

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Vice Chairman Eli Rennert 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. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Rennert, Mr. Isaacson were present.

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

3. MEMORIALIZATION OF RESOLUTIONS

1. **SD 2432 Yehuda Rotberg**
136 & 138 Gudz Road Block 11.10, Lots 70 & 71
Minor Subdivision to realign lot lines

A motion was made and seconded to approve. All were in favor, with Mr. Rennert and Mr. Sabel abstaining.

2. **SP 2363AA Heshy Rawicki**
28 Drake Road Block 376, Lot 1
Change of Use/Site Plan Exemption to convert existing house to a school

A motion was made and seconded to approve. All were in favor, with Mr. Rennert abstaining.

3. **SD 2424 Gefen Construction, LLC**
Wadsworth Ave & Edgecomb Ave Block 1024, Lot 1.03
Preliminary & Final Major Subdivision & Site Plan to create 38 duplex units and one synagogue/rabbi's residence

Mr. Sabel questioned the language used to describe the walkways to the basement entrances, and clarifications were made to the Resolution.

A motion was made and seconded to approve. All were in favor, with Mr. Rennert abstaining.

4. **SP 2372 Township of Lakewood**
Vine Avenue, John Patrick Park Block 1057, Lot 1
Courtesy Review for a new municipal community center

A motion was made and seconded to approve. All were in favor, with Mr. Rennert abstaining.

5. **SD 2386 Joseph Ginsberg**
922 & 937 East Co Line & Somerset Ave B 174.11, L 34.03-34.05, 37.01, & 37.02

Extension of Minor Subdivision to adjust lot lines

A motion was made and seconded to approve. All were in favor, with Mr. Rennert abstaining.

- 6. SD 2396 Mordechai Eichorn**
326 & 332 River Avenue & 12 Birch Street Block 417, Lots 20, 21, & 23
Extension of Minor Subdivision to create six lots

A motion was made and seconded to approve. All were in favor, with Mr. Rennert abstaining.

4. PUBLIC HEARING

- 1. SP 2366 Mesoras Hatorah**
40 Neimann Road Block 251.03, Lot 27
Preliminary and Final Major Site Plan for a school

Mr. Vogt said per our letter, submission waivers include proof of submission to Ocean County Planning Board, topo, contours, and manmade features within 200', location of existing and proposed well and septic, plans and profiles of utility layouts, EIS. Regarding the County Planning Board, we support the waiver for hearing purposes. Obviously if they are approved, they're going to require County Planning Board approval. We support waivers as noted, we have information on the plans. Plans and profiles we can support for hearing purposes, if approved we would require information during compliance. For the EIS, we support the waiver based on that they are going to comply with the Tree Ordinance and there are no known environmental constraints on the property.

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 continued, this is a permitted use. We aren't sure based on the information whether or not parking is compliant. We'll have testimony on that shortly. They do require relief for the buffer as noted. We have not noted any design waivers.

Mr. Rennert said regarding comment number 2, you said you're not sure.

Mr. Vogt said because we have an unfinished basement and second floor, so we want testimony from the applicant as to what is planned for this building and is it going to comply with the number of parking spaces shown.

Mr. Rennert said based on what is being improved right now, does he have sufficient parking?

Mr. Lines said based on what is currently depicted on the plans, which is one floor, yes. However you have an unfinished basement and second floor that are going to be built and we want testimony on if there are any plans with those floors.

Mr. Garfield said are there any utility hook ups in the basement or second floor.

Mr. Flancbaum said you can't determine at this point. The plan shows water and sewer lines, one to the building. There aren't multiple lines going in to the building.

Mr. Rennert said I don't think there's any question that it's going to be improved at some point.

Mr. Stern said why are there no floor plans?

Mr. Vogt said there are floor plans, but they show those areas as unfinished.

Mr. Jackson said that's an issue. I don't know how close we are on the parking with the portion being developed. I think it makes sense to ask Mr. Pfeffer about their plans.

Mr. Rennert said yes, I just wanted to get clarification from Terry on why he couldn't confirm the calculation at this time.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said we have submitted floor plans with our set. We gave a full set for the second floor and for the basement. This is a 12,000 sf footprint. As you can see on the plans, only half of the basement is not finished, about 4,800 sf. The other portion of the basement is finished with a lunchroom and a kitchen. The second floor is fitted out with classrooms. When I swear Mr. Lines in, we can have testimony that we are compliant with parking and all other aspects of the Land Use requirements. As far as indicating the second floor is just a shell, you can see all the classrooms are shown and you will hear testimony that we are fully compliant.

Mr. Stern said Terry, have you seen these plans before?

Mr. Vogt said I'm not sure if the plans we have are current. I can see now that the basement is partially developed. I understand what they were saying on the basement, there is an area there, about 1/3, that is empty. I assume the testimony is going to be that no further development of the basement, other than what is shown, is proposed at this time.

Mr. Pfeffer said that's correct. When we have plans for that unfinished portion, we will make sure we comply with parking. Right now there are no plans, it's not needed. And that's why it's unfinished.

Mr. Vogt said my understanding is the applicant is not seeking relief on parking.

Mr. Pfeffer said correct.

Mr. Vogt said so whatever layout you propose, those 45 spaces meet UDO standards.

Mr. Pfeffer said correct. And again, the parking for the most part is calculated based on the amount of classrooms, which is why if you look at the second floor you can see the classrooms depicted and there is a very clear calculation we can make. Glenn will give his testimony that we are fully compliant.

Mr. Jackson said I have a question for Mr. Vogt. He said are you comfortable and confident that the parking requirements are met.

Mr. Vogt said based upon the testimony given and review of the plans, yes. What happens a lot during compliance is you may get minor changes in the building. At the end of the day, what they propose with the layouts that we sign off on, if they're not compliant they come back to the Board. That's why I put that on the record, this project is going to be compliant with the UDO parking standards. I'm not sure what happened in our review, if we had an outdated set of architectural. What I'm looking at that's online, it clearly shows a second story layout proposed. The concern appears to be with the balance of the basement which is shown as unfinished, which they've testified is going to remain unfinished a part of this improvement.

Mr. Stern said the concern is you didn't have these plans to review.

Mrs. Morris said as far as I can tell, we had these architectural plan PDFs on March 16th. I'm not sure, maybe the prints were outdated architectural.

Mr. Rennert said are we comfortable moving forward?

Mr. Garfield said on this lot, how far back are the plans showing the driveway from Drake? That's a bad turn.

Mrs. Morris said it looks like the closest driveway to Drake is an exit only and it is 250 feet maybe, from that intersection.

Mr. Glenn Lines, Professional Engineer and Professional Planner, appeared and was sworn. He said since we talked about parking and whether a variance is required, we have 45 spaces proposed and our calculation indicates we need 44. So our requirement is 44 and we have 45.

Mr. Jackson asked how many students, what type of school, give us some details on the operation.

Mr. Lines said it's a boys' school, grammar school...

Mr. Vogt said we summarized what was in the traffic study on page 5 of our letter.

Mr. Lines said yes, that's where I'm reading from. We are anticipating a max of 450 students when all the classrooms are built. 12 buses, 5 parking spaces for those. Buses come in, unload, buses come in behind and continue that in an hour process from about 8:30 to 9:30. Pick up time is between 4:30 and 5:30. There's a total of 30 staff, so if you go by that number we have an excess of 15 spaces, but there are parents who have to come and such. Based on the room requirement we need 44 and have 45.

Mr. Rennert said and the room requirement includes all the classrooms on the revised architectural.

Mr. Lines said correct. The classrooms, the tutor rooms, we show a lunch room and warming kitchen in the basement so we'd need people for that. The remainder of the basement is going to be open space for now. They don't need the space so we're not going to finish it.

Mr. Flanbaum said I counted 22 classrooms and 7 offices, including the business office and principal's office. One teacher per classroom and 7 offices, in a perfect world that's 29 staff members and you're saying 30. Isn't there a Rabbi in the morning, and then there's also an English teacher, are they coming in at separate times? 22 times 2, that's 44 right off the bat.

Mr. Sabel said and a cleaning crew, and a cooking crew, and a kitchen staff.

Mr. Flanbaum said the 30 staff members, if you have a Hebrew teacher and an English teacher, that's 44, not including the offices.

Mr. Lines said that's why there's extra spaces.

Mr. Flanbaum said there's not. There's 45 and you have 44 people automatically without adding in anybody extra. And you cannot park on Neimann Road, unless you're going to widen it. There can be no parking on that street. I just want clarification on the number of staff.

Mr. Lines said as we indicated, you're right there is that overlap in the middle of the day, the Rebbi leaves maybe and the English teacher comes in. You have that overlap so we have those extra spaces.

Mr. Rennert said there is one extra space, according to the calculation Justin just made. If you need two teachers per classroom.

Mr. Lines said there wouldn't be two people there all the time.

Mr. Rennert said right but if one has to come and park, and the other is parked there, where are they gonna...

Mr. Lines said that's right, and it's fine.

Mr. Flancbaum said perhaps the applicant can provide some clarification on the number of staff.

Rabbi Nisson Schwartz appeared and was affirmed. He said on the first note, in the morning we don't have any lady teachers coming in to the classrooms. Most of the day only one person is in the classroom, and when the teachers do come in they are coming after the Hebrew teacher leaves in the morning. We're never going to have those 44 spots taken. Even if an assistant does come in, the assistant is not there all day, not in all the classes.

Mr. Pfeffer said so it's your testimony is that you don't have two teachers per room at the same time. There is a morning teacher and an afternoon teacher, should there be an overlap it would be minutes.

Rabbi Schwartz said it doesn't overlap. The teachers in the morning leave immediately, and secondly even if there is an overlap it's for a minimal amount of time. You could have 18 or 20 assistants and not use up all the parking spots because they're there for a minimal amount of time.

Mr. Flancbaum said Rabbi you said the Rebbe leave immediately. So after the morning session is done, and then the English teachers come in in the afternoon?

Rabbi Shwartz said that's correct.

Mr. Isaacson said is there lunch or any buffer time between the Hebrew studies and the English studies.

Rabbi Schwartz said that's variable. A typical day there is morning session, recess, and then another session until lunch. And then again there's a session, and then it depends, either there is a break right before Hebrew finishes and Hebrew goes straight into English, or there's a small 10-minute break between the morning and afternoon. Or there's a break before the end of the morning session, and then you go straight into English.

Mr. Isaacson said in your experience, do the English teachers arrive right on time, or are they there early?

Rabbi Schwartz said nobody is coming early.

Mr. Isaacson said so in some of the grades, there is a time buffer for the Rebbi to leave and for the English teacher to arrive.

Rabbi Schwartz said that's correct.

Mr. Pfeffer said but assuming everyone was there, we have sufficient parking for all. I think Mr. Flancbaum was concerned we wouldn't have extra spots over that. But even with two per classroom for a half hour, we have enough parking. The testimony from the Rabbi is that after 10 or 15 minutes, those teachers are leaving.

Mr. Rennert asked how many classrooms there are.

Rabbi Schwartz said I thought it was ten, someone mentioned 11.

Mr. Flancbaum said I think there's 22. 10 on the first floor, 11 on the second.

Mr. Stern asked to go through the architectural plans floor by floor.

Mr. Rennert said we have an almost 4,800 sf unfinished part of the basement where we don't know what they're doing.

Mr. Pfeffer said and we've given testimony that we have no plans for that at the moment. We acknowledge we would have to comply with all parking requirements at the time of development.

Mr. Flancbaum asked if there is any plan to rent out the basement.

Rabbi Schwartz said no. Not now or in the future. Right now we have less than 100 kids. This whole picture is for the future, 450 kids 10 years from now. Right now we have less than 100 kids and we barely need 15 parking spots.

Mr. Flancbaum said I'm asking if you're going to rent it out for simchas, it doesn't have to do with the number of kids.

Mr. Pfeffer said the answer is we have no plans or intent of renting out the basement. It's unfinished, we couldn't do it. We don't have the parking or the availability.

Mr. Rennert said and you'll agree to make it a condition of approval that you won't rent out the basement for any outside functions?

Mr. Pfeffer said yes.

The Board reviewed the architectural plans by floor.

Mr. Sabel asked why a warming kitchen and not a regular kitchen.

Mr. Flancbaum said they don't make their own food in the school.

Rabbi Schwartz said I'm not sure what difference it makes.

Mr. Sabel said where is lunch being made now?

Rabbi Schwartz said we bring it in.

Mr. Jackson said one of the Board members had a question about a detail on the plans. I think it's important for the witness to provide the information, I think it's relevant.

Mr. Pfeffer said as to where the food comes from?

Mr. Jackson said I would remind the witness it's a good idea to answer a Board member who may be voting on this who has a question.

Mr. Sabel said where is the school getting lunches from now?

Rabbi Schwartz said from Toras Zev.

Mr. Rennert said from another school. It's not made in the school, that's why he just has a warming kitchen.

Mr. Flancbaum said if they did make it in the school, that would be more staff members which probably goes to Mr. Sabel's question. But they bring it in from outside.

Mr. Rennert said and you wouldn't be able to make a large event down there. It's more restrictive if you don't have a full kitchen, so it's more beneficial.

Mr. Sabel said Terry, what is the difference mechanically between a warming kitchen and regular kitchen.

Mr. Pfeffer said we'd have to comply with building department requirements.

Mr. Vogt said I'm not a building code official and don't have their expertise in codes. Qualitatively, if it's a warming kitchen obviously you don't need ovens and grills and things that would prepare the food. You may not need things such as gas service, you may not need the same amount of plumbing for a warming kitchen as you would a regular kitchen but I'm just giving that input qualitatively. I'm not a building code official.

Mr. Rennert said I know when an applicant submits architectural plans for a residential unit, it may change along the way as long as they are compliant with codes. Could these architectural change as well?

Mr. Vogt said yes, they do change. The architectural plans that come to the Board a lot of times are not complete, which is why we always try to have the applicant put things on the record like are you compliant with parking or not? During compliance we may get a set of plans that deviate because they got further along with the design, they had to move a stairwell, etc. If it still complies with the approval and complies with parking, we will sign off. If it creates a condition where you now have a variance for example, we send them back to the Board.

Mr. Rennert said so what would happen for example if this lunchroom grew from 2,244 sf to 3,000 sf, and what would happen if the kitchen became a full kitchen. Would it come back to the Board?

Mr. Vogt said I don't know of any UDO requirements relating to kitchen type and size. The Board could make that as part of their approval if they're concerned with what's currently depicted and they don't want it to be larger. You could make a condition that if the architectural plans deviate in that regard, then they have to come back to the Board.

Mr. Jackson said that is one of the conditions in the resolution. The way it's supposed to work, if there is something in the administrative process that is a material change, that has an impact on what the Board approved, then they're supposed to come back. If you move an internal wall a foot or two, I don't think that's a material change. But making a kitchen bigger... The way it's supposed to work, I think... When you have a regular kitchen and it's 3,000 sf it could also be catering, and the use would be different and it also lends itself to that. It's supposed to

work that if it gets bigger or more intense, it's supposed to come back to the Board but it doesn't always work that way.

Mr. Rennert said and that's fine, we don't want to see every little detail change. But in a case like this, where the Board is very concerned about the impact on parking and the neighborhood, if the lunch room does become bigger and that wall separating the unfinished area disappears, we would like to see it come back even though it may not trigger a variance.

Mr. Vogt said I would put that in your resolution if you opt to approve.

Mr. Flancbaum said I think we have to treat this application differently because of the location and the parking. But my biggest concern isn't the size of the lunchroom, but if the kitchens changed to regular kitchens it would increase the size of the staff. I would be happy with, as a condition of approval, that there be no outside catering regardless of the lunchroom size.

Mr. Stern said so the first floor has 11 classrooms, some offices. What, two people per office? Let's just start counting people.

Mr. Flancbaum said well there are 22 classrooms and 7 offices in the whole building. One person per each room is 29. So they have 45 spaces. We can speculate as much as we want, sometimes there are one or two in each office but I don't think we need to speculate at this point.

Mr. Stern said no, it's more likely that we're going to put some more therapy rooms and classrooms in the basement. But even if you put 5 classrooms in the basement one day, it sounds like we have enough.

Mr. Rennert said yes, ok.

Mr. Isaacson said are they just doing the first floor, or the basement as well?

Mr. Pfeffer said the plans are for the basement, first, and second floor. Will the second floor get finished day 1? I think the Rabbi indicated it will max out at 450 students. He doesn't need that today, but he's going for the full plan so the Board knows what the plan is. If we came before this Board without showing the second floor, there would be more questions.

Mr. Isaacson said I understand, my question is are they finishing the basement?

Mr. Pfeffer said the basement is being completed with the first floor with the lunchroom and warming kitchens, and storage room, and a pantry.

Mr. Garfield asked if there is a bathroom in the basement.

Mr. Pfeffer said yes.

Mr. Rennert asked if we got through Terry's letter.

Mr. Pfeffer said no, Glenn if you could pick up.

Mr. Lines said under zoning, buffer requirements, Terry indicated we need a waiver from buffer. That's on the west side of the building which is adjacent to another school where we have the sidewalk and entrance driveway and the

sidewalk around the building, that's all within 20' of the property line but on the other side is a school that is under construction. That school is also less than the requirement off the property line for their parking area. We are going to buffer to the residential property, they have a tennis court, a house, and a pool. We left 30 feet on that east side of the property. The other side, you can see the aerial has a house, it hasn't been updated. All the trees on that Lot 29 have been cleared for the school. So as far as the buffer, we have it on the east side but not the west side but again that's to another school and I'm of the planning opinion that the buffer is not as important on that side. The one buffer relief we need. We do not need the parking relief. And to go back, in the waivers from Ocean County Planning Board, we are not on a County road and we don't have over an acre of impervious area and we do not impact any County drainage systems so we don't require a County Planning Board approval so we won't be submitting one. There is no obligation, if we don't meet their requirements we don't have to.

Mr. Vogt said I would recommend that if the Board acts favorably that we receive something in writing that clearly demonstrates why they are exempt.

Mr. Rennert said and this thin in writing could be from New Lines?

Mr. Vogt said yes.

Mr. Jackson said and it should be copied to the County.

Mr. Lines said I believe that was in our initial submission package.

Mr. Pfeffer said we have no objection.

Mr. Vogt said Glenn, do you have any issues with complying with the remainder of the technical conditions in our review?

Mr. Lines said no, I've been through them all and we don't see any issue with any of them. A lot of them are standard things.

Mr. Rennert said we rely many times on the County regarding ingress and egress when they have jurisdiction. Is there something further that Remington should be looking at that you normally don't look at?

Mr. Vogt said we have a circulation plan design already. The design is feasible. We've recommended minor changes as indicated in our review.

Mr. Rennert said I'm just concerned because it's a narrow road, that the buses should be able to make the turns in and out.

Mr. Vogt said understood.

Mr. Stern asked if there is a playground.

Mr. Garfield asked about Franklin and Cross, which is a problem for large vehicles making a turn. It behooves the Board to have the County take a look at that.

Mr. Pfeffer said this application is not on a County road.

Mr. Garfield said but Cross is. You're turning into one and I've seen trucks backed up there.

Mr. Lines said but the County would not review our access plan because we aren't on a County road. We have three ways away from this lot.

Mr. Rennert said if they aren't required to submit to the County they aren't required. Our engineer has to do a good job making sure that it's going to work on our roads.

Mr. Pfeffer said it's not that we aren't required, even if we made the application they wouldn't review it. It's not just that we don't want to do it, it's not their purview.

Mr. Jackson said the zoning presumes the roads can handle what they can handle, that's why we have permitted uses. But it's certainly within the Board's purview that the entrance, exits, number of parking, etc to make sure there is safe circulation. You can rely heavily on the advice of your engineer but you're free to make your own observations. As far as what happens down the street, that really has nothing to do with this application because they meet the zoning.

Mr. Rennert said thank you. There is a buffer variance that you're looking for to a residential property.

Mr. Lines said there is no buffer waiver to the residential property, that's what I explained before. The easterly side is the residential property, we have 30 feet there where 20 is required. We do need it, but on the westerly side of the lot, because it's a residential district we do need the waiver. But there's a boys' high school on that side.

Mr. Rennert said you're saying because it's a residential property, but it's being used as a school, you're requesting the waiver there.

Mr. Lines said yes. A school larger than what we are proposing is currently under construction on that lot. It's almost completed.

Mr. Rennert said so why is it being called out in the letter?

Mr. Vogt said it is a residential property and I'd be careful with the phrase "waiver." It's in the 900 section of the UDO which is typically interpreted as a variance. I think the testimony the Board is hearing, because the nature of the adjoining property no further buffer is necessary. The Board may agree or disagree.

Mr. Rennert said why would you put it in your letter as a residential use...

Mr. Vogt said the UDO says residential use or district. Even though it is a school, it's still a residential district, which is why there is a variance required.

Mr. Rennert said ok.

Mr. Sabel said question about the playgrounds?

Mr. Jackson said I haven't heard any testimony as to the reasons for the waivers and variances.

Mr. Lines said we just went though. We do not have a parking variance. And we have a buffer waiver.

Mr. Jackson said the advice from our planner is that is not a waiver.

Mr. Vogt said I think Mr. Lines' testimony is due to the proximity of the neighboring school, no additional buffering such as fencing is required. The Board may or may not accept that.

Mr. Rennert said back to the playground...

Mrs. Morris said I don't see any particular structures proposed. They are proposing to clear a large area in the back of the building.

Mr. Jackson said that could be his reason for asking for it, but it is not really satisfactory under the MLUL. It doesn't explain the reasons under C1 or under C2. To say we really don't need it is not an adequate reason.

Mr. Pfeffer said Glenn can you explain why you've given 30 feet on the left side but less on the other side. Your testimony is it is a waiver and not a variance, but as an abundance of caution please give your testimony as to why we would ask for that variance.

Mr. Lines said in my opinion the benefits of giving the house to the east a wider buffer is more of an advantage than having, you have 10 feet now to the school property. We took the 40' and shifted it to the side so the residential property, versus the school which is a similar use, so we've shifted the building to the right.

Mr. Pfeffer said if you shifted the building to the left, would we be able to comply without any waivers or variances?

Mr. Lines said yes. We could shift the whole site plan over 10 feet, have the required buffers on both sides, our exit driveway would be moved closer to Drake Road. Our proposal gives more space between the exit driveway and Drake Road. We'd probably lose 15' to Drake Road so one less car can stack. The benefits of granting the variance is it will let us have it closer to an existing school and provide more space between the residential use and Drake Road, which is a benefit to everybody.

Mr. Rennert said is there proposed any playground outside?

Mr. Lines said there is a proposed play area behind the building. You can see the tree line, that's all going to be open space where the kids can play soccer, baseball, whatever.

Mr. Isaacson asked for the total square footage of that area.

Mr. Sabel said and does it go into the setback.

Mr. Lines said into the buffer? Yes, it goes into the buffer on the east side. We could revise that tree line or put a fence there at the 20' line. I would still leave it open to the property line on the west side, the school side.

Mr. Stern asked if there is a requirement for a playground for a school of this size.

Mr. Vogt said not to my knowledge.

Mr. Garfield asked if this is on city sewer and water.

Mr. Lines said sewer and water is being constructed by others and will be in probably before we break ground. This will be connected to city sewer and water.

Mr. Isaacson asked again for the square footage of the play area.

Mr. Lines said it's about the same as the footprint of the school, 9,000, 10,000, maybe 11,000 square feet. I don't have any way of measuring it.

Mr. Sabel said does using this as a playground area create any variances or waivers?

Mr. Vogt said they aren't proposing any structures, so no. It's an informal, open play area.

Mr. Rennert said sidewalks are on the plan?

Mr. Lines said yes, curbs and sidewalks, and widening of Neimann road by about 7 or 8 feet.

Mr. Isaacson said anything to Drake?

Mr. Lines said yes, when we put the radius in on the corner, we are widening about 8' and then taper it down over the course of about 100-100' feet.

Mr. Rennert said how wide will the road become after you widen?

Mr. Lines said it will be 18' on our side, 14' on the other. So all together the road will be 32' wide.

Mr. Rennert said Terry is that satisfactory for buses coming in and out?

Mr. Vogt said based on the design, yes.

Mr. Sabel said when the buses come out, where the garbage boxes are, can we get sidewalk on that part? Either move up the sidewalk and move the garbage further away, or add another sidewalk, for additional bus loading? Up until Neimann.

Mr. Lines said there is a sidewalk that goes all the way to Neimann Road.

Mr. Sabel said the question is can you move that closer to the parking area, and move away the garbage to the back or to the side. Then the kids don't have to go behind the garbage, and when buses stagger on that side they have sidewalk to the building.

Mr. Vogt said my only concern with that is it could affect the circulation. If you recess the trash enclosure area, it still needs to be accessible by whatever vehicle I doing pick ups.

Mr. Sable said it's going to be the same, just moved in.

Mr. Vogt said I'm not sure it's that easy if you put a sidewalk in front of them.

Mr. Sabel said they'd have to put in a lower curb.

Mr. Vogt said I'll defer to Glenn, but I'm not sure it is.

Mr. Lines said you'd like to see the sidewalk continued on the left side like it is on the right side. Move the trash enclosure back, and put a depressed curb and sidewalk in front of the trash enclosure. Yes, we can do that.

Mr. Vogt said I would urge caution, looking at the plan there is an ADA accessible ramp adjoining the right-turn exit. It may be doable but I don't think it's a given.

Mr. Rennert said ok so we will try to get that done.

Mr. Rennert opened to the public.

Mrs. Morris said she received one comment from Mr. Shloime Klein and asked why the faces of the Board are minimized on the view shared with the public. She said I'm guessing it's because I'm sharing my screen right now to show the map. I will stop sharing my screen now and that will bring up the Board members faces. I don't have any other comments from the public.

Mr. Pfeffer said to go over again, we are proposing a fully conforming application. We understand there are some questions if what we are asking for is a variance, Glenn walked us through to indicate he believes it is a buffer waiver. Either way, we could move that around to eliminate it but we chose to give an extra ten feet to the residential property. Other than that, we agree with all the Board's comments. We have no problem sending a letter to the County Planning Board about their purview over this application. We have no problem if we make any substantial changes to the architectural plans we would return to the Board. And obviously if we ever finish that portion of the basement we would have to comply with the zoning laws and if we don't we have to come before the Board. Other than that, it's a straight forward school.

Mr. Rennert said I think it's a little more than just complying with the zoning ordinance regarding the basement. If any other improvements are going to be done in the basement, I think it should come back before the Board.

Mr. Pfeffer said we have no objection.

Mr. Rennert asked for a motion.

Mr. Sabel said I have some conditions to consider. I will make a motion with those conditions. The warming kitchen with no gas, no hood. Number two is no plumbing, electric in the unfinished area. Number three is no standing signs on Neimann Road. Number 4, no approved playground area. Number 5 in writing that they're not giving to the Ocean County Planning Board. And moving that sidewalk by the garbage area.

Mr. Stern said what do you mean by no approved playground area?

Mr. Sabel said they aren't providing any plans on that.

Mr. Stern said well that's not part of the motion, they're just not proposing it. I'm surprised it's not required, but it isn't.

Mr. Jackson said the testimony was they are going to have this big open outdoor area for the kids. That is a playground of sorts. I think they're testimony was that area would certainly be used by the children.

Mr. Stern said should we care, I guess is the question.

Mr. Jackson said I think that their site plan should show that that outdoor area is available for recreation. I suppose if you were a real stickler, the zoning office could look at it and say that wasn't approved for a playground no kids should be out there but I don't think that's the intention.

Mr. Sabel said I just want it in the resolution that we discussed a playground area and we didn't get anything from the applicant.

Mr. Rennert said do you want to add to your motion anything about no outside rentals?

Mr. Sabel said absolutely.

Mr. Pfeffer said I don't remember discussing the no standing signs on Neimann Road, I believe that's a Township road.

Mr. Sabel said I'm going on Mr. Flancbaum's concern that we have no parking on Neimann, I just want to make sure we have no standing signs on Neimann Road.

Mr. Flancbaum said we can't impose a no standing or no parking. The best we can do is ask the applicant's attorney to send a letter to the Committee to request that.

Mr. Jackson said I concur with that.

Mr. Pfeffer said we have no objection to sending that letter.

Mr. Flancbaum said as opposed to detailing what they can't do, I would recommend that if this plan changes at all, they have to come back before the Board.

Mr. Sabel said I would agree with that, and that we should send a letter requesting a no standing sign.

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

2. SD 2436 Simcha Birnbaum

63 Drake Road

Block 251.01, Lot 86.01

Minor Subdivision to create two lots

Mr. Vogt said the project is in the R-40 zone. A number of variances have been requested, there's also a dedication on Drake Road where they are requesting a waiver from providing a dedication.

Mr. Rennert said can you explain what that means.

Mr. Vogt said they are requesting an easement instead of a dedication I believe to lessen the impact of the variances. We can get testimony from the applicant. Continuing on, you have lot area variances, lot width variances, the right of way dedication would require a front yard setback, minimum side yard is required as well as an accessory building setback variance. I believe that's it for the variances. Under design waivers, one is required for a side lot line that is not perpendicular to the right of way which is a geometric issue that the Board has acted upon previously.

Mr. Rennert asked if there are any submission waivers.

Mr. Vogt said not to my knowledge.

Mr. Glenn Lines, Professional Engineer and Profession Planner, appeared and was sworn. He said we are requesting lot area variances for the two lots, the new lots will be just under 20,000 sf prior to the right of way dedication. Several other subdivisions in the area have approved lots of similar size. There is an Exhibit showing that.

Mr. Rennert said what is required of the area and what are the variances?

Mr. Lines said 40,000 sf is required in the R-40 zone. If you look at the Exhibit, there are subdivisions such as Serenity Way and Rustic Road that are already approved and have similar size lots as ours. The applicant is looking to subdivide the lot in half so that he can keep his existing home and sell the other as a building lot.

Mr. Rennert said in your opinion are those developments similar comparable to being the first subdivision on Drake Road that has the ingress and egress directly onto this small road?

Mr. Lines said yes. They do. And again, this area if you're familiar, if you have a lot that's an acre or more, it ends up being used or sold to a school. So a small school, modular building, temporary parking lot...

Mr. Rennert said you're making a very good argument why you can't be an R-40 zone. But I think this is the first lot that would change the character of the neighborhood.

Mr. Lines said well you have those four lots the Board approved on White Road, those are also in the 20,000 sf range. And I believe there's some on the other side of White Road. The Master Plan does call for this area being rezoned to R-12, when Cross Street is widened to four lanes.

Mr. Rennert said and a whole bunch of other conditions.

Mr. Vogt said the properties shown on the Exhibit in purple, are those R-40 as well?

Mr. Lines said they are zoned R-40 but were developed on similar lot sizes to ours.

Mr. Rennert said the bigger development, that comes out onto Cross Street and that's why that was allowed. We were promised at that time it would never happen on Drake Road. Can you talk about the right of way dedication?

Mr. Lines said Drake Road right now has a 46.5' right of way. The Ordinance calls for Drake Road to be 60' wide and so you'd have a very wide right of way for a 3-lane road or a 4-lane road. We are proposing an easement to provide the full required right of way.

Mrs. Morris said it looks to me like you're proposing an easement to give 25' on your half, not 30'.

Mr. Lines said I agree. I guess the right of way is 50 feet to our west. If you look at the map, you can see a bump in the right of way. I don't know why. We are requesting a waiver from providing the additional 8.5' to get to that.

Mr. Jackson said if you give an easement, it means the road can be widened onto your property the same as a right of way. Shouldn't the Board be looking at this subdivision that has less area than it really does no matter what?

Mr. Rennert said let's say you did it with a dedication, what would the lot areas be?

Mr. Vogt said our zoning comment three has that answer.

Mr. Lines said we'd end up at about 19,000 instead of the 19,900's. We lose about 900 sf per lot with the dedication, so we still need a variance either way.

Mr. Rennert said wouldn't you rather ask for a variance at 19,000 sf and do it the right way? Or that doesn't make a difference to you?

Mr. Lines said I view it either way. Either the waiver for right of way dedication or ask for the variance. I don't think it matters either way.

Mr. Rennert said it looks a little better if it's almost 20,000.

Mr. Lines said I agree. But in the end, we end up with the same thing. The Township could still put the road on the easement.

Mr. Rennert said the way the zoning in the area is laid out, we should be looking at a 19,000 sf lot as opposed to a almost 20,000. What else do we have as far as variances?

Mr. Lines said lot width, 150' is required and the two lots are 141 at the setback and 101'. The third variance is the setback from the porch on the existing house is currently conforming, but once you look at the dedication we'd be about 48' from the right of way to the porch and we need a side setback variance because it's 11' from the Bilco doors to the property line where its 15' to the chimney. So it's just where you measure it to, Terry is pointing out it's also to the wrap around porch 11'.

Mr. Rennert said and you have that shed.

Mr. Lines said it's an existing shed, we could move it but we're requesting not to.

Mr. Rennert said and you have the line.

Mr. Lines said yes the dividing line isn't perpendicular to the right of way, but it's perpendicular to the rear property line. This lot isn't square so we had to make it perpendicular to something. It's basically parallel to the house.

Mr. Vogt said we have no issue with the waiver. Glenn, do you agree to our technical recommendations?

Mr. Lines said yes.

Mr. Rennert asked for comments from the Board.

Mr. Sabel said all the properties that he is trying to compare this to, those are brand new streets except for the four on Cross. They don't feed directly onto Drake. This is directly onto an existing road with a huge curve, there's a lot of accidents on that corner on Drake and we're changing the entire area. We do one, and the next neighbor is going to ask. Nothing else in the area aside from these two new roads have this kind of square feet.

Mr. Rennert said and I can tell you when we approved Rustic Way, it was all about that it's going to go out onto West Cross which could handle the traffic.

Mrs. Morris said I know that for Serenity as well, the smaller lots were counterbalanced by a large open area that couldn't be developed.

Mr. Sabel said not even one property in the area has less square footage.

Mr. Isaacson said does Drake need to be widened?

Mr. Lines said eventually, but not for this to go in. I don't think one additional residential lot with 2 cars or 4 cars is going to impact Drake Road at all. We're not going to make... Eventually Drake has to be widened.

Mr. Isaacson said if you've ever driven on Drake Road you know it needs to be widened anywhere that it can be.

Mr. Garfield said how does that affect the setback?

Mr. Lines said the road would be a few feet closer to the house, but it wouldn't be on the applicant's property. We've got about 10' between the edge of the property and the roadway. There's a utility pole all the way on the left that's between the edge of pavement and the property line, so if you widen this road another 5 feet or so...

Mr. Schmuckler said our plans are showing widening in front of these lots.

Mr. Lines said we are proposing to widen to 14' across the front of our property and provide curb and sidewalk. So we would be providing 14' of additional pavement where we are. It's one lot, but as other people come in you would slowly get that widening along Drake.

Mr. Flanbaum said you're proposing to widen 14' across your frontage?

Mr. Lines said well to 14'. We are widening 7-8', it varies.

Mr. Flanbaum said but that's across the entire frontage.

Mr. Lines said yes.

Mr. Flanbaum said that's a big improvement for the area, I think that will make a big difference.

Mr. Rennert opened to the public.

Mrs. Morris said Mr. Shloime Klein asked what happens to the Master Plan with all the conditions. That's the only comment I received.

Mr. Rennert said the answer is it would be like any other variance through the Master Plan that sets the zoning, if it gets approved.

Mr. Sabel said I believe there is a school across the street?

Mr. Isaacson said yes, it's diagonally across the street.

Mr. Sabel said so they're asking for an over 50% variance for area, in an area that doesn't even have one house in this size.

Mr. Lines said no you have a whole new subdivision going in at this size.

Mr. Rennert asked for a motion.

Mr. Flancbaum made a motion to approve and said the road widening is good for Drake Road, and Mr. Isaacson seconded, saying he lives in the area and 20,000 is not such a small lot.

Mrs. Morris asked Mr. Flancbaum to indicate if he is granting the road widening easement, or the larger variances for a road dedication.

Mr. Flancbaum asked Mr. Vogt for his opinion.

Mr. Vogt said if the Board is comfortable with the application, we would recommend the dedication.

Mr. Flancbaum said I would go along with Terry's recommendation and require the dedication.

Mrs. Morris confirmed and therefore the lot sizes are smaller and closer to 19,000 sf.

Mr. Flancbaum agreed.

Roll Call. Affirmative: Mr. Stern, Mr. Sabel, Mr. Flancbaum, and Mr. Isaacson. Negative: Mr. Garfield and Mr. Rennert.

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