

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

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

3. MEMORIALIZATION OF RESOLUTIONS

1. **SD 1564B Harvard Partners, LLC**
Lanes Mill Road Block 187.15, Lot 9
Amended Preliminary and Final Major Subdivision to create 15 lots

A motion was made and seconded to approve. All were in favor.

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

A motion was made and seconded to approve. All were in favor.

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

A motion was made and seconded to approve. All were in favor.

4. PUBLIC HEARING

Mr. Sabel arrived and Mr. Rennert left.

Mrs. Morris said the following two applications are carrying until further notice and will not be heard tonight.

3. **SP 2180A Congregation Somerset Walk**
Canary Drive Block 830.04, Lot 30.02
Amended Preliminary and Final Major Site Plan for a synagogue
4. **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

Mrs. Morris said the following application is carrying to next week, September 1, 2020.

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

Mrs. Morris said the following application is carrying to next week, September 1, 2020.

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

Mr. Herzl joked so we only have one application on tonight, unless you're going to carry that one too.

2. **SP 2381 512 Chestnut, LLC**
512 Chestnut Street Block 1087, Lot 20
Preliminary and Final Major Site Plan for an office building

Mr. Vogt said from our August 3rd review, under submission waivers, these included topo, contours, and manmade features within 200', as well as an EIS. We can support the waivers for reasons stated.

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

Mr. Vogt said continuing under zoning, the first two items, lot area and lot width, are both existing non-conformances. Minimum front yard setback is required from Route 70. Side yard and aggregate side yard setbacks are required, and we believe there may or may not be variances required on the signage. Under design waivers, a waiver is sought from installing sidewalk along the Route 70 frontage.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said this application is for a 3-story office building. I do have Brian Flannery to address the technical questions.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said I have two exhibits. A-1 is a copy of sheet 149 of the tax map. It shows the subject property Lot 20 which is a 1-acre lot next to the medical office building to the west and the gas station to the right. The application is pretty simple. Office building on this one-acre site with parking needed, with access both on Route 70 and on Chestnut Street. Route 70 obviously being a State DOT highway that we need a DOT permit for, and Chestnut Street a County road that we will need their approval for. Looking at Terry's report, he indicates that the footprint is 6,000 sf with a total building area of 15,000 sf. 71 parking spaces are provided. The zoning indicates the relief that's needed. I want to point out that relief results from the size of the lot in a zone that requires 2 acre lots. If you look at the intensity of the development, the best way to see that would be to look at the building coverage, where we are allowed 30%, which on a 1 acre lot would let you have a 13,000 sf footprint. The applicant is only asking for a 6,000 sf footprint, which is 13.8%. It's 46% of the allowed allowable building coverage. Impervious coverage, we are allowed to have 90% and we are proposing 56.5%. Again, a sizeable reduction in the allowable development. The relief that we are requesting is for front yard setback variances, and obviously we have frontage on two roads. If we put 100 feet from each side, that would eat up 2/3 of the lot.

Mr. Herzl said which street is the main entrance.

Mr. Flannery said we really don't have a main entrance. It's like all the other uses along here that have entrances on Route 70 and...

Mr. Herzl said which one do you consider your frontage?

Mr. Flannery said we have to provide front setbacks to both of them. Normally on an application like this the Ordinance would say the major roadway would be a frontage and you only have a rear on the other one. In this particular case, between two major roadways, obviously Route 70 is the bigger one, so the entrance that we have there is a more comprehensive entrance and it allows for just right in and right out movements. The Chestnut Street would be more for some of the local people that then wouldn't have to get involved on Route 70.

Mr. Herzl said so from Route 70 you have 100 feet?

Mr. Flannery said we have 81.75 feet.

Mr. Herzl said so you're asking for a variance. Required is 100.

Mr. Flannery said yes. Reading through the report, item 1 indicates professional offices are permitted uses. We are talking straight office, this isn't medical, it's general office. Item 2 indicates a lot area variance is required. 2 acres is required, we have 1 acre, it's an existing condition. With a gas station to the east and a medical office to the west, there's no way to increase the lot size. Minimum lot width, 137.76 feet is existing, where the ordinance requires 200 feet. Then we get into the variances that we need in order to make this property useable and in order to develop it properly. Minimum front yard setback. We've balanced the location of the building with a parking area on each side to provide the ease of parking in between the two roads. And we are providing sizeable front setbacks, but with this particular zone they don't comply. It's 81.75 feet to Route 70, and 95 feet to Chestnut, where 100 is required for each. Minimum size yard setback, we are proposing 15 feet to the gas station. This lot was subdivided off the gas station. They had an access easement between them, which would allow for traffic to mix. It's our opinion that mixing would be a detriment rather than a benefit, which is why the applicant is providing separate entrances. A minimum combined side setback variance is also required. 86.55 feet is provided where 100 feet is required. Again that relates to the nature of the property. We only have 137 feet of width. If we had 100 feet of setbacks that would only leave a 37-foot strip in the middle, and it would really lend itself to a project that doesn't fit in the area. I'm sure the Board is familiar with the medical office next door, and the gas station, and my professional opinion is this is a good solution for developing the property appropriately. If you look at the 2017 Master Plan for justification on that, it indicates encourage, on page 7, growth and development in appropriate locations consistent with established land uses. It's my opinion that this office building between the medical office and the gas station does just that. Provide sufficient educational, recreational, community facilities to meet future needs. And this provides for offices space and provides a good ratable for the Town. When we look at the Municipal Land Use Law, NJAC 40:55D2 under purposes of the act, it says encourage municipal action to guide the appropriate use and development of all lands in the State in a manner which will promote public health, safety, morals, and general welfare. And separating the traffic, in my opinion, does that. And G is to provide sufficient space in appropriate locations for a variety of agricultural, residential, commercial, and industrial uses, and again this does this.

Mr. Herzl said Brian, how many spaces do you need for parking?

Mr. Flannery said we are providing more parking that is required by the Ordinance. The Ordinance indicates 1 per 250 square feet, so we would need 59 spaces and 71 are proposed. So we are exceeding the recently-adopted requirements.

Mr. Herzl said should you lease it out for medical, do you have sufficient parking?

Mr. Flannery said no it would not meet the criteria for medical office.

Mr. Herzl said so you're restricting yourself, no medical, right?

Mr. Flannery said that is correct.

Mr. Pfeffer said with regard to that, we would have to come back to the Board for a medical office, which we are not seeking this evening.

Mr. Herzl said it's restricted, you can only rent it out to non-medical.

Mr. Flannery said we are asking for an approval for general office, not medical offices.

Mr. Herzl said ok, and what's with the garbage?

Mr. Flannery said we are providing a dumpster at the back of the parking aisle along Route 70.

Mr. Herzl said Ally, you can point to it?

Mrs. Morris said I'm sorry I stepped away to close a curtain and didn't hear what we are talking about.

Mr. Flannery said it says refuse enclosure, the dumpster.

Mr. Herzl said Dave, you had a question?

Mr. Garfield said the building is the same size even though you have less land. But you haven't changed the parking. The parking, if you're taking into account you have less land there and it's going to interrupt the flow, and you'll be way up there. The parking would be off.

Mr. Flannery said I don't understand the question.

Mr. Garfield said it would leave the measurement off.

Mr. Pfeffer said to clarify, when you said we had less land, less than what?

Mr. Garfield said on the piece of property, it's not meeting the length and width.

Mr. Herzl said you need two acres; you only have one acre. But they're testifying they're building a much smaller building, only 6,000 sf where Brian said he could build 15,000 or something.

Mr. Flannery said 13,000 would be permitted with the building coverage allowed by the Ordinance.

Mr. Herzl said and they're only building 6,000 and they're giving sufficient parking. Does that answer your question?

Mr. Garfield said yes. I'm just wondering if the amount of parking will fit properly in the space that's left.

Mr. Flannery said that is correct, yes. My testimony is that these are C1 variances because it's a hardship relating to the double frontage and the geometry of the property. Additionally they are C2 variances, again it relates to a specific piece of property and the purposes of the MLUL would be advanced, which I testified to. The variances can be granted without substantial detriment, in my opinion no detriment, to the public good.

Mr. Garfield said what type of fencing around this property?

Mr. Flannery said we aren't proposing fencing because we have a gas station on one side and an office building on the other side.

Mr. Herzl said let's talk about the sidewalks. You're asking a waiver.

Mr. Flannery said yes, the sidewalk on Chestnut we are providing. There was a very good reason we are asking for the waiver on Route 70. The design engineer discussed it with Dave Magno, who understood the reasoning. I don't think I'm going to convince the Board, so unless someone advises me to go forward with all the good reasons for it, we will provide sidewalk as part of resolution compliance, in accordance with a layout that would be approved by the Board Engineer.

Mr. Herzl said is there any other sidewalks on Route 70?

Mr. Flannery said no, not in this location.

Mr. Herzl said I would like to hear some comments from the Board members about sidewalks on Route 70.

Mr. Isaacson said I believe there was an application on the corner of Route 70 and New Hampshire for a school where we did require sidewalk on Route 70.

Mr. Herzl said right, it was a school.

Mr. Isaacson said this is probably a mile away but it's on that same side. Brian can you tell the Board the main reason you didn't want to put sidewalk here?

Mr. Flannery said the main reason is there is drainage in the area and it's going to be difficult avoiding that. But the only reason we would think of asking for it is because the adjoining sites are already developed and don't have sidewalk.

Mr. Isaacson said it's my opinion that if there were sidewalks that they would adjoin to, then we should not grant the waiver.

Mr. Herzl said eventually everything is going to have sidewalks. Brian, is it possible to put sidewalks or there is a drainage issue?

Mr. Flannery said I'm sure that we can develop a plan in conjunction with the Board Engineer to fit sidewalk in there.

Mr. Herzl said Terry do you agree?

Mr. Vogt said yes I do Chairman. We'll have to span any drainage in the area. Looking at the plan, they have the right turn in and right turn out, they're probably going to modify that area to put some kind of straight crosswalk and then continue sidewalk on the other side, but yes it can be done.

Mr. Flannery said and the sidewalk may need to be on the applicant's property. We'll work out the best location with your engineer.

Mr. Vogt said that's actually not a bad idea if you're talking about the access area.

Mr. Herzl said Brian, let's go over the circulation. People are going to be coming in from 70 and Chestnut? Both are right and left in, everything, or no?

Mr. Flannery said on Route 70 it is restricted, right in and right out only. On Chestnut Street there is no restriction, obviously subject to the County Engineer's approval.

Mr. Herzl said they're both County roads, right?

Mr. Flannery said State and County.

Mr. Pfeffer said for the record we have our traffic engineer Scott Kennel.

Mr. Sabel said I'm happy the sidewalk inside looks nice, and on 70 that Mr. Isaacson requested I agree with. People do walk there. My only concern is, I'm going to enjoy using this as a drive through to avoid Chestnut and New Hampshire. Most of the driveways on this block are used as a drive through. This is going to be the most convenient one because it's a straight shot, which is a concern for people driving through in a rush. All the other properties have the entrance not straight across from the exit. If we could move it, at least it would slow down the speed.

Mr. Herzl said speed bumps maybe.

Mr. Isaacson said yes speed bumps. He's right, this cut through is a dream.

Mr. Pfeffer said just for the record, that's actually illegal to cut through. So all the people who do cut through are opening themselves up for a violation.

Mr. Isaacson joked I believe it's legal in Lakewood.

Mr. Sabel joked if you have access to the police department, have them stand over there and make a lot of money.

Mr. Flannery said we would be happy to put speed bumps on both sides and we'd work out those locations with Traffic Safety and your engineer. Due to the curve on Chestnut Street, moving that entrance makes it closer to the gas station entrance and puts it more on a curve. I think the speed bumps will accomplish what you're looking for, which is making it less convenience, and every time you go over one you're going to say why did I say anything, but it will make it less convenient. Obviously you can only go west on Route 70, so you pass three other sites that can do that to get to this one. I think the best we can do is speed bumps to slow it down.

Mr. Sabel said my concern is actually going from Route 70 to Chestnut, because now you have to wait over there to make a left if you're coming from Route 70. To make a left on Chestnut which is ridiculous. Now people will just continue further, and this is the first opportunity to jump onto Chestnut.

Mr. Flannery said my experience on Chestnut is that the traffic from Chestnut usually backs up this far. So anyone that knows the area is going to go a few lots down where they know there won't be that traffic when they come out.

Mr. Sabel said I hear you, but I think the most traffic is going to come from Route 70. I think speed bumps will be good. And going through the parking lot as well, not just on the roadway.

Mr. Herzl said they agreed.

Mr. Sabel said I'm talking about through the parking stalls, throughout the entire thing.

Mr. Flannery said we would design the speed bumps, between the design engineer and Scott Kennel and the Township Engineer, we can come up with the appropriate...

Mr. Pfeffer said I would like to clarify; I don't understand what you mean through the parking lots. We agreed through both entrances.

Mr. Sabel said so if you put speed bumps in the middle, where the arrows are and the parking is, in the evenings when there is no one in the parking lot, people will just drive through the stalls where the parking is actually supposed to be happening.

Mr. Flannery said understood.

Mr. Garfield said I don't know how good it would do us, a no-through traffic sign.

Mr. Flannery said we would put that there also.

Mr. Herzl asked if there were any more questions for Mr. Flannery. Seeing none, I would ask Mr. Pfeffer...

Mr. Flannery said I want to make one comment with respect to the signs. We've indicated on the plan the location and size of the plans allowable, and we're not asking for any variance relief. We will get a permit for the signs that is conforming.

Mr. Herzl said Mr. Pfeffer you have another witness?

Mr. Pfeffer had Mr. Scott Kennel, traffic consultant, affirmed.

Mr. Kennel said the traffic report prepared by my office and submitted to the Board is dated May 2020. Our report was that the volumes are collected in 2018 and 2019 along both Chestnut and Route 70. This type of development, general office, will generate anywhere from 20 to 22 peak hour traffic movements in and off the site. We looked at future conditions as required by Ocean County, a 2030 build year. We took into account a yeshiva recently approved at Chestnut and Caldwell, as well as a number of other housing developments recently approved along Chestnut. When we take into consideration traffic growth of the other developments and the traffic to be generated by the office use, both the Chestnut Street access and the Route 70 access will operate at level of service C, well within the acceptable traffic engineering parameters. As far as the Chestnut Street access, I want to state

that we've located that as far west as we can because, for the Board's benefit, Ocean County has a roadway improvement plan to signalize New Hampshire Avenue and Chestnut Street that's in final design. There's going to be an additional traffic signal on Chestnut Street, just to the east of the gas station, because they're going to reconfigure that jug handle from Route 70 westbound to Chestnut Street to be signalized. So the idea here is to locate the office driveway as far from that traffic signal as possible. As far as cut throughs, I think they will be reduced with the New Hampshire Avenue and Chestnut signalization, also as the Board is aware Vermont Ave is now being constructed from Chestnut to Route 70 so that provides better traffic flow, better connections. With that being said, it's my opinion we can work with Terry to come up with maybe a speed table or raised sidewalks, something as deterrent to cut throughs along with the proper signage.

Mr. Vogt said I think the phrase we are looking for in the resolution is traffic calming. And that could be one of 25 things.

Mr. Herzl said as long as you're comfortable it can be accomplished.

Mr. Vogt said correct, we would look at that with the applicant's engineer as well as members of the Traffic and Safety unit.

Mr. Herzl asked for any questions for Mr. Kennel. Seeing none, he opened to the public.

Mrs. Morris said I received one email that just came in. She read it into the record.

Yes, sidewalks are needed on both Chestnut Street and Route 70.

No waivers at all can be granted by this board.

The county is in final design for a traffic light at Chestnut and NH so hopefully people will not need to cut through this property.

Shlomo Stein
Hearthstone Drive

Mrs. Morris said that's all I have.

Mr. Pfeffer said please note this application has already received approval from the County Planning Board. I just wanted that on the record.

Mr. Sabel said with the sidewalk on Route 70?

Mr. Flannery said no the County approval was with no sidewalk on Route 70, but the County doesn't care about sidewalk there and if the Board wants it there will be sidewalk on 70.

Mr. Sabel said what does he mean the Board can't grant a waiver. We shouldn't or the Board can't grant that waiver?

Mr. Pfeffer said it was a comment from the public, I think to indicate that they don't want the waivers.

Mrs. Morris said it was just a comment that no waivers can be granted, don't grant any waivers.

Mr. Sabel said interesting comment.

Mr. Herzl asked Mr. Jackson if there were any more emails.

Mr. Jackson said I'm not aware of any others.

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

Mr. Isaacson made a motion to approve the application, with sidewalks on Chestnut and Route 70, with working with Terry to get some speed bumps in the parking lot to make cross traffic less favorable.

Mr. Meyer 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