access to it.

Mr. Lines said he was asking about access. As far as access to the building itself. There's two ways you would walk to the building. One is through the handicapped area that is diagonally striped. That leads right to the front door. Or there is a sidewalk along the right-hand property line, so from the sidewalk by the street, you have a sidewalk in, then across the front of the building and into the front door. Handicapped access, there is a ramp that goes around the back of the building on the right-hand side.

Mr. Herzl opened to the public.

Mrs. Morris said she had received no comments on this application.

Mr. David Klein said he wanted to respond to one of the questions. That small, secondary room in the basement is intended to be a library. It has room for about a dozen bookcases and a large table, but that's the extent of it.

Mr. Herzl said thank you.

Mr. Jackson said I don't see any comments.

Mrs. Morris said I did receive a text from Mr. Meyer, he was asking about is the sidewalk providing entrance to the side and the back entrances?

Mr. Lines said yes that sidewalk that runs down the right side of the building would provide access to the front entrance, an emergency exit to that door on the side, and around to the back for the rear entrances to the main sanctuary.

Mr. Herzl asked for a motion.

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

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary