

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL & SWEARING IN OF PROFESSIONALS

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

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

3. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2374 Congregation Toldos Yaakov Yosef**
670 Squankum Road Block 104, Lots 13 & 59.01
Preliminary and Final Major Site Plan for a school

There was not a quorum for this resolution and it was not acted upon.

4. PUBLIC HEARING

2. **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

There was not a quorum for this application and it was carried to the September 8, 2020, public hearing. A legal announcement was made as to the same.

1. **SP 2390AA Simcha Gellerman**
420 Cross Street Block 524.36, Lot 9
Change of Use/Site Plan Exemption to convert a house to a school

Mr. Vogt said per our letter, there are a bunch of submission waivers which are common for site plan exemptions and change of use applications. Plan design, bearings and distances, signature blocks, setbacks, general notes, woods line, bus drop off, circulation, landscape lighting, topography and proposed grading, and location of dumpsters. I recommend that the Board grant these waivers for submission purposes only, with the understanding that after hearing the application and any public concerns that you can always ask for certain design elements to be part of the final approval if the Board feels they want to grant approval.

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

Mr. Vogt said continuing to comment 2, there are design waivers necessary. Bus drop off and pick up area, shade tree and utility easement, curb and sidewalk along the frontage, and on-site curbing. There is no variance relief since this is a permitted use.

Mr. Brian Flannery, professional engineer and professional planner, appeared on behalf of the applicant and was affirmed. He said as Terry indicates in his report, this is a change of use site plan exemption application to convert an existing residential structure into a school. I have sheet 95.01 of the tax map, and it shows the 1.17 acre property on the corner of Cross Street, a County roadway, and Fairfield Avenue which is a Township paper street. The proposal is to add 3 classrooms and one office. The plan that was submitted included, based on past schools where the Board asks where trailers would go, it indicated 4 potential trailers which would have 5 classrooms and an office. That would bring us up to 8 classrooms and 2 offices needing 10 parking spaces and 14 are provided in the driveway. There's also area in the front of the building for a bus drop off. There are two buses needed and they will be staggered, so there's room for one bus to stop and drop off. We would provide all the details needed to clarify that during resolution compliance if the Board acts favorably. Looking at Terry's report, it indicates the current enrollment is 90 students for 2020 and we are hoping to have 120 high school students in 2021. The waivers in item 2, bus pick up and drop off area, we would provide that as part of resolution compliance so we don't need a waiver for that. Item 2, shade tree and utility easement, we can provide that along the frontage of Cross Street. Since Fairfield Avenue is an unimproved paper street, we would request that waiver along there. Providing curb and sidewalk along the entire frontage. When you look at the tax map for Fairfield, there's only a couple of properties behind the Fairways open space and they would have alternate access on Rudd Street. So there is a potential that would not be built. That's why we are asking for the relief on the curb and sidewalks. Also it should be noticed that this is a 1.17 acre tract. In all likelihood, we will be back here within a few years with a real site plan to do it, at which point we will put curb and sidewalk along Cross Street. We will have a better understanding of what the use of Fairfield Avenue is and we would address that at that time. That's the same logic for providing on-site curbing. It's an existing driveway that is there, putting in the curbing would be problematic. It's anticipated within a few years we will be back for an improvement to the site to make it into a school use in a school building.

Mr. Herzl said after you put in all the trailers, would there be any variances?

Mr. Flannery said no. That's why the trailers were indicated where the potential future location of the trailers is. There's plenty of room. The Ordinance requires a 20' setback, we have 20' to residential. We have 20' to the open space Fairways lot, an excess of 20', so there's no relief needed from that. In Terry's report he confirms that. On page 3, under zoning, he indicates it's a permitted use. Number 2 says it appears no bulk variances are required and it is my testimony that no bulk variances are required. Item 3 indicates the design waivers we have touched on, and I have indicated that a few of them we will provide as part of resolution compliance. But the curb and sidewalk along Cross Street and Fairfield, and the easement along Fairfield, we are requesting that relief tonight. When we come back with a site plan to build the school building, rather than just change the use of the existing building, we would address the appropriate design for those features. Items 4, 5, 6, and 7 are the same ones we discussed on the design waivers, and 7 I indicated we would provide a place for one bus to unload, along with the scheduling to the satisfaction of the Board Engineer that there's only a need to have one bus there at a time. Looking through the comments, there was a comment with respect to the potential future trailers. We don't have any plans for them at this time but it's a typical unit and we have indicated that it would be limited to 5 classrooms and an office and we have sufficient parking to accommodate that. The refuse and storage would be handled by roll out cans and picked up by DPW and we know we need their approval. Landscaping we are requesting no additional landscaping at this time. And lighting would be provided for the parking area to the satisfaction of the Board Engineer if the Board acts favorably on this application. As indicated on page 5, number 17, any of the improvements that are required would be submitted on a plan for the Board's Engineer before anything could be

done. We aren't asking for any relief, so unless someone wants to hear about the Master Plan and the Municipal Land Use Law, I don't think there is a need to address those.

Mr. Herzl said and there's no variances on the basketball court either.

Mr. Flannery said that's correct. The basketball court is along Fairfield Avenue. It's not a structure, it's pavement. The applicant felt that based on past applications the Board would like to see an area for the students to go. It's as far away as the Fairways you could ask for. The open space is to the top and to the right on the plan. On the tax map, we are the yellow spot in the corner and the Fairways is connected by Eagle Ridge Circle which was added on to the Fairways probably 20 years ago.

Mr. Herzl said how far is the basketball court from the Fairways?

Mr. Flannery said from the closest house in the Fairways, to the closest property line, it's about 250 feet.

Mr. Herzl said ok. I want that on the record, it's pretty far away from any residential units.

Mr. Jackson said Mr. Flannery, you're representing a business entity, correct?

Mr. Flannery said no, this application was submitted by Simcha Gellerman.

Mr. Jackson said ok I apologize, I didn't recognize Simcha as a first name. And Mr. Gellerman is participating tonight?

Mr. Herzl said he is.

Mr. Jackson said I see Mr. Abadi, I know he's not Mr. Gellerman.

Mr. Simcha Gellerman said I am here.

Mr. Jackson said ok I just wanted to make certain because when it's an entity you need legal counsel. But if it's an individual they can proceed.

Mr. Herzl said Mr. Gellerman, do you have anything to add?

Mr. Gellerman said no.

Mr. Herzl opened to the public.

Mrs. Morris said I have a number of comments. She read them into the record.

To whom it may concern,

I am writing this to urge you to reject the change of use and for any of the future variances that is being requested for 420 Cross Street. I am currently a resident of the Fairways and have had strong family ties to the Lakewood Community since 1953. It is a great community ! And I believe in the change but change has to be managed not mis managed.

I have watched and quietly listened over the past weeks, months and years as the planning and zoning boards have taken the needs of our Orthodox community into account. I am now asking no pleading that the needs of the rest of the community be considered. The traffic and the congestion has gotten impossible to live with no matter what time of day or night unless it is a Holiday or a Saturday.

I respectfully ask you to consider this and really hear this plea, Fay Budelman, 4 Holly Court.

To whom it may concern,

I am writing to you on behalf of the school soon to be located at 420 Cross St.

This school is currently scheduled to start the year at their old location which is both not large enough to hold the boys comfortably nor has the proper facilities for a growing school of their size. The administration and staff of this school do a fantastic job at running the school and at keeping the place looking great. With the anticipation of a nice new building we can expect to see a great improvement to the property at 420 Cross St and to the aesthetics of the area. In addition the boys that go to this school are well behaved gentlemen, respectful and studious. I am proud to support them and their school.

A local neighbor,
Yisroel Brown

Attn Honourable Planning Board of Lakewood Township;
Our son Moshe Chaim is a student at Mesivta Tiferes Shmuel. a local high school .This high school has developed a stellar reputation since it has opened 3 years ago. To the point that their previous address is no longer sufficient to house their growing enrollment. We understand that 420 Cross St is a property that is an ideal location for the School .

This is a group of boys that are very well behaved and will not disturb their surroundings. The faculty are very capable people and can be trusted to keep the grounds and surrounding area clean and neat. Additionally we understand that the plans call for a nice building that will surely enhance the appearance of the surrounding area.

Sincerely
Zev and Chana Ehrlich

To whom this may concern,

The current location (at this point that there are 3 grades) has been outgrown and 420 Cross is necessary and convenient.

In addition the staff keep up the grounds and a new nice building is anticipated.
The boys of this school are well behaved and will not disturb any neighbors.

Please extend your assistance to this wonderful place. If this can be expedited it would be extremely appreciated.

Thank you!

-Nissim

Hi I am writing as a parent of the school that my son learns at. He currently is at the old location 805 cross st which they have outgrew the premises and this new location seems to be ideal for them. They are a quiet well behaved group that primarily will be staying indoors and should not be disturbing any neighbors. In addition there are staff members on site at all time that will be on top of the future anticipated building and grounds.

Y Berzansky

I'm writing regarding the proposed building on 420 Cross st. Firstly, the need is tremendous (the high school grew out of current location and 420 cross st is ideal) Secondly, the staff regularly maintains and keeps up the grounds and a new nice building is anticipated. Lastly, please note that the students are extremely well behaved and a quiet group that will not disturb anyone.

I'd so appreciate if you can seriously consider the above in your decision. Thanks very much!!

Simi Perskly

Tiferes Shmuel has completely outgrown their present location. They have an extremely dedicated staff who will put up a beautiful building for the students who are very well behaved respectful and caring. Having this school there will be truly an asset to the neighborhood!

Avraham Y Yaged

Tiferes Shmuel has completely outgrown their present location. They have an extremely dedicated staff who will put up a beautiful building for the students who are very well behaved respectful and caring. Having this school there will be truly an asset to the neighborhood!

Tzipora Yaged

1. The school has outgrown It's current location and the building at 420 Cross st is the ideal location for the growth of the students.

2. The staff and students take very good care of the building and grounds and are very respectful of the appearance of the property.

3. The boys are a quiet group and extremely well behaved.

Thank you for your understanding.

Chaya G

As long time Lakewood residents who have raised our family here I advocate on behalf of the school's petition for several reasons

1. the need (the school rapidly grew out of current location and 420 cross st is ideal) 2. The staff has a tremendously positive repore with the boys and maintain keeps the grounds well. In a short time a new nice building is anticipated

3. The boys are extremely well behaved and a quiet group that are engrossed in their studies and do not disturb anyone.

Thank you

Yakov Shulman

Please consider the above mentioned property for building permits. This location will serve a much needed function as a yeshiva for a wonderful group of boys. This well run and vital institution deserves our help. The above mentioned location is ideal for this stellar institution and will be a welcome addition to any neighborhood.

Thank you for considering this matter and thank you for your continued help in aiding our growing community.

-Shlomo Hoberman

To whom it may concern,

My son is a student of Yeshiva Tiferes Shmuel, which is attempting to obtain the property at 420 Cross St. for the upcoming school year. The students at the Yeshiva are extremely well-behaved and polite, and the Yeshiva employs staff to ensure that the inside and outside of the building are well-kept. Now that they have a third class, their current premises at 805 Cross St. is too small to accommodate them and I along with the rest of the parent body would greatly appreciate it if the planning board allows them to move to this new location. As I'm sure you understand, our children's happiness and well-being are of paramount importance to us, especially in these unstable times.

Thank you very much
Steven Pinter

I am in favor of mesivta tiferes shmuel moving to 420 cross st. They have currently outgrown their current location and this new location is ideal for them. The staff will keep up the grounds beautifully and a brand new building is planned to be built there. Additionally, the boys that attend the school are an exceptional group of quiet, well behaved boys. Thank you for your consideration.

Esther Schachter

Mesivta Tiferes Shmuel has outgrown their current location and this new location of 420 Cross St. is well-suited for them. The staff will keep the grounds well groomed and a brand new building is planned to be built there. Additionally, the boys that attend the school are an exceptional group of quiet, well behaved boys. Thank you for your consideration.

Sam Schachter

To whom this may concern,

This email is on behalf of Mesivta Tiferes Shmuel located in Lakewood NJ. The school has grown over the past few years and is in need of a larger facility. The facility at 420 Cross street is ideal as it is larger and more spacious. The staff of the school are very responsible in the upkeep of the building and the property and a new building is anticipated to be built in the near future. The boys in the school are very well behaved and therefore will not disturb anyone in the neighborhood. Please approve this variance so the students will be able to study in comfortable and spacious facility

Thank you
Naftoli Krieger
250 Martin Luther King Dr, Lakewood, NJ 08701

Mr. Jackson said typically we limit comments so they are not repetitive, but since you were almost finished I will let you finish. In the future, we will summarize and choose just one or two representative comments.

Mrs. Morris continued.

To whom this may concern,

My son is currently in 10th grade and doing very well in his school. I would like to bring to your attention how vital it is for the school to be able to settle at this location. The boys need more room and this move will assist their continued success in thier studies.

Without a doubt the new building will be well maintained as they have the very best staff.

Thanking you in advance for considering this matter.
Abraham J. Neuhaus

President
GREEN LIGHT ENERGY CONSERVATION
216 River Ave Lakewood, NJ 08701

Hi,

My son is a student at the school that is looking to move to this location. With the addition of a class this year there is a desparate need for the school to move to a larger facility. The boys at the school are well mannered, look out not to disturb neighbors and keep their grounds clean and nice. Please consider the above in regard to approving 420 cross for the use of this school.

Thank you,

Mark Ganz

As a parent of the school, I can attest to the need for a new building as they have definitely outgrew their current location. I anticipate a beautiful well kept building and the boys are a very obedient, polite, and well behaved group. Thank you
yadewick@gmail.com

To Ally Morris,

This is Fay Budelman, again, I would like to amend my original comments that are on file regarding 420 Cross Street to include these Pictures that I took Thursday morning 8/27/20.

From these pictures it looks like the building is already being used as a school and the appicatan is so confident that his request will be approved and has already started to move forward with his plans.

Thank you for your time, Fay Budelman.

Mr. Jackson said I want to clarify that the Planning Board is not an enforcement agency and these are issues that code enforcement would take care of. Our Board's responsibility is to consider the application at hand, whether they're good people, bad people, it really does not have a lot to do with land use considerations. I ask the Board to keep that in mind. Likewise, when you get a lot of comments that this is a wonderful group of boys, well the next group of boys might not be so wonderful. And they might be the best in the world. But that really has nothing to do with land use issues.

Mrs. Morris continued.

Good afternoon Ally. Thank you for reaching out.

My comments are:

1. I'm reasonably sure that there has been a school running since at least Jan 1 2020 at 420 Cross St. What is the inspiration to apply for a change of use now?
2. About 3-4 weeks ago, almost all of the very mature trees were cut down around the home. When I contacted the Engineering Dept to inquire what was going on, I was told that there were no applications or permits and they would send someone out. That resulted in a stop work order which was ignored. Then work proceeded to pave a circular driveway.
3. It would appear that there was either verbal approval to change the use, or no intent to apply for a change of use, work proceeded, they got caught, then applied for the change of use
4. The square footage of that structure can't possibly be sufficient for the proposed student population. Surely not with 6 foot social distancing required during COVID-19. Is the Planning Board taking COVID-19 compliance into consideration when hearing applications?
5. In anticipation of Board approval of this application, may we on Eagle Ridge Circle request "Quality of life" improvements that would include a living fence of plantings by the fence on the 420 Cross St property that will eliminate a view of a parking lot and an otherwise unkempt property that diminishes the value of our properties? I would suggest arborvitaes because they grow quickly. Further, we request placement of any trailers, present or future, that are approved for use to be placed on the left side of the house (when facing the house) not on the Eagle Ridge Circle side.

I'm sorry this is late coming and hope it can become part of the record. I am out of town, this is the best day can do.

Respectfully,

Barbara Palant
95 Eagle Ridge Circle

I think Barbara Palant's comments are both accurate and pertinent.

I do wonder how an application can be considered when there is a documented violation and stop work order that has been ignored.

I think that matter deserves to be fully adjudicated before any hearing can go forward. I believe it is a legitimate reason to table the application, even if the notice requirement is waived.

This goes to the issue of "why bother to comply with any of the rules." We don't need to facilitate this mentality in the community.

I would hope that John Jackson would agree with this.

Having said that, I think the Fairways community is finally beginning to understand that the R-40B ordinance was declared invalid and that schools are a permitted use.

In my opinion anything that is outside of the proposed building, other than natural buffers, needs to be located on the side of the property adjacent to the paper street.

I also think it needs to be made abundantly clear, in the resolution, that the change of use means that no one can reside in the building on a temporary or permanent basis.

The need for this type of clause is necessitated by the ongoing problems where unsupervised minors are playing basketball at 2:00 a.m. in the morning. There should be a bundle of incident reports in the LPD as result of the multitude the phone call that residents have made.

I acknowledge that this problem stems from a different yeshiva that appears to be owned by different people or organizations. But as the saying goes, "fool me once shame on you; fool me twice shame on me."

Take care,

Rob Robison

To whom it may concern:

I am a parent of a student of Mesivta Tiferes Shmuel. I wanted to try to impress upon you the need for this highly advanced institution to relocate to 420 Cross St. The school is bursting out of its seams in their current location, and studies have shown that students do not learn as well when they are in overcrowded conditions.

I have observed many of the boys who attend this institution and I can attest to the fact that they are an especially easy-going, tame, and docile group. This school is highly unlikely to cause any disturbance to the area in which they are located.

I am well acquainted with the senior staff of this school and I am willing to vouch for their commitment to build an aesthetically pleasing building and their sense of responsibility to maintain nice-looking grounds!

Sincerely,

Shmuel Brown

Mr. Herzl closed to the public.

Mr. Jackson said I want to make a comment in response to Mr. Robison. As I said earlier, I don't think the Planning Board's role is retribution. Just look at the plans and see if they are appropriate.

Mr. Chaim Abadi appeared and was affirmed. He said I helped put this application forward. To me, it's one of the best I've done in many years because it's realistic that there's going to be a new building. It's a nice big property in a quiet area, and the people that I'm dealing with from the school are amazing people. That's it.

Mr. Sabel said thank you Mr. Abadi. I like the circular driveway, there's enough parking, we know where the trailers are going to be, there's a pathway to the trailers, I appreciate that it makes it easy to make a decision. Question regarding the sidewalk on Cross Street. I don't know if we discussed that.

Mr. Herzl said we did not discuss, they are asking for a waiver because they said they are going to come back with plans for a full building. It's up to the Board and we should discuss it. Are we giving them the waiver or maybe we should ask for...

Mr. Meyer said I think there should be sidewalks there.

Mr. Herzl said what about a meandering asphalt path.

Mr. Sabel said I would be ok with that.

Mr. Herzl said if it's temporary, I don't want to waste money from the school. They will be back very shortly with a nice building.

Mr. Rennert said I agree with you Mr. Chairman. Asphalt.

Mr. Isaacson said Brian, that side of Cross is going to be widened, isn't it?

Mr. Flannery said the future plans are for much widening. What the County is going now, I don't think there is going to be a lot of widening. But what the applicant would propose would be an asphalt sidewalk on the applicant's property, so we are set back. And whatever the County wants to do is fine.

Mr. Isaacson said is there any curbing?

Mr. Flannery said there is no curbing currently.

Mr. Isaacson said would you be willing to put curb in along with the asphalt path?

Mr. Flannery said any curbing that would be done needs approval by the County. And the County is going to take a long time. We've been through the reasons for curbing in the past, which is edge stabilization, which we don't need here. For drainage purposes, and I think it's actually better without the curbing here. And for safety of the pedestrians. And I think we have enough horizontal distance to have the...

Mr. Isaacson said how far away?

Mr. Flannery said we would do it at least 6 feet off the edge of the pavement.

Mr. Isaacson said there was a comment about possibly the basketball court on the other side. If the intent is to not go forward with trailers, but to come back with a building, can we move the basketball court to the other side?

Mr. Herzl said I think the basketball on the other side, that's closer to the Fairways. I think we want to be as far away as possible.

Mr. Isaacson said the comment was if there are any trailers it should be on the left side of the building. It seems they want the basketball court closer rather than the trailers themselves.

Mr. Flannery said the first comment was that anything should be on the left side of the building. And basically what they're saying is they would like to have half of this applicant's property as part of their buffer. I think if it's a decision to put trailers or a basketball court closer to them, I think the proper decision is the trailers. And the trailers are temporary. They're only put there while we are getting approvals and building the new school. And the

location of the trailers is well in excess of what the Ordinance requires. 20 of the comments were made in favor of this, and 3 were against. I think those three didn't understand the process. This isn't a matter of what the neighbors want. We have an Ordinance. We have a Master Plan. From page 10 of the 2017 Master Plan, Community Facilities, number 4, it says continue to support development of private schools in the Township of Lakewood. And that's what we're doing. At the risk of gilding the lily, I would say that these schools are needed and it's an inherently beneficial use. The application is variance free for a permitted use. So all of the comments objecting to it have nothing to do with this Planning Board application. And my testimony is it's a by-right application.

Mr. Herzl said how far are the trailers, the closest point, to the Fairways.

Mr. Flannery said the closest point to the property line is 37.2 feet. And that's to the Fairways open space. The Ordinance requires 20 so the closest point is almost double that, and it's not to someone's property line, it's to the Fairway's open space.

Mr. Herzl said and there's trees in between there?

Mr. Flannery said yes.

Mr. Herzl asked for any other questions. Seeing none, he asked for a motion.

Mr. Meyer made a motion to approve and Mr. Sabel seconded. All were in favor, with the exception of Mr. Garfield who was noted as present but was not responding.

Mr. Sabel asked to confirm the motion included the asphalt sidewalk. The Board was in agreement.

Mr. Herzl said I apologize to Mr. Garfield who got cut off. I want to put on the record that we have 5 yes votes and a quorum without him.

Mr. Jackson said yes and I think we did everything we could so he could have his deliberative comments heard.

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