

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL & SWEARING IN OF PROFESSIONALS

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

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

3. PUBLIC HEARING

Mrs. Morris said we have a correspondence item that Mr. Jackson asked me to add to the agenda this afternoon.

Mr. Jackson said there was an application by BMG, and they had a lot, and there were a number of residents who were interested in the outcome of the application. BMG had talked about not using a portion of the lot for parking. As the meeting evolved, based upon my review of the minutes and the motion that was made, based upon the resolution, it became evident that the Board had no issue with that lot being used for parking but the concern the residents had was that there be no entrance or exit onto 8th. I think they were concerned about the traffic circulation. So our resolution says they may or could have parking there actually, and I think that’s what the motion requested. While they were going through this Mr. Flannery made application to the Town to put in parking lot improvements and the engineer reviewing the matter said there wasn’t a specific grant for a waiver. My recollection is that it was for buffering to allow this area as a parking lot. Mr. Flannery wrote to me and he said he believes it was the Board’s intent to allow this. I discussed it with him, I reviewed the minutes, and Mr. Rennert I note that you were the one that made the motion. I sent you the minutes and the plan and everything else so you could make the determination whether this was something that the Board could grant the waiver to allow them to put this parking lot which they would otherwise be able to do. I think you reviewed it and you thought that was consistent with your motion, that the minutes and everything reflected that there was an intent for parking there and the only concern was no entrance or exit on 8th. We discussed whether or not the Board could discuss it and decide whether the Board agrees that I can draft an amended or corrected resolution to show the intent when the matter was first considered. With your permission, I would like to ask Mr. Flannery to give the Board more information and then they can deliberate and decide if I should amend the resolution or if you want them to come back and have notice and a more formal hearing.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said this was an application to add three lots to the BMG campus that was submitted. When it was submitted there was no plan for a parking lot, but as the application evolved and the Board and the neighbors discussed it, the neighbors were discussing the parking lot plan that they had seen. BMG had met with them and the neighbors agreed on the plan they had and the plan had no access to 8th Street. The concern was it would be a cut through. When I looked at the minutes and the resolution I thought it gave us the approval for that parking lot. The Township Engineer said it wasn’t crystal clear that buffer relief was granted. And my take on that is that we do need to comply with 18-803 on buffering, but in that section it clearly says buffering shall be required when topographic or other barriers do not

provide reasonable screening and when the Board determines there is a need to shield the adjacent properties. The plan that the neighbors had seen has fencing and landscape strips on the side, just not 25' deep. It's typical with what the Board improves with the intent of the buffering. That is the plan that was submitted by New Lines. With respect to the access to 8th Street, there is a curb all along the 8th Street frontage which prohibits access and there is a 4' fence along that frontage so that there will be no access to 8th Street. This plan is the plan that BMG had shared with the neighbors so nobody is going to be surprised by this. We would appreciate if the resolution could be clarified to make it clear so that the Township Engineer is comfortable that this is in accordance with the intent of the Board when they approved this addition to the campus.

Mr. Rennert said if there are any variances that we are granting tonight, I do think there should be public notice.

Mr. Flannery said there are no variances. The relief is in section 8 which is design standards. I read from that, it says "when the Board determines." The Board talked about the application, that when we provide buffering in accordance with the intent of the Ordinance with a 6' fence along it. So you're right, if that was in section 900 it would be a variance and what would happen when the resolution was done at that time we would have said what about the variance and it would have been cleared up then. Since it's buffer relief it's a different story, when the Board approves an application any buffer relief is included in that. Any design standard relief is included in that, and it gets addressed at the hearing. But as John said this is one that evolved, but the neighbors saw the plan that we submitted to the Engineering department to review the drainage and details.

Mr. Rennert said the testimony that you gave was that it's not for a parking lot, you were coming just to add it to the campus. My motion was, because of the way it evolved, it's fine with me if you put a parking lot here, as long as there is no traffic going out onto 8th Street and it doesn't disturb the neighbors. I want to make sure that John Jackson... that we're not sidestepping the part of having the neighbors involved where they would have been able to... if we are granting something tonight that we did not at the last meeting, the neighbors should be involved.

Mr. Flannery said at that meeting we came in and all we asked for was it to be added. The Board was the first one to say you need extra parking there, can you do parking. We said we would do gravel. The neighbors then took it a step further and said we want a real parking lot with striping and pavement and fences, and we have a plan like that that we have an agreement with BMG for that plan and we would like that to be part of the resolution. At that point, BMG's attorney said BMG people aren't here, we can't agree to that being in it. Everybody knew exactly the parking lot that we were talking about. We aren't surprising anybody and we are providing the parking lot that the neighbors asked for and said they wanted.

Mr. Rennert said how does the Board know that that's the parking lot that was agreed upon with the neighbors?

Mr. Flannery said I was shown the plan that New Lines had prepared that BMG discussed with the neighbors. I'm testifying under oath, now I wasn't at those meetings, but the neighbors made perfectly clear what they were expecting which is no access on 8th Street. And this plan does that.

Mr. Sabel said it's weird that three hours before a meeting we get this shoved to us. Usually we like to go over the minutes and the site. I'm looking at the Resolution, Item number 6, clearly says should any portion of Lot 6 or 22 be reconfigured as a parking lot in the future and should the parking have any egress on 8th Street, this applicant must come back before the Board. I think there's something more going on and I think the neighbors have an opinion.

Mr. Flannery said if you read G carefully it says reconfigured from a parking lot.

Mr. Sabel said as a parking lot, in the future. In other words now it's not a parking lot, if you ever make it a parking lot the application should come back. I think this has to come back more formal and invite the neighbors. There

were 4 or 5 neighbors that had issues, let's give them the opportunity. This is parking and it's a good thing, just give the opportunity to the neighbors to address their concerns and not three hours before a meeting.

Mr. Rennert asked if we could get it on for next week's meeting.

Mrs. Morris said we have all of the documents they are proposing, I could certainly put it on next week if the Board would like more time to review those.

Mr. Rennert said how about notice?

Mr. Pfeffer said I wouldn't have time to notice if that's the case.

Mrs. Morris said it would have to be July 7th.

Mr. Pfeffer said my deadline would be tomorrow by 12:00.

Mr. Rennert said there was testimony given over and over at the meeting this was not for a parking lot and if it does have to come back... the testimony was that chances are, if there is a parking lot here, it will have to come back in front of the Board.

Mr. Flannery said I would like to read G again clearly. It says should any portion be reconfigured as a parking lot AND should that parking have egress, so it's saying AND, that's mandatory, both things have to happen. That was what the neighbors wanted, was that if there was access. There would have been no reason for that end of the sentence if the only trigger to come back was if it's a parking lot. I want to make sure that the Board and anyone listening that that whole second sentence, that's when it needs to come back, if it has access on 8th Street. I re-looked at the meeting online afterwards, when this issue came up, and it was clear to everybody that the triggering factor for it to come back was the access on 8th Street.

Mr. Rennert said let's say there was no prior application at the Planning Board, would this have to come for approval?

Mrs. Morris said you had asked if there was a variance being requested. There is not. But there is a design waiver, which is less intense than a variance, but that does require Board approval and that's the only reason that this is requiring to come back before the Board. Otherwise it could be exempted as a parking lot for an existing site, however there is a design waiver which requires relief from the Board.

Mr. Jackson said in regard to Mr. Sabel's comment, the reason why this was put on, it was on the agenda, and Ally had taken it off, and the reason it was taken off is because there was some question as to whether we could come back as correspondence or not.

Mrs. Morris said no this was never on the agenda.

Mr. Rennert said what kind of waiver are we granting here?

Mr. Flannery said section 803 says a lot of things, but it starts that buffering is needed as determined by the Board and it goes on to give 25', 50' buffers from non-residential use to a residential use. So if the Board wanted to they could say that there should be 50' from the property line to the parking which just means that there would be less parking and the neighbors would have more people parking on the street. I think the neighbors and the general

public and the campus would all benefit from the plan as designed and it's the same plan that was shown to the neighbors.

Mr. Rennert said I agree, but if we're granting something that the neighbors would have had a voice in, and now they're not going to, I know BMG... They did not have a voice seeing these design waivers, they didn't have anything to look at at that time. They were told this was not an application for a parking lot and I know BMG wants to get this done over the summer, I think if the notices go out tomorrow I don't see any reason why we can't grant the approval at the next available meeting, whenever the notices go out. I'm in favor of the application I just think we aren't doing justice to the neighbors.

Mr. Sabel said and there was an objecting attorney as well.

Mrs. Morris said yes.

Mr. Flannery said the neighbors had an opportunity to express their concerns with a parking lot that they had a plan for. They had this plan, and they did express their concerns, and their concerns were not having access on 8th Street, which was put in the resolution. They had an opportunity, but I understand the Board.

Mr. Jackson said I had thought that this was something we could talk about, which we are doing. Because there were contradictory things or two different directions. It started out as no parking lot, then there was clearly discussion about a parking lot, and then there was a condition in the resolution that says if the parking lot goes out on 8th it has to come back to the Board. So in my mind there was an ambiguity and I thought that the Board might be inclined to approve it as-is, but I'm hearing from you and Mr. Sabel that you aren't comfortable. I recommend you poll the Board and see if they are comfortable granting it or if you want them to notice for the waiver and then come back. One of your questions earlier was if that required a full application, if Mrs. Morris can confirm, I don't think it does. I think it can be done as correspondence with notice as an amendment to a previous condition. They can put that they are seeking a waiver on the buffering from the parking lot. So that's what my recommendation is.

Mr. Garfield asked where the parking lot will come out.

Mr. Rennert said 7th Street. That's where the college campus is. And the neighbors that don't want it are on 8th Street. So it really all works out, my concern is that we are granting a waiver that we did not grant and that needs notice.

Mrs. Morris said I received an email from a member of the public on this. Also, Mr. Garfield, if we carry this to a later meeting the applicant would be able to send you a copy of the plans.

Mr. Rennert said let's read the email in and then poll the Board.

Mrs. Morris said it's from Shlomo Stein on 8th Street, and he said

Good evening. It is a huge chutzpah for this applicant to come now under correspondence, especially as this was not on the agenda. There were many neighbors at the original hearing. Adam clearly said many times that this was not an application for a parking lot. This needs to be properly advertised, and placed on the agenda for a future meeting.

Mr. Rennert said let's poll the Board.

Mr. Garfield said what is the question.

Mr. Rennert said do we want to hear it tonight and grant the waiver or do we want them to notice the neighbors and come back in 2 weeks?

Future meeting with notice: Mr. Garfield, Mr. Sabel, Mr. Rennert, Mr. Isaacson, Mr. Meyer
Tonight: none

Mrs. Morris noted that Mr. Isaacson is present, though she missed him during roll call. She said I can schedule this on the July 7th agenda, that will give the applicant time to send notice and mail plans to the Board members.

Mr. Garfield said if they have a traffic flow I would like to see that also.

Mr. Rennert said but we're not requiring them to do a traffic study if they haven't.

Mr. Garfield said no, I said if they have one.

The Board did not have a quorum at this time for item #1 and continued to item #2.

2. SP 2376 Chemed Health Center
River Avenue Block 1064, Lot 3
Preliminary and Final Major Site Plan for a medical office building

Mr. Vogt said per our June 9th review, under submission waivers you have proof of submission to Ocean Planning, topo, contours, and manmade features within 200', plans and profiles of utility layouts. The applicant is going to give testimony relative to Ocean County Planning Board approval, that may be exempt. We can support the B waivers as noted. Plans and profiles we can waiver for hearing purposes. If we require technical information, that will be addressed during the compliance review.

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, a front yard setback is required for a dual front yard setback to Pineview Avenue. A minimum side yard setback is required. Comments 4 and 5 pertain to parking. As indicated in the letter, the parking shown currently exceeds what's shown on the architectural plans. That being said, the architectural plans are not fully developed. There is a section of the lower floor that's not being developed at this time and we want testimony on the record as to the final development of what's proposed in the building. That's it in terms of variance relief. Design waivers, required from improving Pineview Avenue including roadway dedication, curbing, sidewalk, and street trees and shade tree easement. A waiver is also required from providing a driveway greater than 30' wide. The proposed access is 40'. There is a waiver sought from providing landscape buffer to non-residential uses. I believe that's it.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed.

Mr. Adam Pfeffer appeared on behalf of the applicant and said Chemed who is the applicant here, they have a facility in what I call the old Jamesway site on Route 9. This will be the second site to help service the south side of the Township. I wanted to point out while we are asking for a front yard setback on Pineview, to be clear we front on two streets so there has to be a rear and a front. If we had front yard setbacks on both the site would be very small. Chemed also worked with the Township to get a site on this side of the Town, so the Township is very much

in support of this application. As far as the unfinished area in the basement, I promise you there will not be a catering facility here. I will let Brian go through the technical items in his testimony.

Mr. Flannery said this is a use that there is an existing site on the north side of town. It is a very well-utilized site. The Township worked with the applicant to get a site on the southern side so everyone on the southern side doesn't have to drive all the way to the old Jamesway site. This is an ideal location, it is between two existing commercial uses on Route 9. It's a property that is approximately 1 acre in size. We have frontage on River Avenue or Route 9, we also have reverse frontage on Pineview Avenue. So when we take a look at the variance relief that is required, I very rarely disagree with RVE but the Ordinance says when you have reverse frontage lots, one street is a front yard and one street is a rear yard. We still need relief from the rear yard, but we're proposing 10 feet. I would assume most of the Board is familiar with this area, there's trees in the back there. Large parcels in that area are owned by the Township. It's reasonable to conclude that any development in that area would be consistent with the development of this site rather than residential housing opportunities. This particular area is something better suited for the type of development we are proposing here. Looking at Terry's report, it indicates that we should provide testimony on the use. As indicated, it's an ambulatory diagnostic and treatment center. The HD-7 allows what is permitted in the HD-6 along with a bunch of other things, but the first category is professional occupations and this clearly fits the professional occupants category. It is a permitted use. We are asking for a setback from the Pineview right-of-way and the reason for that is so we leave the desired typical section in the front and design the site to accommodate the use. It's my opinion that that 10' setback in the rear will have no adverse impacts. We are also asking for a side yard setback of 10' where 30' is required, and that's on the vacated Oakwood Place right-of-way, and that adjoins to another commercial site, so again it's my testimony that there are no adverse impacts resulting from that.

Mr. Rennert said who owns that vacated street now?

Mr. Flannery said half is the Chemed site and the other half went to the owner of the shopping center on the corner of Route 9 and Chestnut Street.

Mr. Rennert said so when you show 10' side yard setback, did that used to be part of the street?

Mr. Flannery said yes, that used to be the street. Items 4 and 5 relate to the parking spaces, and a Statement of Operations was submitted with this.

Mr. Sabel said Item number 2, for the front yard setback, it's the side of the building, correct?

Mr. Flannery said no it's actually the rear of the building. The 10' is actually all the way on the top of the plan to the Pineview right-of-way. So we have a front setback to River Avenue. My opinion is that this should be a rear setback instead of a front setback because the Ordinance says when you have a reverse frontage lot with two frontages... if this was on a corner, and the side street hadn't been vacated, it might have been a little questionable, but since it was vacated clearly we have two sides, a front, and a rear to Pineview and that's why we are asking for the 10'. If it was a rear to residential housing or something we might have to rethink the layout, but with the situation that we have here it makes sense to provide, rather than ask for relief to the desired typical section, we are trying to get a building that makes sense and a parking lot that makes sense and we think this balances that.

Mr. Rennert asked what Pineview Avenue is now.

Mr. Flannery said trees. And on the other side is more trees.

Mr. Rennert asked what the zoning is.

Mr. Flannery said HD-7 along there, it goes to an R-15. If you look at the tax map, when you get to Evergreen you have residential. In Block 1066 there was residential developed and they developed all the way to the back because there are some environmental concerns in the area. Plus Evergreen Road, the County owns the property along the sides here because they don't want anything coming in off the roadway. Putting (hard to hear) where Chestnut comes in would be a disaster, so the big pieces of property you can see on that tax map are indicated as exempt which indicates Township. Anything that goes on in that area, the Township is going to have control of, and it will probably be something compatible with this so it's consistent with the HD-7 zone.

Mr. Rennert said so the properties on the other side of Pineview are owned by the Township?

Mr. Flannery said the big pieces. In Block 1065 the majority is Lot 4 which is owned by the Township. There's a small 100x100 that I think is unknown, then there's Lot 3 that goes all the way through. But the big pieces in 1065 and 1068 are both owned by the Township. So with respect to the parking the Ordinance is very clear, we need 1.25 spaces for every examination room which comes up to a total of 38 and we are providing 53. The Statement of Operations goes on to discuss how they are going to study the parking and they have some strategies and options if the parking doesn't seem to be working out because they don't want parking to be a problem there. Rather than a retail use on the site where someone wants to just collect rent, the whole purpose of this operation is providing a service to the people of Lakewood. We comply with the Ordinance.

Mr. Rennert said what's the process if you do develop the rest of the building. You comply now, but if you decide to improve the rest of the building what's the process?

Mr. Flannery said we exceed what's required, we have 53 where 38 are required. So we could have shown some rooms down there. The reason they didn't do that is because they aren't sure how the parking is going to work. So they are being proactive and saying let's develop this part of the building which is all we need at this point. If we find that the parking doesn't work, we'll just use it as storage. If we find that the parking does work, or we come up with a strategy that works, then we will develop a plan to utilize it. Obviously they can't use it exceeding the Ordinance, so the most that you would see would be adding additional rooms based on that 1.25 per room.

Mr. Rennert said if you do exceed it, who reviews it and stops you?

Mr. Flannery said if it exceeds that it needs a variance and they would have to come back to the Board. At that point they would have traffic studies from a couple of years to explain why a variance is needed. With respect to these variances, if we look at the Master Plan of 2017 the Vision Statement says encourage growth and development in appropriate locations and consistent with established land uses. This certainly accomplishes that goal. The Municipal Land Use Law NJAC 40:55D2 under purposes of the act says to 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 this certainly does this. It's an inherently beneficial use. It's a use that's gonna benefit the Township greatly by providing this service on the south side so that everybody doesn't need to go to the north side. The C2 variances that we are requesting, we need to show that they relate to a specific piece of property. And this is a property that was owned by the Township that was remediated and made available for this purpose. The purposes of the Municipal Land Use Law would be advanced, which is what I read. The variances can be granted without substantial detriment to the public good. And certainly that can be done because it's in compliance with the uses permitted in the Ordinances. The variances will not impair the intent of the zone plan and zoning ordinances, and the benefits outweigh the detriments. My opinion is the benefits clearly outweigh the detriments. The adjoining uses for the setback variances are compatible, and the benefits outweigh that.

Mr. Rennert said are you improving Pineview Avenue?

Mr. Flannery said no. We are not expecting Pineview to ever be improved. Improving Pineview would be figuring out somewhere to bring Pineview out, and my opinion is that would be a bad idea. Pineview could come out to Idalia, but the people who have houses on Idalia would not benefit from that. Coming out to Chestnut Street would be a nightmare. Pineview pushing to Evergreen again would put traffic on Evergreen. My opinion is that should never be developed. The whole blocks in that area should be consolidated and developed compatible with the HD-7.

Mr. Rennert said so what do we tell the people that own properties back there?

Mr. Flannery said you don't need to tell them anything because (difficult to hear). If they have properties on the existing paper streets, those aren't being vacated. If they have a use for the property, they have access from those paper streets. They would have the ability of improving them. In all likelihood, they should reach out to the Township because the Township is a major land owner in that area, and figure out some arrangement with the Township. The Town is very good and innovative in providing appropriate uses in appropriate locations.

Mr. Rennert asked if Idalia Avenue is improved now.

Mr. Flannery said yes. There are a couple of houses fronting on Idalia that get their access either from Evergreen or Idalia where it comes out to Chestnut.

Mr. Meyer said there are no houses on Idalia past Evergreen. Idalia stops at Evergreen.

Mr. Flannery said yes. You have a couple at the end of Idalia. Anybody that wanted to develop those properties can extend Idalia. If someone wanted to do one or two houses there, my opinion is that it would not adversely impact the Evergreen or Idalia properties.

Mr. Rennert said Idalia is a paper street all the way out to Route 9?

Mr. Flannery said no, it was vacated. It used to go out to Route 9.

Mr. Rennert said so if Pineview were improved it could only come out to Chestnut.

Mr. Flannery said yes.

Mr. Sabel said was the entire Oakwood vacated?

Mr. Flannery said just between River Avenue and Pineview. You wouldn't want to push roads like that out to Route 9, that's why Idalia was vacated when it was and recently Oakwood was vacated, because it doesn't make sense to have a bunch of little streets coming out to Route 9. We also need design waivers. The one is from improving Pineview, and it's my opinion that it shouldn't be improved because it would be a detriment. Design waiver from providing a driveway greater than 30'. I think the Ordinance should be changed so we don't have to ask for this. It's a benefit to have the driveway a little wider so that it provides proper turning movements as indicated in the report from our traffic engineer. Design waiver from a landscape buffer to the adjoining properties which are highway development properties, so it's my opinion that those aren't needed either and there really would be no benefit to providing them. As far as the review comments, we would satisfy any of the RVE comments. All of them are pretty straightforward and we would address them.

Mr. Sabel said regarding the driveway at 40', I'm looking at the Four Corners building. Whenever someone comes out and wants to make a left into River, it's always a hit or miss on that angle. I can see the same thing happening here. Can we make the driveway into the parking lot closer to Chestnut and have it only out at the other side? It will also accomplish adding a walkway from Route 9 to the building which we don't have right now. They can do a pathway and then a one way in, and out will be further up north.

Mr. Flannery said the pathway is a good idea and the applicant would be happy to provide that. The one-way in, based on the frontage of the site, my experience with the DOT is they would say no. Certainly someone could ask the DOT but you'd be wasting your breath. This is the type of entrance the DOT is going to want to see, and they don't listen to anybody. They want the entrance as far from Chestnut as possible. We are showing the left turn because we don't want to send people north on River Avenue and have them have to turn around and come back. In all likelihood the DOT is probably gonna say no you can't have that left. But we are proposing what we think makes the most sense. I agree your idea of having the one-way in and one-way out works good if it was a local road or a County road, I would say yes. But on Route 9, they're very set in their ways.

Mr. Sabel said it's pretty far from Chestnut, why would they have an issue?

Mr. Flannery said they would have an issue with the two driveways, they like consolidating the movements at one point.

Mr. Sabel said how far apart would these two entrances be?

Mr. Jackson said maybe since we are discussing this issue, maybe it would be a good idea to ask Mr. Vogt to weigh in on whether he thinks it would be worth it asking the DOT to relocate this entry way, and see if that's something that he agrees with what Mr. Flannery is saying.

Mr. Vogt said based on my experience, I think what Brian is saying is accurate. They aren't going to want multiple accesses on such a short frontage. If the Board wants to act favorably and are concerned with the left-turn movement out, they can certainly put that in the form of a letter to the NJDOT. I think what Brian is saying is probably going to happen. You're probably going to have the one access as currently depicted or slightly modified. It's probably going to end up one-way in only and then right-turn out only. That's my experience.

Mr. Sabel said I agree with the right-out, but I think it's 125' apart, I think we can put a nice letter to the DOT explaining the situation so they will consider it and I think it's going to be beneficial to the applicant.

Mr. Vogt said you can certainly recommend that. In my experience, they're going to limit it to one access.

Mr. Rennert said does the applicant have any objection to requesting it?

Mr. Flannery said we don't mind asking the DOT.

Mr. Pfeffer said we have no objection to requesting from the DOT, I just want to say that we will make our best efforts but we would ask that the Board act on the application as presented with the understanding that we will write to the DOT requesting the modification.

Mr. Sabel asked where they would put the pathway to the building.

Mr. Flannery said we have a retaining wall on the southern end of the site. I'm sure New Lines can work out a path for a sidewalk as part of resolution compliance. Maybe we have to push the trash enclosure back and have the walk go in front of the trash enclosure. But I'm sure New Lines can make that work.

Mr. Vogt said looking at the plan, I'm not sure I would put it towards Oakwood because of that retaining wall. I think maybe you bring it parallel to the proposed access and maybe stripe a crosswalk.

Mr. Sabel said so finish that island that comes in?

Mr. Vogt said yea, and have some type of crosswalk that comes across the pavement.

Mr. Sabel said the issue is that criss-crossing of cars trying to come in and also make the left out, it's always hit or miss over there and then trying to avoid pedestrian traffic over there as well.

Mr. Vogt said we can certainly look at it during compliance. The layout and the grading are problematic, there doesn't appear to be a whole lot of options. But if the Board wants to approve it that way, we will certainly look at options.

Mr. Rennert opened to the public.

Mrs. Morris said she did not receive any comments from the public.

Mr. Rennert closed to the public and invited Mr. Pfeffer to summarize.

Mr. Pfeffer said I think this application is pretty straight-forward. The engineering reasons and testimony, and again it's a service to the community they are trying to provide.

Mr. Sabel said can I go over the items we discussed? Sidewalk we discussed somewhere from the street to the building. A DOT letter stating a right-in and I guess right-out. If you could send that letter to the Board as well. I guess right-out, is that a fair request to do, only right-out?

Mr. Flannery said my opinion is if the DOT allows us to have the left out, it's going to be a benefit to the users of the site and the people on Route 9 that don't have people then going and making U-turns. That's a judgement call and I always defer to the judgement of the Board.

Mr. Flancbaum said I happen to agree with all Chaim's comments regarding the path and also the ingress and egress, the only thing is I do think that the more movement you have on Route 9 that the DOT does allow, the left and the right, the more movement the better probably because it will be a little bit of a debacle. People will be making a right and turning around... I agree with everything else. As usual, Mr. Sabel comes through with traffic and safety.

Mr. Sabel said I'll make a motion to approve this with the right-out, sidewalk, and the DOT letter we discussed.

Mr. Garfield seconded.

All were in favor.

3. SD 1949 Aaron Finkelstein
Congress Street

Block 250, Lots 2-5

Extension of Minor Subdivision to create 6 fee-simple duplex lots

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said this was a minor subdivision to create three duplexes, six zero lot line lots. It was done in 2014. As indicated in the letter submitted by the applicant's attorney, Mr. Burton, there's been litigation which has held him up from finalizing the application. As per the Municipal Land Use Law NJAC 40:55D-47, we are requesting an additional one-year extension. He had two other one-year extensions. His approval would expire the end of this month. We are asking for another one-year extension. The litigation has been resolved, so hopefully you won't see us again.

Mrs. Morris said the last resolution indicated that the expiration date was in June of 2018. Can you double-check that before you say that you only need one year?

Mr. Flannery said I think that was done before the additional year of the Permit Extension Act. If we could request an extension until the end of June 2021, and that's put in the resolution, then in case somebody interpreted that we only had until the end of June 2019, the Board would be granting us until the end of June 2021. I think in accordance with the MLUL that I quoted, for a minor subdivision the extensions can be granted as determined by the Board.

Mr. Jackson said Mr. Flannery provided me with a memorandum on that earlier today and I concur with his analysis.

Mrs. Morris asked if there were any questions from the Board and there were none. She said she did not receive any comments from the public on this application either. If the Board is satisfied, Mr. Meyer can seek a motion.

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

4. **SP 2348 Cong Ohr Shraga Veretzky Lkwd**
750 Vassar Avenue Block 1602, Lot 6
Preliminary and Final Major Site Plan for a change of use to a school and a building addition

Mrs. Morris said this application was tabled to a future meeting date that hasn't been determined yet.

1. **SP 2370AA Tuvia Steinharter**
82 Erica Road Block 1248.01, Lot 14
Change of Use/Site Plan Exemption to convert a house to a school

Mr. Herzl joined the meeting, and Mr. Isaacson stepped down for this application. This applicant started their public hearing over, disregarding the testimony previously provided on June 9th, so that the present Board members (Mr. Herzl, Mr. Rennert, Mr. Garfield, Mr. Flancbaum, and Mr. Meyer) could all act on it.

Mr. Vogt said our review is from May 18th, which was prepared for the prior concept. Under submission waivers, we had plan design by an engineer or architect, signature block, etc. Under our comment 1 on page 2, there are design waivers including bus drop-off/pick-up area, shade tree and utility easement, lighting, landscaping, recyclables, and grading. I recommend that the Board hold off on waivers because there is going to be testimony as to site improvements, at a minimum I think the current concept shows a gravel parking lot along most of the frontage. There is a side yard setback for the shed in the back that is existing, as are the other comments 3 and 4, they are existing conditions with the property.

Mr. Herzl asked if he's seen the new plans.

Mr. Vogt said yes, Ally has a set to show for tonight with a gravel parking lot along the frontage. This is not an engineered plan. I had this conversation with Mr. Flannery, whether or not he feels this exhibit is feasible from an engineering standpoint. He indicated verbally that he felt it was. If the Board acts favorably, we will need to see an engineered Site Plan, and they'll have to address whatever is applicable on that frontage. It could be paving, restoration, drainage. If the Board grants approval, we can do a compliance review through the Engineering department.

Mrs. Morris said Chairman I did receive another exhibit from the applicant when this meeting had already started. I'm showing that now. I guess this is an alternate option, we will have to have Mr. Flannery explain.

Mr. Herzl said this is on a different lot, we never spoke about that lot.

Mrs. Morris said I'm sure Mr. Flannery can provide some testimony on whether or not the improvements proposed on that lot require Board approval or if they are just showing it for illustrative purposes so that the Board knows what the plans are.

Mr. Brian Flannery, professional engineer and professional planner, appeared and was affirmed. He said this is an application for a change of use/site plan exemption to change an existing home on a 22,500 square foot lot on Erica Road into a school. The plan that Ally has up now was submitted after the last meeting, this is a school for boys. What was indicated is that currently it's going to be primary and first grade, and they are anticipating that the following year would be primary, first, and second. So it's three classrooms. The architectural plans that were originally submitted did not show sufficient seating for all the students. And there were concerns from the Board with respect to van drop-off and turnaround. This is a very good school, but in the rush to get an application in to change this for a facility for the next school year, the school hadn't looked at all the details closely. We are back now to provide an option that will work for this inherently beneficial use. I think you had heard that neighborhood, some of the current residents in this unit weren't very friendly with some of the other neighbors so a school in there in my opinion would be an upgrade to the area. The question is does it work. Last time the Board was indicating that the normal procedure when a school is starting, there are occasions where they put in trailers on a temporary basis and the Lakewood Ordinance allows that, for the specific purpose that it's an inherently beneficial use. The plan that's up now shows a gravel parking area. It wouldn't be striped, but it shows that it can accommodate 9-10 vehicles. It was envisioned as a one-way in and one-way out. The access behind the parking spaces is narrower than a normal 24-foot aisle would be, but for a one-way situation my testimony would be that that works. The school also owns adjoining Lot 13, and our intention would be that we would open this year, we have the availability to have a driveway that's shared across the two lots, and we would provide easement documentation as part of resolution compliance, and a fully engineered plan as Terry indicates, to show that this can be accommodated and off-site parking is permitted in the Lakewood Ordinance if it's within a specified distance, I believe it's 1,000 feet. So the new layout would provide 11 parking spaces which would leave 2 for the residents remaining on the adjoining to 13 and in addition it would provide an additional 9 parking spaces this year, and that provides additional parking if there is a trailer put in for a classroom, in accordance with the Lakewood Ordinance to do that, the parking can accommodate it, we've eliminated the need for anyone to back out onto Erica. Erica is very wide, it's a 60' right-of-way, but it's not needed at that width. There was indication from some of the neighbors that some of the cars go fast in that area so we wouldn't want anybody to have to back out.

Mr. Herzl said both plans that you're showing, has a turn around?

Mr. Flannery said yes. They both have a one-way in and one-way out, and the availability of the vehicles to back and pull out.

Mr. Herzl said here you have seven parking spaces and the other one you have 11?

Mr. Flannery said correct.

Mr. Herzl said the other one you also have a wider turn, if you have a bus or a minibus you can get that in.

Mr. Flannery said yes. The other one is clearly preferable from every standpoint.

Mr. Rennert said how many buses can fit in the turnaround on the two-lot drive?

Mr. Flannery said you have roughly 75 feet, and if you're looking at the small vans, you could fit three of them.

Mr. Rennert said how many buses.

Mr. Sabel joined the meeting.

Mr. Flannery said the school contracts for vans to do the pick up. If they had buses, I would say two.

Mr. Vogt said how can they make those turns?

Mr. Flannery said we'd have to increase the radius. But the intention is not to have school buses. The school has a service with small vans and for next year it would be 3 vans, in the worst case it would be 4. The school would stagger the times so that they wouldn't all show up at once. And the vans could fit in those parking spaces. If you look at the need for three classrooms and an office, that's four parking spaces that are needed. The house next door, it's a smaller house, it only needs two. So that's six and we are providing 11. That accommodates us if a trailer is put in in the meantime while the site is being developed.

Mr. Herzl said go back to the plan on the two lots. Would it be possible to make a wide enough radius that a bus can make the turnaround?

Mr. Flannery said yes.

Mr. Herzl said without tearing down the houses?

Mr. Flannery said yes. The bus is probably barely going to get onto the site, but again we aren't asking for buses.

Mr. Meyer said a school like this doesn't need a full bus. Would a smaller 26 passenger bus, if need be, fit?

Mr. Flannery said yes.

Mr. Herzl said I would like a legal vehicle to transport the kids. I don't know if vans are legal. If we need a minibus, it's ok for me. The radius should be wide enough to make that turn.

Mr. Flannery said as Terry indicated, if the Board acts favorably on this we need to submit a fully engineered plan to the Township Engineer and he would make sure the vehicles can make those turns. It's my testimony that with the area we have we can make radiuses that will accommodate those vehicles.

Mr. Jackson said can you submit that to the Board Engineer? I don't know if the Township Engineer will be in tune with what the Board's concerns are.

Mr. Vogt said the Board Engineer happens to be the boss of the Township Engineer, so you're going to get two for the price of one. Brian, this alternative driveway parking, is this going to be paved?

Mr. Flannery said our request is that it be gravel initially, and that within a short period of time the applicant will be back with a more permanent plan with paving and all the other amenities required.

Mr. Vogt said I'm not sure how you demarcate gravel for this kind of orientation.

Mr. Flannery said we will border it with boards and the boards would provide the designation of where the travel ways are and the end of the parking lot. We can put bumper stops at the end of each parking space to delineate those.

Mr. Vogt said so you agree to providing whatever is necessary to support the interim gravel from a parking and directional standpoint?

Mr. Flannery said yes.

Mr. Herzl said Lot 13, the house will remain? Do you have enough parking for that and the school?

Mr. Flannery said yes. That's a four bedroom house that requires two parking spaces. What we are proposing for the school requires four, so that's six that are needed and we have 11. It exceeds the Ordinance and I think it's what's needed. The school listened to the concerns of the Board and the neighbors. The school is interested in the safety of their kids.

Mr. Garfield asked how many students.

Mr. Flannery said next year would be 17 in one class and 20 in another. 37.

Mr. Garfield said what's the anticipated population in two years?

Mr. Flannery said by the time it's 2 or 3 years they'll have figured out a plan and will come back to the Board for Lot 13. Right now the urgency is so they can move forward and be ready with the two classes that they need for next year. If you do the math, if we do 3 years if we go from 37 we will probably double it and we'd be up to 64 on the two lots.

Mr. Garfield said most of the time it's not doubling, it's a geometric progression. I've got 17 schools on my block and I see the growth.

Mr. Flannery said if that building accommodate more of a geometric progression maybe that would be more of a possibility, but the building doesn't accommodate it. It accommodates one class per year, and this will work for three years and the school will be back before then with plans on how to accommodate that growth.

Mr. Garfield said you're going to use the four bedrooms as four classrooms?

Mr. Flannery said no, Lot 13 is going to remain as a residence. On Lot 14, which we are asking for the change of use, we will have next year 2 classrooms and 1 office, and the following year they will take a look at do they put the new classroom on Lot 13, in which case we would come back hopefully before June, and they always have the option of keeping the classroom space where they have it currently.

Mr. Herzl said if you should use Lot 13 for 2-3 classrooms, or add a trailer in the back, do you have ample parking?

Mr. Flannery said yes.

Mr. Herzl said I want to make sure that even if you put a trailer or use Lot 13, you have enough parking.

Mr. Flannery said yes, and the Ordinance that permits trailers requires complying with the code on parking. I don't know that there's been a problem with that. In this particular case, the school provided this design where they will be putting an easement on adjoining Lot 13 to accommodate a superior parking configuration and it will provide more than sufficient parking for the next 2 or 3 years and the school realizes they need to do more before that.

Mr. Herzl said are you proposing any sidewalks.

Mr. Flannery said we are requesting relief for the sidewalks for this year because we understand that something is going to be done in the next 2 or 3 years and anything that we did before then would be wasted. If there were sidewalk on each side with somewhere to walk, they would be more inclined to put in the sidewalk.

Mr. Herzl said I think the consensus is we need some kind of sidewalks. I have no problem using asphalt.

Mr. Flannery said I'm sure the school would agree to an asphalt sidewalk in the front so that there's access to that at this time without it being a huge expense to install and remove. I think that's a reasonable compromise.

Mr. Herzl said and that goes in front of both lots.

Mr. Flannery said if that's what the Board requires, yes.

Mr. Herzl said what about a fence. Is there a fence?

Mr. Flannery said there is some fence shown. They would agree to have the property where the children are fenced in so there is no conflict with the neighbors. To the extent that repairs are needed, they would make repairs.

Mr. Rennert said we could put it on both lots?

Mr. Flannery said we are only asking for a school on Lot 14, so we would respectfully request not being required to fence Lot 13 because that's staying as a residence, we are just getting an easement in the front.

Mr. Herzl said I just need a fence between Lots 13 and 14 then. Is there an existing fence there?

Mr. Flannery said yes. I'm sure the Township Engineer will make sure it's in good shape, and we will agree as a condition of approval that it needs to be a safe fence.

Mr. Rennert said so we aren't going to have any trailers on that second Lot.

Mr. Flannery said there would be no trailers on Lot 13 unless in the future they come back for a change of use on that one.

Mr. Rennert said if Lot 13 is used for trailers also, please put a fence on both lots.

Mr. Flannery said yes.

Mr. Herzl asked if there was anything in the report they don't agree with.

Mr. Flannery said no. For the record, page 4 of the report Terry indicates the existing variances. The accessory side yard setback for the shed is 2.06' where 10' is required. We are asking for perimeter buffer relief, the parking and the dwelling are less than 20' so a residence doesn't require that 20' but a school does. The same with relief for parking from the property line, the existing parking and proposing parking are close and residential to residential doesn't require a buffer. Our way of providing the separation is by providing fencing similar to what most schools what do when they convert an existing home. The 2017 Master Plan vision statement says we need schools. The Municipal Land Use Law NJAC 40:55D2 under purposes of the act is to provide appropriate locations and proper use that enhances the public and my testimony is this does this. They are C2 variances where the benefits outweigh the detriments.

Mr. Sabel asked if we could request that the applicant come back for a use change before he puts any trailers on Lot 13.

Mr. Herzl said yes, they would only put trailers on Lot 14 and if they want to put anything on Lot 13 they would come back to the Board.

Mr. Flannery said yes, in order to use Lot 13 for school purposes we would have to come back to the Board.

Mr. Sabel said before you put any trailers on the current lot that we are discussing, you should utilize the other lot that you have and request to make that for a school. Only afterwards, if you still need space, come back for a trailer.

Mr. Herzl opened to the public.

Mr. Jackson read emailed comments into the record. The first comment is from Dennis Buoye,

This is a residential area that is very congested with busses in the morning and afternoon. There are no sidewalks for the children to walk on. A school would create even more traffic. That being said, we are not against a school that would benefit the children in our neighborhood. If the school will not benefit our children, it should be located in the prospective students' neighborhood so they can walk to school and not create more traffic.

Questions:

1- Is the school going to be an elementary, middle, high school, or post secondary school?

2- Is the school going to benefit the children in our neighborhood?

3-The preliminary architectural plan shows room for 34 students. The documents state there will be 37 students the first year and 57 students the second year. How is this small home going to accommodate 57 students plus staff? What about parking and transportation?

4- Is the septic system able to handle 57 students plus staff? In addition to handwashing and toileting, will meals be prepared?

5- This property (82 Erica Rd) was bought in conjunction with 76 Erica Rd (house next door) by Yechezkel Steinharter who owns an adult care center.
NexGen Land Development is a commercial building company. Therefore, we would like to know what the long term plans are for these 2 properties.
Are they going to be combined into 1 property? R12-A zones are residential (including schools) and only allow 25% of the property to be developed.
Is a variance in the future plans?

Mr. Flannery said this is going to be boys elementary to benefit the children of Lakewood. We went through the students and we realized we will need to reassess how to accommodate the 57 students next year. We are looking at changing it to residential for the two classes that are going to be in 2020 that can be accommodated there. The septic system is able to handle the students without preparing food, there's not going to be food preparation on site, and that would be part of resolution compliance. And certainly the school is contemplating combining the properties in the future and coming in with a site plan to build a school.

Mr. Garfield said how many children in the second year?

Mr. Flannery said in the second year the school has looked at the building there and determined it's not going to accommodate a third classroom. We are trying to accommodate the two grades that they have. For this coming school year we are looking at 37.

Mr. Garfield asked about how the septic system will accommodate all these children.

Mr. Flannery said the DEP's regulations with respect to it, the children coming aren't taking showers or doing laundry. So when you look at a house, a house is designed with using 100 gallons per day per person. School children is designed based on 10 gallons per day.

Mr. Herzl said aren't septic systems subject to the Health Department and if you don't get their approval you don't get a CO.

Mr. Flannery said yes.

Mr. Herzl said even if we approve you, you still have to get approval from the Ocean County Health Department for the septic.

Mr. Flannery said as part of resolution compliance we will have an engineer determine the capacity of the existing system and the design flow of the students proposed. My experience says that 37 students at 10 gallons per day is 370 gallons per day, every septic system that's put in in that neighborhood would accommodate at least that. But it would have to be certified and approved before a school could open.

Mr. Jackson said the next comment is from Lori Zbikowski,

To whom it may concern,
I was literally just informed by my neighbor that There are plans to put a school at 82 Erica Rd..I find it very interesting that I did not receive a certified letter letting me know about this board meeting and that they plan on putting a school there. As a homeowner On this block I do have a right to know I will contact my lawyer in reference to this. I am five houses away from that house and under no circumstances should there be a school put in the middle of a residential area. This block has had multiple shootings especially at that house. I find it awfully funny how many times we asked the landlord to evict the tenants Because we

were in fear of lives and he allowed them to live there and now all of the sudden he wants to place a school there and it's OK. Well it's no ok with us!! There are multiple accidents also because people race up and down this block. What will happen is a child will get seriously hurt if a speeding car is barreling down the street and their ball just happened to roll out into the street. Don't put a school in the middle of a block. Also the fact that I'm paying enough in taxes in this town and my child goes out of district to school. I'm not paying one extra dime of taxes for a school to go here. I cannot attend the online meeting Or write to you in advance which I think is BS to begin with because I am an essential worker and will be at work and literally just found out about this meeting.
If you would like to speak to me you can reach me at 732-236-1506 My name is Lori Zbikowski @ 51 Erica Rd, Lakewood

The third email is from Ms. Zbikowski again,

Also in reference to the above planning of them trying to put in a school at the above address if 10' is required why are you going to allow a 2.6 feet building to be built there when the requirements clearly state 10' away from the home that is next to you. My Lord if the place caught on fire the houses next to it would go up in flames. Our existing insurance companies are not going to ensure something like this when there are certain requirements. I work A lot of hours and I want peace and quiet when I come home from work I don't need a school that's going to be open seven days a week next to me or down the block for that matter. There are numerous places in Lakewood that they can put a school at put it in the industrial park there's numerous that are there now! Also, The poor little old lady that lives next-door to this home does not have access to a computer to fight this school being put in she knocked on my door this is how I found out about it she tried to call the number on the paper numerous times and left messages and no one called her back. If We wanted to live next to a school We all would've moved there to begin with.
Please do not allow this to happen.

Mr. Herzl said I want to put on the record that a school is legal in any zone.

Mr. Flannery said correct.

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

Mr. Meyer made a motion to approve with the following conditions: there must be curb and sidewalk, anything done on the property other than the building that is there has to come back to the Planning Board, there must be vinyl fence that goes around both lots whole property, and the parking lot has to be paved.

Mr. Flancbaum seconded.

Mr. Herzl said this is to use both properties, Lot 13 and Lot 14, correct?

Mr. Meyer said correct.

Mr. Vogt said I think I heard that the parking lot has to be paved. Is that gravel or asphalt?

Mr. Meyer said asphalt.

Mr. Flancbaum seconded.

Mr. Garfield opposed.

Mr. Sabel asked for the condition to be repeated.

Mrs. Morris said curb and sidewalk across the frontage of both properties, but the sidewalk may be asphalt.

Mr. Meyer said no it has to be concrete sidewalk. The parking lot has to be asphalt.

Mrs. Morris said ok curb and sidewalk, a fence around both lots, and paved parking on both lots.

Mr. Sabel said was there something about trailers?

Mr. Meyer said anything done on the property besides for the one building that is there, has to come back to the Planning Board.

Mr. Sabel said if they want to put in trailers they have to come back to the Board.

Mr. Meyer said yes.

Mr. Sabel said did you mention anything about the radiuses?

Mr. Meyer said no 54-passenger bus can come to the building.

Mr. Sabel said and a fence?

Mr. Meyer said yes around the whole building, both properties.

Mr. Garfield opposed, the rest were in favor.

4. APPROVAL OF MINUTES

5. APPROVAL OF BILLS

6. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary