

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. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Isaacson, Mr. Meyer were present.

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

3. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2109A RD Lakewood, LLC**
Pine Street & New Hampshire Ave Block 961.01, Lots 2.02 & 2.03
Amended Preliminary and Final Major Site Plan for a hotel

A motion was made and seconded to approve. Mr. Sabel and Mr. Flancbaum abstained, Mr. Garfield said no, the rest were in favor.

2. **SD 2448 Daniel Roth**
6 Miller Road Block 11.04, Lot 9
Minor Subdivision to create 2 lots

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

4. PUBLIC HEARING

1. **SP 2233 Zichron Chaim Inc.**
712 New Hampshire Ave & 1474 Oak St Block 1159.03, Lots 13 & 17
Extension of Minor Subdivision to realign lot lines

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant. She said I can explain to the Board what went on here. Compliance was never wrapped up due to some financial issues. Those have since been worked out. I think the project was sold and there is a new owner. Construction has since commenced and we're just asking for an extension to get this completed now that there is a new owner. That's the whole story.

Mr. Herzl said Terry, are you ok with it? Do you have any comments?

Mr. Vogt said we don't have any objections.

Mr. Jackson said on an extension the Board has discretion to grant up to three years. It's a discretionary one, the Board may. And it's one every three years. One, three times a year. It's a question whether the Board thinks it's appropriate to extend that.

Mr. Garfield said I feel it should be refiled, the same as it is, but putting the new name, the new owner, in there, so there is a record of everything. And that we gave the new owner permission, so if there is any question it would be there.

Mr. Herzl said Mr. Jackson...

Mrs. Weinstein said to be more precise, it's under contract to be sold. I don't even know if the closing took place yet. I'm not representing the applicant on that sale. Last I discussed it with them it had not even closed yet, but the new owner was taking over the costs and such. The approval runs with the land. There should be no issue, we are just requesting an extension.

Mr. Herzl said ok. Are there sidewalks on this application?

Mrs. Miriam said I'm sure they had to put them in.

Mr. Jackson said in response to what Mrs. Weinstein said, she is correct. The approval runs with the land. And really who the user or owner is should not be a consideration. The consideration is whether you think it's appropriate for this approval under these conditions to be extended.

Mr. Flancbaum said I see no issue with the extension. Like Mrs. Weinstein said, the building is under construction, we granted this a while back. I personally see no issue.

Mrs. Morris said just for the Board's reference there was a previous one-year extension granted. It looks like that went through June 2019. Therefore Mrs. Weinstein I'm going to guess at this point you're requesting two one-year extensions to give you until June of next year to file the map.

Mrs. Weinstein said that's correct, I would ask for two one-year extensions.

Mr. Herzl said thank you.

Mr. Sabel said I have a follow up question on the sidewalk.

Mrs. Weinstein said there were surely sidewalks in the original approval.

Mr. Sabel said I'm looking at the resolution, number G. 4., and it says you actually mentioned that the County does not want sidewalks in that area. I haven't finished reading the whole thing but there was a discussion about it, and on the plan it does not show. It shows an easement for sidewalk but it doesn't show sidewalk actually provided.

Mrs. Weinstein said I have no objection to providing sidewalk provided that the County doesn't have an issue. I have no recollection of that particular issue, I apologize. I wasn't trying to be smart, I just don't remember it. Normally we would agree to sidewalks. Certainly here, the applicant agrees to put in sidewalk unless there's some sort of an issue from the County which I don't know about.

Mr. Sabel said I think we should discuss it now and make sure that we get sidewalk.

Mrs. Morris said the original resolution does say that curb is proposed but not sidewalk. As you get further along it says design waivers, they are requesting from providing sidewalk along the frontage... Let's see if there's further testimony about the sidewalk... Here's where Mr. Sabel was reading item 4, "the Board members agreed that sidewalk is an important factor and denied the applicant's request for relief regarding sidewalks. The Board determined that the applicant shall be required to post a bond or similar mechanism for the installation of sidewalks." This full application is for a site plan and subdivision, so that sidewalk may be shown on a different plan than we are showing here.

Mrs. Weinstein said if it says the Board denied the waiver, then they clearly have to put in sidewalks.

Mrs. Morris said correct.

Mr. Sabel said on the plan that you gave us, it doesn't show.

Mrs. Weinstein said if you look at four, it says the request for relief was denied. But if you want to impose it as a condition, I don't have a problem with it.

Mr. Sabel said thank you.

Mr. Jackson said the motion should be to confirm and reassure that sidewalks per the original approval shall be mandatory.

Mr. Sabel said the date on the plan that we have is 2017, so it could be that this is an old plan. Sidewalks is a must.

Mrs. Morris said it looks like the site plans themselves, in my file, do show proposed 4' sidewalk along the full property frontage.

Mr. Sabel said what's the date on that.

Mrs. Morris said I have it saved as January 7, 2020, and the actual date on the plans says February 5, 2019.

Mr. Herzl said that's the last one, right? The latest one?

Mrs. Morris said that's the latest site plan.

Mr. Herzl said I'm asking for a motion based on that resolution requiring the sidewalks.

Mr. Flancabaum made a motion to grant two one-year extensions, provided that they're going to stick to the resolution and have sidewalks across the entire frontage. Mr. Sabel seconded. All were in favor.

2. SD 2452 Ahron Reiner
300 Sampson Ave & 297 Dewey Ave Block 246, Lots 19 & 53.04
Minor Subdivision to realign lot lines

Mr. Vogt said as per our September 17th letter, submission waivers include proof of submission to Ocean County Planning, site topo and contours. We can support the waivers as written in our letter.

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

MR. Vogt said under zoning, the applicant is requesting lot area, minimum front yard setback, side yard setback, we'll get testimony in terms of parking and whether relief is necessary. And then under design waivers, we want testimony as to what's proposed with regards to street trees. If none, they'll need a design waiver as well.

Mr. Herzl said are these variances existing, or are they generated by the realignment.

Mr. Vogt said I'm going to ask the applicant's professionals to summarize the relief please. This one is a little unusual. It looks like the houses are existing but I want that put on the record.

Mr. Charles Surmonte, professional engineer and professional planner, appeared and was affirmed. He said there's a 1500 sf stem coming out the back of a duplex lot that fronts on Dewey Avenue. We are proposing to take that stem and attach it to the lot on Sampson Avenue, which is existing Lot 19. That will make that lot go from 5700 sf to about 7200 sf, still a little shy of conformity but much closer to conformity than it was. It will not create a nonconformity as to the lots on Dewey Avenue. 53.03 and 53.04 will still have a lot area of greater than 10,000 sf. We are proposing soon upon approval to construct a new home on new Lot 19.01, at which time we will develop a plan that will provide the required 4 parking spaces. Right now there are currently no off-street parking spaces on Lot 19.

Mr. Herzl said and when you come back to build a house, are you going to be violating any setbacks?

Mr. Surmonte said no, we are looking to match that front right corner of the existing house and I think we are permitted under zoning to do that. And then ever setback from there back and off the sides will be conforming.

Mr. Herzl said so basically you're making new Lot 19.01 much wider.

Mr. Surmonte said correct. Larger and wider.

Mr. Herzl said how is that long strip just hanging out over there?

Mr. Surmonte said prior to the duplex lots, there was a 10' strip that originally extended all the way up to Dewey. But when they developed the duplexes that part of the strip got taken over by the duplex. Then it ended up as part of the mother lot so it got assigned to what is now known as 53.04.

Mr. Herzl said sidewalks you're putting in on both properties?

Mr. Surmonte said they exist on both properties.

Mr. Herzl said and you'll replace them if needed?

Mr. Surmonte said yes.

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

Mr. Surmonte said no.

Mrs. Morris said can you address the issue about street trees on 19.01?

Mr. Surmonte said street trees will be provided.

Mr. Herzl said there's no wetlands on this property, right? I know Dewey has wetlands.

Mr. Surmonte said no.

Mr. Garfield said there's no effect to the drainage, is there?

Mr. Surmonte said we're not doing anything right now, but when we develop Lot 19 we will develop in such a manner that there will be no negative impacts. We haven't gotten that far yet.

Mr. Garfield said that will be submitted for approval, right?

Mr. Surmonte said yes.

Mr. Herzl said 19.01 will be a single-family house, right?

Mr. Surmonte said yes.

Mr. Vogt said regarding drainage, when they come in to develop we will require drainage at plot plan review.

Mr. Herzl opened to the public.

Mrs. Morris said I didn't get any emails relating to this application. She unmuted Ms. Higgins who was on the call.

Ms. Marie Higgins of 308 Sampson Avenue appeared and was affirmed. She asked where the new single-family home is going.

Mr. Herzl said it will be on 19.01 and he will conform to all setbacks.

Mrs. Morris said I believe the address of the existing house that's being replaced is 300 Sampson, if the applicant's engineer would like to confirm that.

Mr. Surmonte said yes, 300 Sampson.

Mr. Jackson said Ms. Higgins, can you view the screen right now?

Ms. Higgins said I'm just on the phone.

Mr. Jackson said if the applicant's engineer could advise the nearest cross street then.

Mr. Surmonte said it's sort of across from Bergen. Between Bergen and the bend in Sampson.

Mr. Jackson said ok, we've answered the question. Are there any other questions?

Ms. Higgins said I didn't hear him.

Mr. Jackson said Mr. Surmonte, can you repeat that?

Mr. Surmonte said it's north of Bergen, about 50' north and on the opposite side.

Mr. Jackson said it's 50' north of Bergen on the opposite side.

Ms. Higgins said isn't that swamp land?

Mrs. Morris said further south, yes. But not on this property the engineer testified.

Ms. Higgins said I've lived here all my life and I think it's swamp land.

Mr. Herzl said if it's wetlands, they won't be able to build.

Mr. Jackson said any further questions?

Ms. Higgins said that's it.

Mr. Herzl said so the testimony is there is no wetlands on this property?

Mr. Surmonte said correct.

Mr. Jackson said are there any comments?

Ms. Higgins said no.

Mr. Herzl closed to the public.

Mr. Vogt said on wetlands, we prepared an environmental constraint map of the area based on DEP mapping. There is wetlands shown over 100' to the south of this project, but not on this property.

Mr. Herzl said thank you. I would ask for a motion.

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

3. SP 2383 Fouad Kashouty
1690 Madison Ave Block 57, Lot 6
Minor Site Plan for a building addition

Mr. Vogt said as indicated in our October 7 review, this is a minor site plan so there are no submission waivers. Under zoning, the relief sought includes front yard setback to Kennedy Boulevard West, right-of-way dedication to County Line Road West, side yard setback variance, there is an issue with the driveway which requires relief per comment 6, and we'll want testimony as to free standing signage and whether relief is necessary. I believe there is relief necessary for building mounted signage, as per our comment.

Mr. Herzl said thank you.

Mrs. Miriam Weinstein appeared on behalf of the applicant. She said this application is for minor site plan approval to construct a 1400 sf addition to the Exxon gas station and convenience store located at the intersections of Madison Avenue, West County Line Road, and Kennedy Boulevard. I'm sure you're all pretty familiar with the site. Our testimony will show how well suited this site is for this particular use, with access points on three major arteries in the northernmost part of the Township. The purpose of this addition is to continue the existing use of a grab and go convenience store. The convenience store is still going to sell the same items. And we will provide

testimony to that effect. They are simply expanding the amount of drinks and prepared foods to be sold. No cooking will be done on premises, food will be prepared elsewhere and sold as a grab and go. So someone could basically be getting gas in the morning on their way to work, and can pick up a quick breakfast or lunch on their way out of town. The applicant just wants the aisles to be larger to be more convenient. For anyone who's visited the store up until now will know that the aisles are kind of tight. The idea is to enlarge the existing aisles and add some more of the same. This is not going to be a grocery store or anything like that. Simply a grab and go convenience store.

Mr. Herzl said are you losing any parking spaces for this addition?

Mrs. Weinstein said no. Let me call Glenn Lines to testify to show that we are losing spaces but we are replacing them. We are not requesting a parking variance, we will have ample parking. But just so you understand we will have people parked at gas pumps, and while their car is at the pump they'll be coming in to grab a bite to eat. Or obviously they come in to pick up a container of milk or a lunch and just run in and out. Not a grocery store, just in and out. They're also enlarging the register area so that there will be more registers so there really won't be a line or too many cars in this parking lot.

Mr. Glenn Lines, professional engineer and professional planner, appeared and was affirmed. He said to answer the parking question, we require 13 parking spaces and we will have 14 striped spaces on site. I think we lose two from now, where the building addition is going, and we picked up one on the County Line Road side. And there was one other that we had, the engineer recommended we delete off the plan because it was in a questionable location.

Mr. Herzl said so you need 13 and you're giving us 14, and it's one less than you have now.

Mr. Lines said correct. We're putting a one story 1369 sf addition on the north side, or as looking from Route 9 on the right side of the building. The rest of the gas station stays as it is. We are adding sidewalks along the front of the addition, a pointed island out by Route 9 and Kennedy Boulevard to protect the cars on the end from anyone coming off Route 9. Because of the slightly odd shape of the lot, everything was built parallel to Route 9, the rear property line is at an angle, so the addition is stepped. We do have a variance at the north corner which is 2.88 ft. Which we require a variance for.

Mr. Herzl said what's the next property behind it?

Mr. Lines said that's a commercial lot, it was in for a medical office a few years ago and I don't believe the Board approved the application. Right now it's vacant. The next thing along Kennedy Boulevard would be Sam Brown's law office. There is a 6' stockade fence along that entire property line which does buffer us from the adjacent property owner. There were two sheds behind the existing store where the addition is going. They will be removed. And there is another shed behind the trash enclosure that the applicant is requesting to keep. Most of the other variances are for existing items. We do have a new front yard setback of 43.28 ft between the addition and Kennedy Boulevard. The next one is on the opposite side of the building. Currently we have 55.73 ft to the building and County Line Road. We had proposed a road widening easement of 18.25 ft, but as Terry pointed out that if that waiver isn't granted by the County we will need a 37.4 front setback variance. It doesn't change anything, the building is the same distance right now from the curb as it's always been, it's just that the County takes property. The variance for driveway width, 32 ft is permitted and we have 36 feet. That's for the one entrance on Kennedy Boulevard. It works nicely, we don't have any real reason to change it so we are requesting that variance. As far as all the free-standing signs, those were all granted by variance for locations and sizes years ago, so they are pre-existing non-conforming signs. We would request to leave those where they are. We had a variance, number 8 on the review, if you've been out to the site there is building mounted signage along the

building. We are proposing to extend that along the addition so that it would all look pretty much the same as far as advertising. That's 418 sf where 60 sf is permitted. Those are the variances we need. Everything will look pretty much the same as it is now as far as variances go, with the exception of the addition. We are requesting a buffer waiver along that westerly property line. There is no buffer there now, there is a trash enclosure and sheds, on the other side there is a vacuum cleaner, air pump, some storage bins for propane. We'd like to leave all that the same and rely on the existing fence as a buffer to the adjacent vacant commercial property. Waiver 2 is for planting street trees. The site is nicely landscaped, well-kept, to dig up some of that landscaping to plant 2 or 3 shade trees, there's extensive landscaping on both corners. If we were to plant shade trees they'd be in the site triangles, there's really not a wide strip to plant them so we request a waiver in lieu of all the landscaping.

Mr. Sabel said if the applicant would be ok installing sidewalks from both sides but primarily from Kennedy to the building so pedestrians don't have to walk across those four parking spots. We have sidewalk on Kennedy Boulevard already, so we just need it to the building behind those four parking spots. If the applicant would be so kind to provide that.

Mr. Lines said I think that sidewalk would be out of the way. People are just going to walk across from the driveway to the sidewalk. The last two times I was out there, no one was parking in those four parking spaces.

Mr. Sabel said I've parked there myself more than once.

Mr. Herzl said it's pretty busy. I think we need all the parking spaces and we need a walkway. It's a small area.

Mr. Vogt said looking at the plan, behind those parking spaces is pretty tight. If you can fit it and be outside of all that stuff, that's great. In the event that you can't, my suggestion might be perhaps striping a crosswalk on the paving in front of those four spaces.

Mrs. Weinstein said I think that's a better idea, there is stuff in the back. I don't think there's any room to put a sidewalk over there.

Mr. Vogt said I'm looking at the tanks in question, the fence, and I'm honestly not sure if you have room to put sidewalk back there.

Mr. Herzl said what about an asphalt path?

Mr. Vogt said you can try, it may only be 2-3 feet wide. If the applicant is willing to do that in lieu of 4' sidewalk.

Mr. Lines said if the corner of the building is 2.88' off the property line, that whole space is 3-4 feet wide and there's other things in there.

Mr. Vogt said exactly.

Mr. Sabel said we can move up the existing curb, further east. These are deep parking spots and we have extra until the curb.

Mr. Vogt said I don't think anyone is talking about taking the parking out.

Mr. Sabel said no, just moving it a little east.

Mr. Vogt said ok.

Mr. Vogt said continuing under zoning, you have a number of existing non-conforming conditions with the house that will have to be memorialized for the requested change of use, including lot area size, lot width, front yard setback, and rear yard setback. We are going to get testimony regarding the proposed parking. Finally a design waiver is required for a two-way access aisle width of less than 24 feet. They have 20 shown. And due to site conditions of wetlands and buffer, they can not go to 24'. That's our comments.

Mr. Herzl said so Terry they aren't proposing any building, just the change of use?

Mr. Vogt said correct, it's just a change of use. They are not proposing changes to the exterior of the building. What they are proposing is significant changes to the site access to provide off-street parking. If you look at that dark shaded area, that's currently proposed for site improvements to support this building reuse for office which is currently residential.

Mrs. Miriam Weinstein appeared on behalf of the applicant. She presented Mr. Glenn Lines, professional engineer and professional planner, who was affirmed.

Mr. Jackson left for the evening.

Mrs. Weinstein said this application is for a site plan exemption change of use approval for conversion of the existing two-story dwelling into a two-story office building with associated parking. This building will house the Lakewood office for Bonei Olam Inc. It is a not for profit corporation that assists couples struggling with infertility. This office would be the Lakewood headquarters for this organization. I will ask the applicant to testify to give the Board more of an idea what the organization does and explain the discreet nature of the business.

Mr. Isaacson said I think all of the Board members are very well aware of...

Mr. Weinstein said you're well aware, I don't think Mr. Garfield is so aware but the rest of you probably are. Rabbi Bochner is here.

Mr. Garfield said I picked up the situation.

Mr. Herzl said Rabbi Bochner, thank you for what you do.

Mrs. Weinstein said after testimony, he can say a few words.

Mr. Herzl said basically all the variances are existing?

Mr. Lines said all the variances are existing.

Mr. Herzl said so let's deal with the parking, you're asking for a variance.

Mr. Lines said we require 13 and we have 9. The parking is based on the number of employees and people they are counseling, how many people will actually be there at one time. They don't intend to have four counselors and nine counselors all show up at the same time.

Mr. Herzl said I think this organization doesn't want to counsel more than one person at a time.

Mrs. Weinstein said that's what I wanted Rabbi Bochner to testify to.

Mr. Herzl said there is a privacy issue. It's going to be strictly Bonei Olam, you're not renting out to anyone else.

Mrs. Weinstein said correct, this is Bonei Olam's offices.

Mr. Vogt said I heard the testimony about parking for the proposed use and it's certainly compelling. What happens if the applicant decided to sell this property to someone else who was going to use it for a different office use and different staffing?

Mr. Herzl said my question is to Jilian, can we give approvals only for Bonei Olam and if any other office wants to use it they have to come back for approval.

Ms. McLeer said yes, I think that's fine. We can approve this application if the Board feels ready to approve it, for this particular use.

Mr. Herzl said and should they sell it they have to come back to the Board.

Ms. McLeer said correct.

Mr. Herzl said Glenn, is there anything you don't agree with in Terry's report.

Mr. Lines said no, most were recommending waivers and things that were required. We have no objection to any of the items in the letter.

Mr. Herzl said and all the variances are existing, you aren't creating new variances, and the parking is what we discussed. It's a privacy issue, so you have ample parking.

Mr. Lines said yes, more than we need.

Mrs. Weinstein said we should put Rabbi Bochner on to say a few words. Jilian, can you unmute him?

Ms. McLeer said yes, let me look through and see where he is.

Mr. Sabel said I have a question to Jilian. The applicant is 306 Chestnut, LLC. If at any time Bonei Olam wants to operate at a different location, they can sell the LLC to a new owner and the new owner can keep the parking variance... What happens to this variance then? My concern is the applicant is 306 Chestnut, LLC. Can we restrict the owner of that LLC to being Mr. Bochner or his wife, and not anyone else down the road who wants to buy this property?

Mrs. Weinstein said the owner of that LLC is Rabbi Bochner or his wife. We understand that you want the parking variance to be specific to only Bonei Olam, so anyone else who wants to buy the property couldn't use that variance.

Mr. Sabel said my question is if at some point he sells the LLC, which is possible... The owner would still be 306 Chestnut and enjoying these waivers, but now the new owner with the LLC name of 306 Chestnut could put in a real estate office there.

Mr. Herzl said so the question to Jilian is, can we restrict it strictly for Bonei Olam?

Ms. McLeer said no I think the restriction would be the use itself. We would say in the resolution that if another use is being proposed for this property it would have to come back before the Board.

Mr. Sabel said or if the ownership of 306 Chestnut LLC gets changed or sold they have to come back. Can we do that.

Ms. McLeer said I don't think we can do that. It would just be if the use gets changed.

Mr. Sabel said Bonei Olam deserves anything, but the parking is really an issue for any other use.

Mrs. Weinstein said that's what Jilian just said. If the use changes they would have to come back for a new approval. It has nothing to do with the owner. They could switch the owner and it wouldn't affect anything, but if Bonei Olam is not the tenant of this property, then they'd have to come back. We are ok with that.

Mr. Sabel said very good. Thank you.

Mrs. Weinstein said Rabbi Bochner needs to be unmuted.

Mr. Herzl said he's in twice.

Ms. McLeer said I see him here and I unmuted him.

Mrs. Weinstein said you unmuted both?

Mrs. Morris said I got the other one, we can hear him now. Mr. Bochner are you there?

Rabbi Bochner said yes. He was affirmed. He said all I really have to say, I'm amazed with this entire process. This office building is going to be helping for a huge amount of patients which are struggling with life altering issues. Genetic issues, chromosomal issues, fertility issues, high risk issues... We do not see more than one or two patients at a time because these are very discreet and private issues. We love the property, it's shielded of the road with trees, no one sees who comes in or goes out which is great for our mission. Lakewood presents almost 25% of our patient base every year. We've opened offices all over the world, but Lakewood is still somewhere we've looked a long time to find something suitable. We're going to make it look like an office instead of an old run down house, and everything stays as it is. So we can do with ease and comfort to help the people from Lakewood. Thank you.

Mr. Herzl said we thank you for what you're doing for the community. He opened to the public.

Mrs. Morris said I don't see anyone on and I haven't received any emails.

Mr. Herzl closed to the public.

Mrs. Morris said there are design waivers that haven't been addressed.

Mr. Sabel said I read through them and I would proudly make this motion to approve only for Bonei Olam and only for the use of infertility and such. Mr. Isaacson 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