

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. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Isaacson, were present.

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

3. PUBLIC HEARING

2. SP 2360 Yeshiva Tora Chaim

999 & 1027 Ridge Avenue Block 190 & 190.03, Lots 57 & 31
Preliminary and Final Major Site Plan for a dining hall and dormitory

This application carried to the July 21st public hearing and was not heard. A legal announcement was made as to the same.

1. SP 2373AA Beth Medrash Govoha of America Inc.

619, 625, 633 7th St & 526, 620, 634 8th St Block 46, Lots 4-6 & 22-24
Site Plan Exemption for a parking lot

Mrs. Morris said the Board may recall that this was discussed at a recent meeting under correspondence, when the Board agreed that an application and notice to the neighbors should be required.

Mr. Herzl asked Mr. Vogt if he had a report.

Mr. Vogt said no. The application has been in front of the Engineering department and was brought briefly to one of the prior Board hearings. The question was whether the original Board approval included the right to put in a parking lot on the condition that it did not exit onto 8th Street. The Board members felt the applicant should come back to the Board and advertise to amend the prior Site Plan Exemption to allow the parking lot. The Board has copies of Site Plans that were revised by New Lines which show white vinyl solid fencing around the property and some trees inside the property, and Brian is here to talk about the plan. Hopefully the Board is going to be satisfied with what is proposed in terms of buffer landscaping or direct the applicant to make further modifications.

Mrs. Morris said in absence of a formal review by Terry, I did bring up a copy of the review by the Township Engineer. His concern was specifically this 20' buffer that is required from the neighboring property because he felt that was not provided. That is the reason that Board approval is require for this parking lot.

Mr. Herzl said the Board has always granted a waiver of the buffer if they supplement with trees and fencing.

Mrs. Morris said correct, that is not an uncommon relief. It's just that the Township Engineer doesn't have the ability to grant that.

Mr. Rennert said I think the applicant's engineer should testify as to the wording in the Ordinance.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said I agree with everything Terry and Ally had indicated. One other clarification, this was a question if this was a waiver we even needed. If we need it, we are here before the Board as an abundance of caution. I want to point out that Mr. Gertner is on the meeting as well, he had sent over a letter on behalf of one neighbor and we'll let him speak to that. I want to point out that the letter he had sent to the Board, I had an opportunity to speak with him, and we are basically in agreement with his concerns and what he would like. As far as the request, we are here under a technical matter that Mr. Flannery can address. I would recommend Mr. Gertner put his issues on the record so we can address those as well.

Mr. Sean Gertner, Esquire, appeared on behalf of the Kleinman family. He said Mr. Pfeffer is correct. We've actually sent two letters to the Board, one on July 2nd, supplemented on July 13, 2020. I had the opportunity to discuss the matter with Mr. Pfeffer. I'm not sure if the Board had the opportunity to see the letters, but we had outlined 3 areas of concern. The first deals with the buffering issue. My client wants a line of plantings sufficient to block the headlights and muffle sound. To that end, while we recognize a variance is required, but on the 8th Street side at least, not only do we want vegetative buffering but they would like to add an 8 foot fence. With regard to the bufferin materials, I would cite back that Mr. Jackson, with the permission of the Board, include language from Section 18-803, and quote this directly in the resolution, that the plan materials used for screening be at least 3' in height. Obviously they're going to have to be higher in this case. And be of such density that will obscure, throughout the full course of the year, the glare of automobile headlights emitting from the premises. Again, quoting that language would be important for my client to make sure that everyone understands that, as Mr. Jackson and the Board articulated the last time I was before you on this matter, that while this is a campus setting, this is not a rural or vacant campus setting. This parking lot is being, for lack of a better term, gerrymandered into an existing residential area so it, by definition, is going to (muffled) the neighbors. Mr. Pfeffer indicated that he had no real issue with that. The third point in my July 13th letter, we would want to make sure and I ask that it specifically be referenced in an approving resolution, that there be sufficient maintenance and performance bonds issued related to the development of the performance bond. The calculations should be developed to address not only general construction but also to maintain proper drainage. We ask that, the Board may recall that the last public hearing, there was significant testimony from my client and others regarding drainage problems at this site. We want to make sure that we have sufficient bonding to cover that. The third primary issue, before I get there I want to make sure that this resolution should maintain what had previously been indicated, that there be no entrance or exit on 8th Street. I perceive there is no issue because that's what's designed. The last issue again that we have a general agreement on is that we were concerned that there be specific hours of operation of this parking lot. And that we had proffered that the parking lot be closed after 9pm and not open until 6:30am and that it not be utilized for overnight parking. Mr. Pfeffer can speak for himself, but he was concerned that the odd one person left not be caught immediately to be towed. My client certainly understands that but we want to make certain that the parking lot is not regularly utilized past 9:00, not utilized for overnight parking.

Mr. Pfeffer said Mr. Gertner is correct. Points 1 and 3 we had no real issue with. The second one, the general time frames, we have no problems putting up signage saying the hours, being 6:30 to 9, but again with the understanding that if someone was in the Yeshiva and hadn't really left yet, it wasn't a big concern. As far as overnight parking, again we have no issue. We have no problem putting up a sign saying no overnight parking, but if there was a random vehicle left there, again, we are not intending for this to be overnight parking but we don't want to have a real policing issue with regards to parking. I understand if all of a sudden there were 30 or 40 cars parked there overnight, that's something that could be raised as a concern. We have no problem addressing that.

Generally we are in agreement with Mr. Gertner's comments, except for the part about squeezing it into a residential neighborhood. It is an approved campus in a campus zone. Otherwise we have no issues with his letter.

Mr. Herzl said Bais Medrash Govoha has a different parking lot should they need overnight parking.

Mr. Pfeffer said correct. Again, we have no problem putting in the sign.

Mr. Herzl said I just want to make sure, that if the need arises, they have ample parking at a different parking lot.

Mr. Pfeffer said that is correct. We have no problem, as a condition of approval, including signage with the hours of operation and including language that says no overnight parking. We are not in disagreement.

Mr. Garfield said point of interest, Beth Medrash is a stop for the Lakewood bus. I think it should be looked at what parking could be adjoined to this. Lakewood bus covers around town, I think it makes 9 stops. So possibly that's an outlet if you have any pressure.

Mr. Herzl said thank you, that's a good point.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was sworn. He said I think as has been indicated, this is a property that was added to the campus. At that time there was a lot of talk about it being a parking lot. There was a specific restriction in the approval that if the parking lot had any access to 8th Street, it needed to come before the Board. It has no access to 8th Street. The Township Engineer had questions with respect to the buffering, and based on that we are here this evening to discuss the buffering. I think the neighbors and Mr. Gertner, he laid out the items of concern. Mr. Pfeffer has addressed them. The only thing we are in disagreement about, he actually said the gerrymandering of the parking lot into a residential neighborhood. I'm sure in legalese, gerrymander means a lot more. But gerrymander typically means manipulating something so that one guy wins and one guy loses. This application is for over 200 parking spaces. This whole neighborhood wins with this application because we all know parking is needed in Lakewood. As Adam pointed out, it's a permitted use. So the question is with respect to the buffers. The plan that was submitted by New Lines does provide a continuous buffer on both sides. We are in agreement with the fence and the language from the Ordinance obstructing continuously the view as Mr. Gertner has asked for. The plan does show no access on 8th Street. We had shown a 4' fence in accordance with the Ordinance. We have no problem putting an 8' fence in as requested. As indicated by Mr. Gertner, that requires a variance which the Board is capable of granting. So if the Board agrees it should be 8' and grants a variance for that in the front setback, the applicant is happy to build that fence. With respect to the buffering, the Township Engineer referenced section 18-906, which is for schools. This is a campus application, which reverts back to 18-803. E under buffering says shall be required when topographic or other barriers do not provide reasonable screening and when the Board determines that there is a real need to shield the site from adjacent properties. So the buffering would not be a variance, it would be a waiver. It's something the Planning Board decides based on is this appropriate. The buffering that we are adding, first of all New Lines pulled any of the parking out of that 20' strip so there's no parking in there. There's an access drive in the strip, and the access strip isn't specifically allowed or denied. What the Board has looked at in the past is the intent of the Ordinance, and the intent is to buffer the neighbors. With an 8' high fence and a continuous solid screening, the intent would certainly be justified. My testimony is that the Board doesn't need to grant a waiver for that. In an abundance of caution, if the Board acts favorably I would ask that they grant a waiver for any buffering relief needed as well as a variance for the 8' high fence in the front yard setback. I can give you the Master Plan of 2017, with respect to justification for that relief. "A" says encourage development and redevelopment based on smart growth planning principles. Any property in Lakewood that you add a 200 car parking lot to certainly is smart growth in my opinion. Page 23 of the same report, under traffic and parking, it says traffic congestion and a shortage of parking have been ongoing problems in Lakewood Township. And this certainly helps to alleviate that.

With respect to the variance for the fence, it would be a C2 variance. And it relates to a specific piece of property. The BMG campus is as specific as you get in Lakewood. The purposes of the Municipal Land Use Law would be advanced, and that's promoting the public welfare and the neighbors are agreeing that the fence does promote that purpose. The variance can be granted without any substantial detriment to the public good, it actually enhances the public good. The variance will not impair the intent of the zone plan and zoning ordinance. And the zone plan and zoning ordinance encourage campuses, it's permitted in this area, and they encourage buffering that protects the neighbors and this is being requested by them. And then we have to show that the benefits substantially outweigh any detriments. My opinion is there are no detriments and the benefits, by the fact that it's being requested by the neighbor, are obvious.

Mr. Herzl said I want to add that lights should be shielded so they don't go on to the neighbors' properties.

Mr. Flannery said yes, that's why the plan is going to be reviewed by the Engineering Department. We will need to comply with shielding the lights and a sufficient buffer in accordance with the Ordinance language. I think all of that the Township Engineer would have done also, with respect to the drainage and the bonding. His question was with respect to the buffer because it's not black and white and it's something, if you remember when we first heard this application where we were talking about a parking lot coming back, and my testimony was that I think if it's over a 200 car parking lot we are probably going to be back before the Board so that everybody is comfortable.

Mr. Jackson said the agreement was that there would be no parking at night. What about a condition that the lights, except for low level security lighting, that the lights would go off at 6:00 or 7:00, and coincided with the time that people were supposed to leave the lot by.

Mr. Flannery said I think the request was for 9:00, and certainly BMG doesn't want to spend extra money on lighting and to the extent that we are agreeing that the hours of operation are from 6:30 to 9, we would be amenable to no parking lot lighting other than security lighting outside of those hours.

Mr. Jackson said what a lot of other places would do, there's different types of lights. You have foot level lighting so that when people are walking and the police could see, but you don't want to have lights that are high and glaring onto the neighbor's property. I have no doubt that Mr. Vogt could approve a design that will satisfy the neighbors so they aren't kept up at night.

Mr. Herzl said you're putting a solid 8' PVC fence?

Mr. Flannery said yes. We had shown a 4' fence along 8th Street because that's what the Ordinance permits. The neighbors had asked, and the applicant is agreeable if the Board grants a variance, to construct an 8' vinyl fence with a row of plantings to the adjoining neighbors in accordance with the Ordinance language.

Mr. Vogt said the rule, typically we do not allow fencing over 4' along frontages because of the potential sight distance issues if you have access on the street. In this instance, the parking lot is designed specifically not to have access on 8th Street, which is why the variance request is valid in this instance. If the future use changes where they take the parking lot out or have access on there, we would likely revisit the 8' fence. For what's currently proposed, we have no issue with the variance.

Mrs. Morris said before we continue, I need Mr. Flannery to clarify, I have two different versions of the plan that were submitted by Lines Engineer. One is dated June 15th, I believe the area where we are talking about the buffering concern is all the way on the west side. Lines Engineering submitted a newer plan dated July 7th which removes, as Mr. Flannery referenced, 4 parking spaces that are within the 20' on that western side of the property. So the Board has two plans, and I need clarification on which one the Board is acting before we act on anything.

Mr. Flannery said we are requesting the updated July 7th plan that is on the screen, with the 4 parking spaces removed.

Mrs. Morris said ok and I believe that is the only difference between the two plans and both are available on the online drive for the public and Mr. Gertner.

Mr. Herzl asked how many parking spaces they have.

Mr. Flannery said 236.

Mr. Herzl said thank you. Any Board members have any questions for Mr. Flannery.

There were none.

Mr. Herzl opened to the public.

Mrs. Morris said we have a lot from the public.

Mr. Jackson said how do you want to do this Mr. Herzl, we could have the Board members read them and we could put them on the screen and make them part of the record. To read them out loud, I think that's going to be time consuming.

Mrs. Morris said we have two members on who are only on via phone, so they can't see the screen. I may have to read them out loud.

Mr. Pfeffer said for the record I received a few different phone calls and emails from neighbors throughout the week. Some were titled, there was no name, it was just 7th Street members. I did respond to that email and told them they can direct all questions to New Lines. I gave them an email and a phone number. Josh indicated only one person called him, he went through the plans with them. I'm not saying they were happy or remedied, but I want it on the record that there were some people calling and we gave them the opportunity to speak with New Lines.

Mr. Jackson said that's great, but we do have a forum where people send in comments and I think it's important to make certain that the Board members have heard the comments.

Mr. Pfeffer said yes, I just wanted that on the record.

Mr. Flannery said when the Board gets to the point of deliberation, the applicant has submitted the plan with 4 less spaces. If the Board feels, and it's my opinion that those four spaces don't impact the buffer, Mr. Gertner if he feels he should say so, if the Board feels having the four extra spaces is better, we'd be happy with the four extra spaces. But if the Board feels the four less spaces is the better plan, we will go with that.

Mr. Herzl said me personally I would like more parking if it doesn't hurt any neighbors.

Mr. Garfield asked about the sidewalk notations on the plans and Mr. Flannery clarified that there will be continuous sidewalk along the full extent of both frontages.

Mr. Herzl asked Mrs. Morris to continue.

Mrs. Morris said as Mr. Jackson indicated, and as was indicated in the notice sent to the neighbors, there were specific directions for comments to come via email to the email address that was set up for public comments. For some reason for this application several members of the public that did follow those direction and then I had several members of the public that continued to call me over and over to state their concerns. So I have two sets of comments. I will read the emails into the record. I just want to note the distinction that when I start the second batch of comments that's a verbal summary that I'm repeating so those are not word for word transcriptions of what those neighbors said.

Mr. Herzl said do we have to read that into record or is that hearsay?

Mrs. Morris said Mr. Jackson will have to advise on that.

Mr. Herzl said if they send in a comment, we see that, that's one thing to put it on the record. If people just call you for questions, I don't think that's...

Mrs. Morris said I would be comfortable relaying a summary of the concerns that were relayed over the phone, I'm not sure that I should go through one by one and indicate who told me what because I can't guarantee that that's accurate.

Mr. Jackson said I think it's appropriate to have a summary, keep it concise, and as long as those comments are part of the record that's satisfactory.

Mrs. Morris said I will start with the emailed comments then. This first one is Mr. Gertner.

Mr. Jackson said Mr. Chairman, I would recommend that Mr. Gertner's letter be made part of the file. He's already told the Board what his concerns are and with is permission I would recommend that we forego reading that letter into the record. Is that ok Mr. Gertner?

Mr. Herzl said is there anything on that letter that you didn't testify to?

Mr. Gertner said I didn't testify, I made representations, but the July 2nd and July 13th letters were summarized so I have no objection to moving them into evidence and having them being part of the record.

Mrs. Morris said I do have both of those letters and we can add those to the record.

Mr. Pfeffer said we will mark Sean's letters, but our agreement was on the second letter. The first one had other concerns and was a little more broad, but we resolved most of them by way of the second letter which we have agreed to.

Mrs. Morris said ok this is the first emailed public comment.

my name is richard cohen 638 8th street lakewood, nj 08701

First i would like to mention that BMG has been very cooperative in regards to our concerns, which is mainly the safety of the children on our block.

Obviously, if there would be vehicular access to eighth street, there would be an immediate safety issue. We have been repeatedly assured that at no time will there ever be any vehicle access, driveway, or apron to or from eighth street.

Can this be made part of any resolution or variance that the board approves?
What can the board do to help us insure the future safety of our children?

Mr. Herzl said ok, we addressed that already. We said it's not going to be from 8th Street.

Mrs. Morris said this next one is from Dr. Robert Shanik.

in reference to the request from BMG parking lot -I want to make sure there is no entrance or exit on 8th st and there is proper barrier and proper drainage from the parking lot to 8th st,to prevent soil erosion.ty

Mr. Herzl said Terry, that is to you. Do you feel the drainage is adequate?

Mr. Vogt said they've submitted a design, it's going to have to comply with State regulations and the Ocean County Soil Conservation District.

Mr. Gertner said as part of the agreement with Mr. Pfeffer, we asked to make certain that there is sufficient maintenance and performance bonds to ensure that that drainage calculation...

Mr. Herzl said right, I think that was part of the record. They agreed to it.

Mr. Gertner said they did.

Mrs. Morris said the next email is from a number of signed residents.

We the undersigned, who have recently been notified specifically about this application for the very first time (as opposed to the 8th St. residents who were notified last year), respectfully request that we have a personal meeting with the applicant - Beth Medrash Govoha - and/or their counsel prior to this Tuesday's meeting, July 7, 2020 to address extremely pertinent concerns,

The above mentioned application SHOULD NOT BE HEARD by the Board members until our request has been met.

Mr. Naftoli Bassman	661 7th St.
Rabbi & Mrs. S. Heilbrun	641 7th St.
Rabbi & Mrs. S. Eizikovitz	636 7th St.
Mrs. R. Goldberg	640 7th St.
Cukier Family	635 7th St.
Rabbi & Mrs. J Cywiak	630 7th St.

Mr. Isaacson said Adam, are they in the 200'?

Mr. Pfeffer said yes. Last application was a different application. These people I believe are all in the 200' and that's why they got notice. I will point out that Ms. Goldberg is on the 7th Street, we received an email from the 7th Street members. I advised them that we had no issue, they could address any of their concerns to New Lines and we would address them. They were invited to go down to New Lines to look at any plans and address any issues. I don't know of any specific objections they have. Josh indicated to me that he had one phone call with Ms. Goldberg. He doesn't think she was happy but he answered any of her questions.

Mr. Isaacson said they were properly notified, you're telling me?

Mr. Pfeffer said we believe...

Mr. Jackson said hold on a second. That's in the nature of a comment. The Board could be persuaded or not persuaded by those comments and they've certainly had the opportunity to comment on the merits of the application. We don't have to delay an application for a meeting with the applicant. The applicant indicated that they don't want to wait. They made the ability to contact the engineers. So my recommendation is that the Board take this into account and then proceed.

Mrs. Morris said the next email is from Sam and Rivka Heinemann on 8th Street.

We have received a Public Notice regarding a proposed parking lot on the areas outlined above. We would like to respectfully state our concerns in reference to the proposed parking lot.

A. SAFETY

As the proposed parking lot will be bordered on one side on Eighth Street, which is home to many residents with families, we are very concerned about safety. There are many residents living on this block, including many children, and it is most important and vital to provide for their safety. As was agreed upon with Beth Medrash Govoha, we are once again requesting that there be absolutely no entrance or exit, to or from the parking lot onto Eighth Street.

B. APPEARANCE OF THE NEIGHBORHOOD / QUALITY OF LIFE

Being that the proposed parking lot will border on the residential street of Eighth Street, we are requesting that the parking lot be made with that consideration in mind. We are requesting that trees be planted on the Eighth Street side, which will serve to shield the view of the parking lot, to the residents, as this is a residential area. Trees should be planted along the perimeter of 8th Street, with a fence behind it, encompassing the actual parking lot area.

At the present time, there is extensive erosion of soil in this area. Every time it rains, we have a river of muddy water flowing down the sidewalk and street. After the rain subsides, we are left with an accumulation of sand on the sidewalk and road, making walking and driving difficult and dangerous. We are requesting that the proposed parking lot be made in compliance with all requirements that provide for proper drainage etc., including the need for a retaining wall, etc. and that lighting, and all standard safety codes for parking lots be met.

Thank you for your respectful consideration of these very important points.

Mrs. Morris said the next comment is from Richard Cohen.

My name is Richard Cohen 638 8th St., Lakewood New Jersey 08701 I own the house that is adjacent to the proposed parking lot, to the west. Upon closer review of the plans I see that they are requesting a variance to reduce the buffer between the proposed parking lot and my property.

I understand that the buffer is there partly for safety reasons, and I don't mind being flexible on this, but I would respectfully ask that there be a condition made as part of any variance, that there will be no vehicular access, to or from the proposed parking lot onto eighth street, as this presents a much greater safety issue.

Mrs. Morris said here is the next comment from Shlomo Stein.

I appreciate that the board did the right thing in holding off this application until it could be properly noticed and placed on the agenda.

I specifically appreciate that Bill Schwarz from your engineering department held his ground and said that this parking lot can't be approved administratively and it needs to go back to the board.

Adam Pfeffer specifically stated at the original application, "this application is not for a parking lot". Brian Flannery and Mrs. Ungar from Newlines tried to pull all kinds of nonsense but luckily, Bill Schwarz was not pushed around by them.

I would like to point something out to the board in general about applications, and then I have a specific comment on this application.

I know that the board often stipulates that for "any changes" the applicant needs to return to the board. For this application, Brian Flannery responded that they will "comply with the ordinances". This is simply not good enough. Brian, Adam, and Mrs. Ungar are extremely slick. The board needs to finalize on each application that the applicant must return to the board for any changes to the application, and not accept Brian's response of "we will comply with the ordinances".

Specific to this application, I would suggest that the circulation be reconfigured to a one way instead of a 2 way. I suggest this for 2 reasons:

1. In either case, cars will be parked all over the fire lane. BMG has a terrible record in dealing with this issue. By making it one way, they can get some additional legal parking spaces, which everyone will benefit from.
2. Having 2 exits close to each other will add additional traffic conflicts on the road. It would be safer if they had only 1 exit.

Mrs. Morris said I will pause here for discussion since this is a new comment.

Mr. Isaacson said yes, Brian, is that possible? It's a good point, not having two exits.

Mr. Flannery said my professional opinion is it's a bad idea because you're allowing the cars to flow better. From a traffic engineering standpoint, and I have done testimony on that before, I believe the two entrances are better.

Mr. Pfeffer said from a common sense perspective, there are over 200 parking spaces here. If you have many people leaving at the same time, you're all stuck at one exit. Two exits works much better for traffic flow.

Mr. Isaacson said my concern is two people leaving at the same time, one at each exit, turning towards each other. Can you at least sign them that one is for turning right and one is for turning left? That might alleviate it a little better.

Mr. Flannery said we'd be happy to put signs up directing vehicles going left should use this, vehicles going right should use this one.

Mr. Rennert said you aren't going to have much traffic going right out of the parking lot, it's all going to go left. I don't know what the point is. I'd rather ask Mr. Vogt if he has a comment.

Mr. Vogt said I like the design the way it is versus the exits one-way, for several reasons. One, you have better interior access if you have 24 wide aisles and they can facilitate traffic. The bigger concern with only one access, what if you get an accident or something at the one access. You're locked up. You're going to have an 8' fence around this thing. I think the way it's currently laid out is better from a safety standpoint.

Mr. Herzl said I agree. It would be too much internal confusion. We should leave both exits to make left and right out.

Mr. Vogt said we can put signage as discussed, but I wouldn't change the design.

Mr. Pfeffer said the applicant has no objection to the signage.

Mrs. Morris said the next comment is from residentsof7thstreet@gmail.com.

As per the attached email, it is evident that we have not been able to make contact with Beth Medrash Govoha or their lawyer, Mr. Adam Pfeffer.

Therefore, we respectfully request that the meeting not be held on July 14th.

Mrs. Morris said note that I did respond to this email with Mr. Pfeffer's correct email address, since they had it wrong. I believe Adam indicated he had spoken with them. I see that I am getting emails now. I have a new email from these people from when the meeting started.

The residents of 7th St. respectfully request that the hearing tonight be postponed.

We never received the proposal last year as the 8th St. residents did and we all need more time to familiarize ourselves with all the details of the parking lot and how it will affect our lives.

Thank you!

Mrs. Morris said note this email came in at 6:15pm so we had already started.

Mr. Pfeffer said I want to clarify, the application that came in last year was to include two other lots into the campus. It was not for a parking lot. We indicated at all times that there would be a parking lot and that it would be dealt with separately. When we came in last time it was solely to add in the properties into the actual campus. There was a lot of back and forth, Mr. Gertner was there, and we noticed at that time everybody within 200'. As far as not having a opportunity to review the plans, of all the emails being sent from the 7th Street contingent, there

has not been one email that said we do not like X about this application. The only waivers we are asking for has to do with some buffering and in the event the Board is in agreement, which we have no objection to, the 8th Street residents have asked for an 8' fence which we would ask for that variance. This is a variance free application and if the 7th Street contingents could tell us what their concerns are we would address them, but I don't know what they are at this time.

Mrs. Morris said I did receive an email from Shlomo Stein, he wanted to confirm his previous email would be read into the record and it was. He's the one who suggested making the one-way. I have a new email from Sholom Goldberg and Mrs. Goldberg.

Representing the residents of 7th st we respectfully request that this hearing for the parking lot on 7th st be postponed due to the fact that most residents are not able to attend this meeting over zoom. We also need adequate time to look over the plans as we were not given sufficient time as were the residents of 8th st. We tried contacting Ally Morris during business hours but no one answered and a voicemail message was left today before closing.

Thank you

Mrs. Morris said I haven't checked my voicemails since noon so that may be accurate. This email came in at 6:36pm today, and again at 6:42 he said

I believe there was more than one phone call to newlines and he didn't answer. I also believe he said that the opening to the parking lot can't be on 8th st because of the grid which I don't think is true.

Mrs. Morris said that is the extent of the email comments I received. I also received several phone calls, I was frustrated as to why they thought that was the procedure. There were 9 or so. I want to say 90% if not 100% of these phone calls came from 8th Street residents. I have some of their names but as I said these are really my summaries of their calls so I don't want to read my emails into the record. However I can tell you there were three very specific issues which they all referenced. Number one, no entrance or exit on 8th Street. Number two, there are major erosion problems on 8th Street. Most of them requested that a retaining wall be installed along 8th Street to prevent erosion of dirt, sand, and mud, onto 8th Street because it's dangerous and unsafe for the cars as well as for children on bicycles. Number three, their concern was that the street should look residential. They want landscaping and trees and shrubbery to make that street pretty again because currently it's an eyesore.

Mr. Herzl said I think they agreed to all. I have a question for Terry. If they pave the whole parking lot, could there be any soil erosion afterwards?

Mr. Vogt said there could always be soil erosion if the unpaved portions are not maintained. The current design calls for paving which is going to cover most of the surface and they have underground drainage which is going to deal with stormwater, which you don't have now. You have areas that are not going to be paved, they'll have to make sure that those areas stay vegetated and covered but that's part of normal maintenance.

Mr. Herzl said you feel comfortable that it can be designed that there shouldn't be any soil erosion coming onto 8th Street.

Mr. Vogt said it can be designed properly, if it's maintained properly there should not be any issues.

Mr. Gertner said two comments if I may. First is a question to Mr. Flannery, everyone is talking about no access on 8th Street. Does that include pedestrian access as well?

Mr. Flannery said the plan provides for no pedestrian access. It's fenced in, there's no gates shown, there's a grade differential. With respect to the erosion, that's happening because there is no drainage. The design plan prepared by New Lines will resolve that situation as well.

Mr. Gertner said thank you Mr. Flannery. Mr. Chairman, it was mentioned as our second letter was in response to this new plan, we would like, if the Board is going to act favorably, we ask that you act on that second plan. That design is more amenable to a better pedestrian-friendly residential component. It's worth the loss of parking in our opinion.

Mr. Herzl said I have no problem, it's only four parking spaces. I'm generally in favor of parking, but if that's what the neighbors want I don't have a problem with that.

Mr. Herzl asked if there was any other correspondence.

Mrs. Morris said I have no others. Mr. Goldberg did email and said how can I say there is an issue with sending emails at 6:15 if it says it can be sent during the meeting. I'm not sure that requires a comment. That's the last email.

Mr. Jackson checked his emails and saw no other new ones.

Mrs. Morris said two more just came in from Sholom Goldberg, I don't know at what point...

Mr. Jackson said he wants to show a video.

Mr. Pfeffer said I would object. Who took it, where was it taken...

Mr. Jackson said he said it shows the area.

Mr. Pfeffer said everyone is familiar with the area. We are a parking lot. We are doing exactly what we showed that we are looking to do. Nothing more, nothing less.

Mr. Jackson said Mr. Chairman, that's your call. It says I have a video to show you what 7th Street looks like with the parking lot. I know the Board does site visits...

Mr. Herzl said Mr. Jackson, he can't show us a video with the new parking lot. I know there's a problem today, and that's the reason why they want to put in a parking lot to alleviate the problem.

Mr. Jackson said that's your prerogative. That's your ruling and we'll move on then.

Mr. Gertner said Mr. Chairman if I may, to your point, is there an estimate from the applicant about when they perceive to be able to commence construction? If it's the premise that this will help alleviate these issues, understanding the time frame would assist.

Mr. Pfeffer said we are looking to start immediately. As soon as we can get this approval, so we can finish up whatever technical items are needed for the Township, we are looking to get it done this summer. That's the reason why it's pressing to have this heard and moved forward. It's a straightforward application. I understand the residents have concerns we are trying to address. We are not adding more students to BMG at the moment. This is for existing parking. These 200 spots are right now spilling over onto the streets and to me this is going to be a great help for the whole area.

Mr. Herzl said I agree. Right now people are double parking all over the place and you can't drive down the street. If you get everybody off the street it's a safer situation. You have 236 cars off the street.

Mrs. Morris said Mr. Herzl, I recommend that we close to the public.

Mr. Herzl said thank you.

Mrs. Morris said I did receive one more comment from Mr. Goldberg, he said why did they already start demolition before this hearing. Just to clarify, the Planning Board does not issue demo permits, construction permits, tree clearing permits. I believe the applicant started some of that work through the construction office and they hit a snag before they could start paving this parking lot and that's the stage we are at at this time.

Mr. Herzl closed to the public.

Mr. Pfeffer said when we came in to add 2 or 3 lots to the campus, our testimony at that time was we are going to demo one of the buildings. We don't need an approval to do... we need a demolition permit and a clearing permit, but not from the Board. To do this parking lot, again I started this hearing by saying it's a technical item on whether the waiver is needed and if it's needed we would need the Board's approval. As an abundance of caution, we are before this Board seeking those waivers and the additional variance the neighbors have asked us to do for the fence, but we did not start construction of the parking lot as we don't have an approval for that at this time.

Mr. Herzl said how long would it take to finish up the parking lot.

Mr. Pfeffer said Brian assuming it was approved, what other items are needed for resolution compliance for us to get going?

Mr. Flannery said the last email from the Township Engineer, most of the Engineering details are worked out. Assuming we get resolution compliance from the Township Engineer within a week, hopefully within 4 weeks it can be constructed.

Mr. Vogt asked if the applicant has their Soil Erosion permit.

Mr. Flannery said yes.

Mr. Vogt said that's good. The only other thing besides the Engineering Department approval that I can think of is making sure the bonds are in place.

Mr. Flannery said that can be done very quickly.

Mr. Garfield said I noticed a proposed second story office building. How many spaces exist for that building.

Mr. Flannery said that was the prior approval and it required 26 spaces. We are providing 236.

Mr. Pfeffer said that use is a BMG use, office space is for the Yeshiva, not to be rented out for others.

Mr. Flannery said for rabbi's that are already at the school.

Mr. Gertner said I ask that the resolution make that clear, that 26 spaces are allocated for the office and the other are for general use.

Mr. Herzl said I don't have an issue with that.

Mr. Herzl asked for a motion.

Mr. Stern asked to discuss first. He said on the right-hand side you've got a one-way arrow going past the east side of the building. And then it becomes two-way. And then there's a notation that says proposed Do Not Enter sign and proposed One-Way sign.

Mr. Flannery said Lot 3 is already part of the BMG campus and that's connecting the parking lot to Lot 3.

Mr. Stern said that's another parking lot?

Mr. Flannery said yes.

Mr. Stern said what's the interaction between the two parking lots?

Mr. Flannery said that parking lot would be able to come out into this one if there's not sufficient parking there. If someone's trying to park in there now, and there's insufficient spaces, you can come out into the bigger lot.

Mr. Stern said my only two cents is that you've got one-way traffic and then two-way traffic and you're hoping this sign is going to keep some genius from trying to go in the out door on the east side of your building. They're going to go against the one-way. Can you make the whole stretch one-way? I think that would be safer.

Mr. Rennert asked for clarification.

Mr. Flannery said halfway to 8th Street it's one-way, and then it becomes two-way, so that anyone in the back looking for a parking space can turn around and go back. That's the furthest from the campus, those will be the last spots taken. To make it one-way all the way up I don't think is going to help us.

Mr. Flannery and Mr. Stern discussed the circulation.

Mr. Rennert asked what the concern is.

Mr. Stern said because a lot of knuckleheads don't obey signs.

Mr. Isaacson said those same knuckleheads are not going to obey the one-way sign.

Mr. Herzl asked if a barrier could be put in to make it only one-way.

Mr. Flannery said my recommendation is to make the whole thing two-way.

Mr. Stern said do you have enough room? Then do that.

Mr. Flannery said yes. Once you make it 24' wide, it's the same as all the other aisles.

Mr. Isaacson said what are we losing by making that wider?

Mr. Flannery said some grass. It borders part of the campus on Lot 3.

Mr. Rennert said what's on that property?

Mr. Vogt said the aerial appears to show a building.

Mrs. Morris said whatever it is, it doesn't require the 20' buffer.

Mr. Stern said let's prioritize safety over grass.

Mr. Herzl said I agree. Make it two-way.

Mr. Herzl asked for a motion.

Mr. Stern motioned to approve. Mr. Garfield seconded.

Mr. Herzl said to add everything that was brought up? The 8' fence, the trees, two-way street...

Mr. Isaacson said is a retaining wall necessary to prevent soil erosion?

Mr. Vogt said that's part of the grading design, yes.

Mr. Jackson said and of course all of the items on Mr. Gertner's letter.

Mr. Isaacson said we should be more thorough on the resolution.

Mr. Herzl asked Mr. Jackson to go through all the conditions.

Mr. Jackson said on Mr. Gertner's letter?

Mr. Herzl said no... and we are voting on the one we are taking out the four spaces, the July 7th plan.

Mr. Jackson asked Mrs. Morris for Mr. Gertner's letter.

Mrs. Morris opened it on the shared screen.

Mr. Jackson said the conditions are bushes with density to block the headlights and muffle sound, and an 8' fence along 8th Street. Mr. Pfeffer you agreed to those?

Mr. Pfeffer said that is correct. Should the Board grant the request for the 8' fence, we ask for the variance to be granted as well.

Mr. Jackson said hours of operation, Mr. Pfeffer said it would be 9pm to 6:30... 6:30am to 9pm, and there would be no parking... that would not be strictly construed, if there was a straggler that would be tolerated, but it would be, I recommend that it be posted and signed no parking after 9pm violators will be towed.

Mr. Herzl said and the lighting issue you brought up, only security lighting.

Mr. Jackson said a lighting plan will be provided to Mr. Vogt and the design will be such that there are no glaring lights so that they don't bother the neighbors. There will also be a component of the lighting plan that will have low level lighting that will provide security lighting and the timers on the other lighting will go off at 9pm. Obviously maintenance and performance bonds. I'm trying to remember what the other conditions were.

Mrs. Morris said I have the Board requested signs for west and eastern exits out of the parking lot, correct?

Mr. Herzl said I think we said that's going to be both ways.

Mrs. Morris said and to make the access aisle near Lot 3, make it wider so that it can accommodate two-way traffic.

Mr. Herzl said thank you.

Mr. Jackson said weren't they reducing the number of spaces and increasing the buffer too?

Mrs. Morris said that is as show on the plan dated July 7th, it shows the removal of two spots in the top left and bottom left corner.

Mr. Herzl said Mr. Stern, is this all part of your motion?

Mr. Stern said yes. All were in favor.

Mr. Gertner asked to receive a copy of the draft resolution.

Mr. Jackson said he would circulate it to Mr. Gertner and Mr. Pfeffer for comments.

Mr. Rennert left the meeting.

4. CORRESPONDENCE

- SP 1927A Four Corners – Block 169, Lots 33 & 34 – request to modify approved parking lot layout

Mrs. Morris said Mr. Newhouse is here on this application.

Mr. Avrohom Newhouse appeared and was affirmed.

Mr. Herzl said are you making any changes to the parking lot as it exists?

Mr. Newhouse said no, there are absolutely no changes to the existing parking lot. There is no additional paving. It's just literally opening and connecting the two parking lots from the adjoining lots.

Mr. Herzl said by opening it, it's a much safer application and cars don't have to go back out to the street?

Mr. Newhouse said yes. Most of this is from the neighbors on Park Street, because now, the way it's existing it's open. But if we were to close it, the way the plans were approved originally... I want to add that it was initially on the application to have both lots joined but somehow it was dropped. If we close it, it would force all the traffic to go onto Park Street to exit. So the neighbors submitted a petition to have this approved under correspondence. I think it's a win-win for the neighbors and this corner.

Mr. Herzl said is there any benefit by keeping two lots separate?

Mr. Newhouse said not to my knowledge. Customers won't have to exit through one spot.

Mr. Isaacson said John put up a screen shot. You're saying that the fact that it showed on the original plans for them to be separate was a mistake?

Mr. Newhouse said yes, it should have been shown as adjoining but for whatever reason it was not submitted that way.

Mr. Herzl said I went down there. I think by closing it off it's very dangerous and cars have to go all the way around.

Mr. Isaacson said I would agree.

Mr. Herzl said Terry do you have any comments?

Mr. Vogt said no. We asked the applicant to come back because it's not part of the approval.

Mr. Herzl asked if any Board members had questions. There were none. He asked if there were any public comments. There were none. He asked for a motion.

Mr. Isaacson motioned to approve. Mr. Garfield seconded. All were in favor.

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