

## 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 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

Mr. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Meyer, Mr. Raitzik were present.

## 3. SWEARING IN OF PROFESSIONALS

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

## 4. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2310 The Parke at Lakewood, LLC**  
752 & 688 Cross Street                      Block 524; 524.23, Lots 2.03 & 77.02; 1  
General Development Plan for a Planned Unit Development

This resolution was carried to the next meeting.

2. **SP 2344 Mesivta Ahavas Hatorah**  
355 & 363 Chestnut Street                      Block 1096, Lots 1 & 2  
Preliminary & Final Major Site Plan for a school with dormitories

This resolution was carried to the next meeting.

3. **SP 2319AA Mark Abraham**  
490 East Kennedy Boulevard                      Block 142, Lot 16  
Change of Use/Site Plan Exemption to convert existing house to an office

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

4. **SP 2138 Flea Market Developers LLC**  
117 Route 70 & Locust Street                      Block 1077, Lots 22 & 23  
Extension of Preliminary and Final Major Subdivision and Site Plan for a mixed use development

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

5. **SD 2423 Zeev Rothschild**  
330 Ocean Avenue                      Block 538, Lot 9  
Minor Subdivision to create two lots

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

## 5. PUBLIC HEARING

### 6. SD 2422 Bais Pinchos

1947 & 1951 New Central Avenue Block 11, Lots 117 & 120  
Preliminary and Final Major Subdivision to create 7 lots and Preliminary and Final Major  
Site Plan for a school accessory building

Mrs. Morris said the Rabbi for this school had a wedding tonight, he requested to carry. I promised he would be first on the 18<sup>th</sup>. An announcement was made to carry this application to the February 18<sup>th</sup> public hearing with no further notice.

### 1. SP 2340 Ave of the States Office Urban Renewal LLC

Avenue of the States Block 961, Lots 2.02, 2.03, 2.07, & 2.12  
Preliminary & Final Major Site Plan for an office building

Mrs. Morris said we did hear some testimony on this at the last public hearing. Mr. Flancbaum was not here so I recommend they restart the testimony. They were sent away by the Board after the applicant indicated they would be making some changes to the architectural layout. The Board wanted to see that before continuing the public hearing.

Mr. Vogt said no submission waivers are indicated. Under zoning, there is an issue with regard to parking, banked parking spaces, we'll have testimony on that. Comment 3, per our review for SP 2340B, there appears to be a variance condition as indicated. Front yard setbacks required for SP 2340B, side yard setbacks required for SP 2340A and B, rear yard setbacks required for SP 2340A. Comment 8, should approval be granted we'll have calculations to verify the intent of complying with the 80% maximum impervious coverage. Under design waivers, the buffer relief necessary for the width on both site plans as well as providing off-street parking on another lot, unless cross access easements are proposed.

Mrs. Morris said as a clarification, there were previous submission waivers on the original review letter.

Mr. Vogt said they were acted on previously.

Mr. Herzl said but this is a new application.

Mr. Jackson said that doesn't have to do with the merits of the application, I think that carries over from the last meeting where they were approved.

Mrs. Miriam Weinstein, Esquire, appeared on behalf of the applicant and said this is another beautiful ratable in the Cedarbridge campus. We are starting from scratch. The reason this was not heard last time is because when we presented the application the plans would have required a parking variance. The Board said we want you to come back with plans that match with scaling down for the parking to avoid a parking variance.

Mr. Herzl said so this plan is variance free for the parking.

Mrs. Weinstein said yes, as far as the parking goes. What we are planning on doing is going to the DEP to try to get them to allow us to provide more parking. If we do that, we'd like to use the original plans. We have plans that would show what that would look like.

Mr. Herzl asked Mr. Jackson about the feasibility of approving two different plans.

Mr. Jackson said that's difficult. I think its unwieldy.

Mrs. Weinstein presented the testimony of Brian Flannery, P.E., P.P., who appeared and was sworn.

Mr. Flannery said I think what's being proposed is a phased application. It's done on numerous applications. We would build this much now, and if something happens we'd build the rest. We provided the architectural plans for the full thing. We are complying now with the 80%, and according to the DEP it's 4,122 square feet smaller than the other one. We're going to go to the DEP, when we come back there's really no substantial change for the Board, we added a few extra parking spaces. We don't have a variance for the number if parking spaces, they are for the front and side setbacks for parking because we have two sits next to each other. It would be silly to leave spaces between these two sites.

Mr. Herzl said if the DEP approves for additional parking, would that change the configuration of the whole thing?

Mr. Flannery said no.

Mr. Jackson said what makes you think you will have trouble with the DEP? Usually an applicant is confident. What are the hot button issues with the DEP. Why do you need a contingent approval.

Mr. Flannery said you haven't been to Trenton as often as I have.

Mr. Isaacson arrived.

Mr. Flannery said we have a CAFRA approval for 80% impervious coverage and we want to go a little bit over that. It's a flip of a coin whether they'll go one way or the other, and we'd like to be able to proceed based on what we consider worst-case situation if they don't give it.

Mr. Jackson said I'm looking at the variances and I thought Mrs. Weinstein said none were required,

Mrs. Weinstein said not for the number of parking spaces.

Mr. Jackson said what about Lot 2.02, where it says the banked parking spaces.

Mr. Flannery said we are building that banked parking, we can't build the building without that.

Mr. Jackson said comment 3 references off-street parking for Lot 2.14, revised plan proposed 260 whereas 341 are required.

Mr. Flannery said there's another comment that says if there's a shared access easement then we're ok. Our testimony is we will give easements as referenced in comment 4, 533 spaces are required and 535 are provided.

Mr. Jackson said can you show us on DEP Plan A...

Mr. Flannery said let me identify the exhibits...

Mr. Herzl said I don't feel comfortable voting on two layouts.

Mrs. Flancbaum said I wasn't here last time and I really have no idea what anybody is talking about, DEP, 80%... if you could just explain it for me.

Mr. Flannery said A-1 is the rendered composite plan that shows both of the application. The lighter building on top exists, and the darker building below is proposed. You can see that it will be shared access. It would be silly to leave a buffer between them, we can have parking spaces for everyone to share.

Mr. Isaacson said how many parking spaces on A-1?

Mr. Flannery said 535.

Mr. Isaacson said didn't you mention something about parking spaces being used from next door?

Mr. Flannery said A-1 has both of them. A-2 is what was originally submitted.

Mr. Flancbaum asked can you show me what's built.

Mr. Flannery pointed on A-1, the light brown office building is built right off of Cedarbridge. A-2 right now is woods. The proposal is to build this and have shared parking, shared access, so the full-site...

Mrs. Weinstein said they are owned in common ownership.

Mr. Flancbaum said and there will be cross access easements.

Mr. Flannery said yes. If the Board acts favorably, all that documentation will be provided to your professionals. A-2 is what we submitted, and it shows an 85,000 square foot building, that's the dark brown. And it showed we were short on parking between these two sites, we needed a variance. The Board said parking variances don't fly, so the testimony at that time was we'll build it smaller. We submitted architectural plans for the smaller building, by 4,122 square feet and we added 28 parking spaces. Now we have on the combined site 535 spaces where the ordinance says you need 533. We have two more than you need.

Mr. Jackson said did you make more spots on the ground or reduce the requirement?

Mr. Flannery said we made more spots on the ground and went right up to the 80% coverage. Before it was at 78%. With a building that's 4,122 square feet less. If you look at the plans compared to the old plans, it's pretty much the same, it's just the upper level was reduced.

Mr. Flancbaum said ok, you reduced the square footage of the building, you added more parking spaces, now you have two more than are required combined.

Mr. Flannery said yes.

Mrs. Weinstein said and they are in common ownership.

Mr. Herzl said if the DEP will give you more parking spaces, then you want...

Mr. Flannery said we want to go back to the 85,000 square foot building.

Mr. Flancbaum asked how many more spaces they'd need.\

The professionals discussed.

Mr. Flannery said we'd need another 17 spaces, which we would add along this road. This is A-5, and it shows the extra spaces.

Mr. Flancbaum said so the issue with the DEP is a coverage issue?

Mr. Flannery said yes.

Mr. Flancbaum said by how much?

Mr. Flannery said less than 81%.

Mr. Flancbaum said ok.

Mr. Flannery said we have to convince them that the point whatever percent more is de minimus.

Mr. Flancbaum said so you'll need some sort of cross access easements between the two properties.

Mr. Flannery said yes.

Mr. Herzl said there's no change on the site plan if...

Mr. Flannery said no, the parking would be a little bigger...

Mr. Flancbaum said what would be the downside to saying they could come back under correspondence for those additional spaces if the DEP gives them? Technically we could act on one.

Mr. Jackson said and you could say if you're satisfied with the one, why should you make it bigger on the chance the DEP might expand the envelope, or you might say we want as big a building here as possible. It depends on your policy and philosophy.

Mr. Flancbaum said I think they'd have to come back for something, whether correspondence or something. I don't know that a full-blown application would be necessary.

Mr. Flannery said we'd be happy to provide the Board under correspondence that the DEP thing was done, but in my experience an approval can be granted conditioning the possibility of the larger square footage on their approval.

Mr. Herzl said are there any other variances you would have as a result of the additional square footage.

Mr. Flannery said that's not going to create any other variances or do anything other than add 17 more spaces. Site work, drainage, utilities, entrances are all the same.

Mr. Jackson said will it effect how the site works on the ground? Will it take away landscaping, will it look more busy or congested? How will it look different?

Mr. Flannery said my testimony is if you have 535 parking spaces and you add 17 more, it's de minimus.

Mr. Jackson said but they're in a space in front of the building that would otherwise be an open lane.

Mr. Flannery said it's the side of the building and there's a lot of room for landscaping. My testimony is that it would be a de minimus impact. If we had gone to the DEP first I think the Board would say that makes sense.

Mr. Jackson said Mr. Vogt just advised me that the zoning here for coverage is tied into what the DEP approves. So in this circumstance, I don't have an issue with giving them an alternative coverage if the Board is inclined to do that.

Mr. Stern said if you didn't have the cross-access easement, how many would you be under the parking requirements?

Mr. Flannery said 37.

Mr. Stern said here's my concern. I wanted to lease space in the existing building. I came at about 2:00 in the afternoon. Zero parking. The healthcare company on the first floor is a dense user. It's the most beautiful building in Lakewood.

Mr. Flannery said the existing parking is being expanded by the banked parking lot that is being built. So we are adding parking here.

Mr. Stern said good, you need it. I understand it conforms, but practically speaking if you're borrowing from the existing lot to cover the shortfall, practically speaking there aren't any extras.

Mr. Flannery said we are adding sixty, minus the thirty seven, that's twenty three extra spaces.

Mr. Stern said and you aren't using any off-street parking to meet that requirement.

Mr. Flannery said no. But I believe you mean on-street.

Mr. Stern said yes, thank you.

Mr. Isaacson questioned the architectural drawings provided and said I only see plans for a 5-story building.

Mrs. Morris said there are still five stories, but the fifth floor is reduced.

Mrs. Weinstein said the applicant did in fact apply to the DEP, and the DEP kicked it back and asked for municipal Planning Board approval first, just to clarify.

Mr. Flannery said under zoning, item 2 is the issue of the banked parking which we are agreeing to. Item 3 indicates that if we were by ourselves we'd be short 37 parking spaces. Item 4 says that we have two spaces more than we need if we have all the agreements necessary for the shared parking, which we are agreeing we will do. Item 5 talks about a front yard parking setback, 20 feet is proposed where 50 feet is required by the Ordinance. 20 feet does allow for a proper setback. Number 6, side parking setback for both sites. The Ordinance says there should be 20 feet but it would be silly to leave 20 feet there when it's a shared use. Item 7, the rear parking setback variance, it requires a setback to the stadium but it's my testimony that the setback to the stadium proposed makes sense and has no detrimental impact. Item 8 talks about the coverage, we understand we have to

comply. The design waiver for not having buffers between the site, again I think that would be silly. Item 2 says we would need a design waiver for off-street parking on the other site unless we have cross-access easements and we are agreeing that we would do that so we don't need that relief. If you look to the Master Plan for the justification for the setback variances for the parking, under the vision statement it says encourage growth and development in appropriate locations consistent with established land uses. That's obvious just looking at this, this is what the township was looking for to create nice, clean ratables. The Municipal Land Use Law, NJAC 40:55D2 says to encourage municipal action to guide the appropriate use of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. It's my testimony that this does this. With respect to the remainder of the report, we are going to provide the cross-access easements. We're going to do all the things that RVE asks for and I didn't see anything that needed any adjustments.

Mr. Stern said question for Terry. I drove through this area of town and it looks like every tree is getting cut down. Is there anything in the Cedarbridge development that requires the maintenance of some trees. Between all these applications, they are cutting down every single tree.

Mr. Vogt said Cedarbridge itself was part of a CAFRA permit. Applicants are now negotiating individual permits with the DEP. There were large tree save areas that were required.

Mr. Flannery said correct, they were not where the buildings are but on the periphery. And the projects have landscape architects that are installing nicer trees that are going to grow on the sites.

Mr. Vogt said there were other parts of the overall Cedarbridge property that were set aside in part due to habitat.

Mr. Flannery said yes, a lot of the land was set aside for nature.

Mr. Herzl asked where the building fronts.

Mr. Flannery said Avenue of the States. We have two entrances on our site and the adjoining one has two.

Mr. Isaacson said I think it was one entrance and two exits.

Mr. Flannery said the northern site does have one that's just an exit.

Mr. Jackson said I want to clarify, the percentage increase is 80% to 84%?

Mr. Flannery said no, less than 81%.

Mrs. Weinstein had Mr. Scott Kennel, traffic engineer, sworn in. He said our office did a traffic report based on the larger building. We analyzed this access as well and took into consideration a dozen other applications. We analyzed the intersection of Cedarbridge and Avenue of the States. At times, the northbound left turn lane is queued up there. As part of a site plan application behind the Chase building, the second retail, we just submitted to the County to provide a double left turn lane there. The County is reviewing that. We are going to use the median to provide the second left turn lane from Avenue of the States onto Cedarbridge going towards Shenandoah. There's a light there. We are also modifying the signal timing to optimize the conditions, and the intersection will operate at a level of service C.

Mr. Isaacson said when you leave the site now, I'm pretty sure you can only make a right out.

Mr. Kennel said no, there is a median opening on the southerly driveway.

Mr. Isaacson said can you leave this site and make a left onto Avenue of the States?

Mr. Kennel said the existing southerly driveway allows lefts in and out at that location. That's one of the reasons the interconnection of the sites is important. What I was referring to earlier was the traffic signal at Cedarbridge. The other access points on Avenue of the States will operate at a level B or better, and that analysis was based on the larger building of 85,000 square feet. As far as parking, we comply with the Ordinance. And providing the originally banked parking will address the current parking situation at the existing building.

Mr. Stern said how many square feet is the first building?

Mr. Kennel said approximately 52,000 square feet.

Mr. Stern said and you're adding how many stalls?

Mrs. Weinstein said sixty.

Mr. Stern said you're adding that 1.1 per thousand, that's good. You'll be at almost five per thousand.

Mr. Kennel said overall between the two buildings I think we're at four per thousand. But right now they're around three per thousand. I wasn't involved in that application, at that time the Township Ordinance was much less, it was 2.5 spaces per thousand and they provided three. Now we're going to provide more and both buildings will be parked at four per thousand which is consistent with industry standards and the parking demands that we've seen in Lakewood.

Mr. Stern questioned whether our Ordinance is antiquated.

Mr. Kennel said there are some that have a higher employee density, but I think a lot of the problems you see are older approvals that had a lower requirement than what the Board now requires.

Mr. Stern said so they're building on an old approval.

Mr. Kennel said correct.

Mr. Herzl opened to the public and no one came forward.

Mr. Flannery said I have an answer for Mr. Jackson, it's less than 81%.

Mr. Jackson said did you submit plans for the top lot, what lot number is that?

Mr. Flannery said 2.02 and 2.03, yes.

Mr. Jackson said and the notice included those?

Mr. Flannery said yes. Ally made sure.

Mrs. Morris said I made them renounce.

Mr. Flannery said yes, we are amending that application.



Mr. Sable said in order for the circulation plan to work, we have to stop parking on the south side of that rendering, A-1. Can we put up signage or something.

Mr. Flannery said yes, 100%. That's an excellent comment.

Mr. Sable said can we add a sidewalk in the middle of the back parking lot so people don't have to cross three rows of parking.

Mr. Stern said that's what you do.

Mr. Flannery said we'd have to put sidewalks in the islands.

Mr. Vogt said that's a combination of sidewalks in the island and crosswalks.

Mr. Flannery said yes. But we have an impervious issue so we can't. We can see what the DEP will approve, maybe porous concrete.

Mr. Herzl asked for a motion and said can we make a motion for both.

Mr. Jackson said yes, I think there is sound logic behind it.

Mr. Herzl asked for the building sizes.

Mr. Flannery said 81,128 square feet and the larger is 85,000 square feet.

Mr. Stern made a motion to approve and included the banked parking, which was part of the application.

Mr. Jackson said 2.02 and 2.03 are the existing. So that site plan is required to build out the existing banked spots. They will submit cross access easements as required. The Board will allow the size of the building to accommodate the coverage the DEP approves at 80% or just under 81%.

Mr. Vogt said make the upper bound less than 82% to be safe.

Mr. Jackson said so we aren't granting parking variances, no number of parking spaces variances are required.

Mr. Flannery said we have parking setback variances.

Mr. Jackson said I mean the count.

Mr. Sable said a sidewalk would be ideal if possible, if not some crosswalks and gravel.

Mr. Vogt said it's going to be a pervious material.

Mr. Jackson said sidewalk will be impervious if permitted by DEP, otherwise it shall be pervious.

Mr. Sable said and no parking, stopping, or standing signs.

Mr. Herzl said Mr. Stern is that part of your motion.

Mr. Stern said yes.

Mr. Flancbaum seconded. All were in favor.

**2. SP 2356 1215 Paco Way, LLC**  
1215 Paco Way Block 1160.04, Lot 47.03  
Preliminary & Final Major Site Plan for a warehouse

Mr. Vogt said submission waivers include topography, contours, and man-made features within 200 feet of the site. We can support these submission waivers because we have enough offsite information provided.

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 Industrial Commission granted approval to reduce the front yard setback from 100 feet to 50 feet. With respect to parking, we'll have testimony regarding the adequacy and whether relief is necessary. A variance is also required for the maximum sign area. Under design waivers, a waiver is required for not providing sidewalk along Paco Way frontage as well as for compliance with perimeter buffering. A waiver is required to widen an access way to 40' instead of the 30' limit.

Mr. Herzl said the Industrial Commission can grant front setback variances?

Mr. Vogt said yes.

Mr. Herzl said we still have to vote on it though.

Mr. Jackson asked for clarification and Mr. Vogt elaborated and said the Commission has done this in the past.

Mr. Sable asked if we have their approval here.

Mrs. Morris said we have their approval and it's on the website.

Mr. Vogt said the Chairman is indicating that even with the Commission's approval, it would still be prudent to act upon the variance.

Mr. Jackson said yes absolutely the Board still has to grant that.

Mr. Christopher DeGrazia appeared on behalf of the applicant. He said this application is for a warehouse with supporting offices. It is located in a well-established industrial park. The neighboring property was developed as a warehouse and this is sort of a mirror image sister building. Instead of having two separate driveways we are able to share an access road. As we indicated earlier it fully conforms to ordinance requirements with the exception of signage. On the last application we asked and received a 50 square foot sign on one side of the access road. We are asking for the same variance for a sign on the other side. Under your code you allow 35. Waivers, one is regarding buffer requirement. We have an access road over the shared line and no buffer there. Sidewalk because there is none, and driveway width because its 40' where 30 is permitted but it's really two thirties. It's in a zone that permits the use. I have a number of professionals with me prepared to testify.

Mr. DeGrazia presented the testimony of Michael Marinelli Jr, P.E., C.M.E., who appeared and was sworn.

Mr. Marinelli said on the left easel is exhibit A-1, an aerial photo of the subject site. The subject property is outlined in white, it's currently wooded, but surrounded by development. Block 1160.04, Lot 47.03 on the tax map, commonly known as 1215 Paco Way. On the east side of Paco Way is the site. It has 300 feet of frontage and consists of 6.5 acres. It's located entirely within the M-1 industrial district. Surrounding areas include an existing warehouse, industrial uses, a synagogue, and another warehouse. The second exhibit on the right, A-2, is the submitted site plan, rendered with color and the landscape added. We proposed to remove the existing trees on the northern side of the site and construct this 81,200 square foot flex warehouse space. Within that space, it can accommodate up to 16,240 sf of office. We are proposing thirteen door locations and one drive-in location, all of this is on the north or left side of the building, with additional knockouts possible for future expansions depending on the tenants. At this time the tenants are unknown but its been set up to accommodate up to three separate tenants. All HVAC units will be roof-mounted and screened. The adjacent property, if you've seen it, this is almost an identical mirror image in both architecture and layout of that previously constructed warehouse.

Mr. Herzl said the parking for the other building works?

Mr. Marinelli said it does. If you look at the aerial, you can see that along Paco Way there's ten cars in a twenty space lot, where we've striped parking in the central area it's maybe 2/3 full, and in the rear there are only maybe seven cars present where there are thirty available. Even though that building is occupied, there is more than enough space.

Mr. Herzl said this is strictly for warehouse use?

Mr. Marinelli said yes, it's an industrial warehouse, it's flex space.

Mr. Herzl said and if you make any changes, want to use it for retail or anything, you'd have to come back to the Board.

Mr. Marinelli said we would, yes.

Mr. Herzl said because the parking will not work. This is strictly for warehouse.

Mr. Marinelli said that is correct.

Mr. Sable asked if an open show room qualifies as retail.

Mr. Marinelli said if they are directly selling, yes.

Mr. Jackson said you should let Mr. Vogt handle that.

Mr. Vogt said this is a little different, if you read our analysis this is not your typical four per thousand as in much of the code. This deals with number of employees. I don't think display... If we were looking at a typical retail code of four per 1000 gross space, you could extrapolate that that's part of it. This is a different case. We cited 18-903.M.6.C. of the UDO for industrial buildings which is a niche use such as this. It talks about one space for each employee plus twenty for executives. It's based upon staffing and not gross space.

Mr. Herzl said how do we know how much staff they're going to have if they don't know who the tenants are going to be?

Mr. Vogt said they're giving testimony that based on the proposed use they're going to require up to 95 spaces.

Mr. DeGrazia said it's very common to have flex space warehouse. What we know here is we have a very similar warehouse next door. We are very comfortable that we understand the parking needs. He spoke away from the microphone.

Mr. Sable said that would be if this were a warehouse. If it converts to retail, what happens.

Mr. Jackson said this is fairly common. If you have a place that houses yard statues or carpet or something. If they are going to dedicate a portion where the public comes in and it's retail, they have said they will come back to the Board and seek approval.

Mr. Sable said how do we define retail.

Mr. Jackson said I'm sure there's a definition in our book.

Mr. Vogt said that's important. It has to be a permitted use or it has to go to the Zoning Board.

Mr. Jackson said there are a lot of places that have both, like the pool supply store or L&H, electric stores. They're saying if they have an area that's open to the public, with a counter and cash register, that type of thing, they will come back to the Board.

Mr. Herzl said number 3, it says the revised plans proposed 30 employees on the maximum shift. Technically if they have more than that, they don't comply with the parking.

Mr. Isaacson said the testimony that we heard is that they're building what's next door, and it works. What would you say the maximum usage of parking spots is next door?

Mr. DeGrazia said less than 50% on a busy day.

Mr. Marinelli said the rendering shows 40 spaces where 80 are provided, so roughly 50% of it is being occupied by the existing user in that warehouse.

Mr. Isaacson asked when that was from.

Mr. Marinelli said during regular business hours. We are proposing to widen the existing access, and to widen it, to provide better access for this shared condition. In all we are providing 97 parking spaces, and only 95 are required, so we are two in excess. We are providing 6 ADA spaces and we've spread that out in case there are multiple users that need those. All trash will be private hauler. We've mirrored what happened on the northeast corner of the property, they have existing dumpsters and we are mirroring that to provide adequate refuse containers here. On the southern side of the site where the detention basin is, we are retaining 0.94 acres of wooded area on this site. The Township required a 10' wide shade tree and utility easement which we are providing. In order to beautify the site we've provided a landscape plan with shade trees, ornamental trees, evergreens, and shrubs. We are also proposing to modify the existing lighting on the adjacent site because we are removing some along their southern property line, we've reconfigured them and will match what exists out there today. That meets the ordinance requirements for foot candles. We are proposing a new stormwater collection system on site, it is not interconnected with the neighboring site. It is along our northern property line for collection and distributed to the basin in the south. We've provided swales so some of the runoff from the parking gets pretreatment before going to the basin. We are also putting the roof leaders into drywells to go back into the ground water. The variances are

for the sign area. We are proposing 50 square feet, which matches what is on the other side. This allows room for up to three tenants to be identified. We want to make sure people understand where they need to be. We asked for design waivers. All of the sites around us are developed and none of them have sidewalks. As stated earlier, there is technically a buffer requirement between two sites. But since we have the shared drive it is impossible to provide. This is actually a better design because we're being more efficient and have less impervious coverage as a result. The relief that was obtained from the Industrial Commission was related to the front yard setback. We proposed 73' of setback from Paco Way, where 100 is normally required. However the Commission granted relief from that to provide 50. The neighboring site received the same relief and is located at the same setback.

Mr. Herzl said regarding the sidewalks, the Mayor has said if we can't have sidewalks then we should get a meandering asphalt. A meandering path along the frontage, instead of having full concrete.

Mr. DeGrazia said there is 300' of frontage.

Mr. Stern said there's no sidewalks in the area, what does that do?

Mr. Herzl said eventually there will be sidewalks.

Mr. DeGrazia said most of the area is already developed with no sidewalks.

Mr. Herzl asked Mr. Vogt about a meandering path as discussed with the Mayor, and how it relates to setbacks.

Mr. Vogt said it can be along the frontage, there is no perimeter buffer in the front.

Mr. Jackson said is it on their property or within the right-of-way?

Mr. Vogt said typically if it's straight it's in the right-of-way, but if it's meandering it may be partially on the property based on site conditions.

Mr. Marinelli said if the Board isn't going to approve the waiver, we can build that sidewalk.

Mr. Herzl said as a compromise the asphalt is cheaper.

Mr. Jackson said there are issues with the meandering path, the property owner has to agree for the public to go on it.

Mr. Marinelli said we would provide the 300' of sidewalk.

Mr. Vogt said that is probably more practical, there isn't a lot of room for it to meander.

Mr. Jackson asked if Mr. Herzl wants to poll the Board on that issue.

Mr. Herzl said is the sidewalk just for this building, or the whole property, both.

Mr. DeGrazia said just for this project. The rest of the street doesn't have it but if this Board wants a sidewalk we would put it along the 300' frontage, either asphalt or concrete. We were looking at if asphalt works we will do that. It won't meander though. We'd be meeting the intent of the Ordinance.

Mr. Jackson said what is the lot and block of the property on the left?

Mr. Marinelli said Block 1160.04 Lot 383.

Mr. Jackson said there is no amended site plan on that lot but you're proposing adjustments to that lot. You are proposing cross access easements.

Mr. Marinelli said we are going within 10 feet onto the neighboring site.

Mr. Jackson said so you are going on the neighboring property, you are modifying that block and lot that is not part of this application. It's the same ownership?

Mr. DeGrazia said it's different.

Mr. Sable said so they could finish that pathway across the neighboring site, if I can read Mr. Jackson's mind.

Mr. Jackson said that other site is on the table, in the sense that you're changing the site plan.

Mrs. Morris said if you're changing the site plan it needs to be noticed.

Mr. DeGrazia spoke away from the microphone.

The Board discussed requiring sidewalk on the sister site.

Mr. Marinelli said the client, Mr. Spinweber, will provide the full sidewalk across both properties.

Mr. DeGrazia said we would like to do an asphalt one.

Mr. Herzl said thank you, that's fine.

Mr. Sable said there is a school across the street on that block.

Mr. Marinelli said so that's 600' of sidewalk.

Mr. Herzl asked if they can comply with the rest of the review letter.

Mr. Marinelli said yes.

Mr. Stern questioned why we need sidewalk if it's all developed there.

Mr. Herzl said I'm just going with what the Mayor told me. He opened to the public.

Mr. Moshe Zeines appeared and was affirmed. He said I want to explain why sidewalk is necessary. One of the Board members wanted clarification. When RVE puts in a grant to the State, for example they got a bikeway path, one of the questions on the form is does the Township have a sidewalk program. So basically if you go to the State for a bike path or walking path, the State asks the Township if they have a sidewalk completion program and they have to say yes otherwise the State won't give them what they want. So this helps the Township get an approval for later grants.

Mr. Herzl closed to the public.

Mr. Sable said since trucks will be going in, will it make sense to put one or two speed bumps or cross walks.

Mr. DeGrazia said no speed bumps.

Mr. Marinelli said in my experience they become a disaster. A tractor trailer makes an incredible amount of noise. We are removing them in a lot of locations due to neighbor complaints.

Mr. DeGrazia said this is actually a cul-de-sac that ends 100' later.

Mr. Sable said I'm talking on-site, if we can. A stop sign?

Mr. Marinelli said central to the site we could agree to provide a striped crosswalk which would be visual indicator that pedestrians may be crossing even though we don't anticipate that. Mid-way in the parking lot.

Mr. Jackson went through the conditions, if there is a showroom element the applicant will come back for Board approval. Applicant will provide an asphalt sidewalk across both sites, will provide cross access easements and a striped crosswalk midway on the site.

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

**3. SD 2427 David Kahan**

12 Omni Court & 15 Sylvan Court            Block 411, Lots 3.21 & 69  
Minor Subdivision to create three lots

Mr. Vogt said under zoning, and accessory side yard setback variance is required for an existing shed on new Lot 3.28. A parking variance appears necessary. A side yard setback variance is required for the combination of new Lots 69.01 and 69.02. There are no design waivers.

Mr. Joe Kociuba, P.E., P.P., appeared on behalf of the applicant and was sworn. He said we've had a few subdivisions similar to this backing up to Sylvan Court. The applicant is seeking to create two duplex units on Sylvan. One variance at 7.5' side yard setback where 10' is required is sought. The remainder of the lot will be added to the one on Omni Court, making that lot larger. Most of the variances sought are for that existing home, and the shed at 3' side setback where 5' is required. Parking for this home, there is a 2-car driveway at front. There is room to park behind but by ordinance he doesn't have 36' so technically it's only 2 stalls. It's existing and we aren't proposing any improvements on that lot. We request the relief so we don't have to widen the driveway and take up their front yard.

Mr. Isaacson said so the pool is already on another property.

Mr. Kociuba said correct, we found that when we surveyed. It is two lots now, bisected here. One lot fronts on Omni and one on Sylvan. The one on Omni is making a larger back yard. We don't need that excess area for the duplexes. They only have a side yard setback of 7.5' instead of 10. Its not undersized in area. Those are the variances requested under C1 criteria, it's an existing condition and the promotion of the general welfare and desirable visual environment...

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

Mr. Kociuba said no.

Mr. Herzl opened to the public and no one came forward.

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

**4. SD 2426 David Holtz**  
1466 & 1484 Read Place Block 855.03, Lots 17 & 20  
Minor Subdivision to create five lots

Mr. Vogt said a submission waiver is required for proof of submission to the County Planning Board. We can support that for hearing purposes since their approval will be required as a condition of compliance.

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, lot area variances are required on several lots as well as lot width variances. Minimum side yard setback variance is required for Lot 20.01. There appears to be an accessory setback structure variance on Lot 20.01. Driveway and the Improvement plan will have to get clarity as to what is proposed or not, and if variances are required.

Mr. Brian Flannery, P.E., P.P., appeared on behalf of the applicant and was sworn. He said we are asking for a subdivision to take the existing property and subdivide it into five 75-foot-wide lots. A-1 is the plan, A-2 is the tax map. The subject property is highlighted in orange, it is two existing lots one of which has a dwelling on it and one of which is very large. I highlighted in blue other lots with the same 75-foot width, this is not an unusual situation. We are asking for lot area variances where we have 17,250 square feet to 19,780 square feet, where 20,000 square feet is required. If the rear yards were a little bigger they would comply, but it will look similar to the other houses on the other side of street.

Mr. Herzl said the houses on the other side are all 75 wide?

Mr. Flannery said the ones highlighted in blue are 75 feet wide, they're a little deeper so they're 20,000 square feet.

The Board discussed the degree of variance required for area and whether or not it's considered de minimus.

Mr. Flannery said on the smaller one we are short 2,750 square feet.

Mr. Sable said but it's de minimus?

Mr. Flannery said yes, it's de minimus because of the geometry.

Mr. Sable said there's nothing on this side that has this 75 feet.

Mr. Flannery said that's because the lots as they were created years ago were 100 feet wide. This is a unique situation because you have the one large lot. He said we need minimum lot width variances, 75 to 86 feet are proposed where we should have 100. Side setback, to the existing house we are asking for 7.99 where 10 feet is required, and an accessory setback of 9.42 feet to the existing pool where 10 feet is required. We will provide enough parking. As indicated in the report, when we remove a portion of the existing driveway, we still have sufficient parking for 4 vehicles.



Mr. Herzl said if you build 4 houses you would not need a variance.

Mr. Flannery said that is correct. If you go to the 2007 Master plan, the background information on page 2 and 3, it goes into population growth. It says it's important that Lakewood plan to house its growing population. The balancing test is does it fit in with the character of the neighborhood and are there any adverse impacts, my testimony is there are not. No one is going to know the houses on the south side of the street are any different from those on the north unless you go in the back yard.

Mr. Herzl said you're going down to an R-12.

Mr. Flannery said no, we are between an R-15 and R-20. A few years back the logic was we can't downsize more than one zone. Downsizing one zone here would be to an R-15, and we are closer to the R-20.

Mr. Herzl questioned the frontage.

Mr. Flannery said the frontage at 75 feet is an R-15 frontage.

Mr. Herzl said R-15's not 75. R-12 is 90.

Mr. Flannery said but the comparing zones is usually done by area, which is the more substantial figure, as opposed to the lot width. On the northerly side, 10 of them are...

The Board discussed having north always up on future maps.

Mr. Jackson asked how the widths propose correspond with the adjoining lots.

Mr. Flannery said on our side they're 100, some are 96. That's from an old subdivision when this was an A-1 zone with 2 acre lots. The houses on the other side of the street developed on 150-foot-wide lots, that were later split into 75-foot-wide lots in order to provide housing opportunities and a clear C-2 variance. It's in character with the neighborhood.

Mr. Jackson asked what the widths would be if they provided four lots.

Mr. Flannery said as the Chairman indicated we could provide four lots and we wouldn't need those variances.

Mr. Jackson said but what would the widths be?

Mr. Flannery said 96.5.

Mr. Jackson said so they would still be undersized.

Mr. Flannery said yes.

Mr. Herzl asked about the lots in blue across the street.

Mr. Flannery said they are 75. We are consistent with all the lots across the street.

Mr. Sable said but they are 20,000 square feet.

Mr. Flannery said yes. I'm familiar with applications in this area. When the neighbors don't like it, the room is full. And it's not tonight.

Mr. Jackson said it's not the neighbors that need to be satisfied, it's that the Board has to be satisfied it's consistent with the Master Plan. There's even a ruling from Judge Serpentelli from years ago that says you're not supposed to count the heads in the room and see what everybody in the room thinks.

Mr. Flannery said but when you're balancing the benefits versus the detriments, the detriments would be on the neighbors. Obviously if the neighbors thought there would be detriments, they would be here.

Mr. Sable said the detriments are the stormwater, the septic, there's a lot of issues in that area.

Mr. Jackson said at a certain point the Board has to take the proofs and then deliberate on their own. Are you finished with your testimony?

Mr. Flannery said no I'm not. The Master Plan of 2017, says encourage development and redevelopment based on smart growth planning principles. This is a redevelopment plan. Above that it says encourage development in areas consistent with established land uses, and it's my testimony that this is consistent with the established land uses. The Board remembers on East Spruce some of these larger lots that didn't get a subdivision, they did schools. So this is an ideal lot for a school, the reason the neighbors want it is because it could be a school instead of this. What fits in with this neighborhood is 5 houses on 75 wide lots. With respect to the stormwater, there's a certain lot percentage we could cover whether two big lots or 5 smaller. If you have two large houses versus five small, the impact on the septic could be the same. If you put a school there will be no trees and no grass and that is the development potential. The MLUL NJAC 40:55D.2. is encourage municipal action to guide the appropriate use or development of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. It's my testimony this does this. The absence of public against this indicates that. We are asking for C2 variances for width and area, and we have to show that it relates to a specific property. This neighborhood developed years ago on one acre lots, then half an acre. In 2007 it changed to an R-20 zone and since then people have come in to make schools or lots that are the typical Lakewood lots. And a 17,000 square foot lot at 75 feet wide is typical for Lakewood. The purposes of the land use law would be advanced. Most of the 75's are brand new houses because in 2007 it went to R-20 zone. People had to come to the Board for the lot widths, and the Board has consistently found...

Mr. Isaacson said yes, when it was on 20,000 square foot lots. I don't think the Board found that it was ok when not 20,000.

Mr. Flannery said we have to show that the variances can be granted without any detriment to the public good, and it's my testimony that this has no detriment on the public good. We have to show the variances will not impair the intent of the zone plan and zoning ordinance, and my testimony is it does not. It's a development that fits in the area. The difference of those across the street is a little bit deeper back yard, which in my opinion doesn't make any difference. And we have to show that the benefits outweigh the detriments. My testimony is providing housing opportunities and eliminating the possibility of a school where a school doesn't belong. It's my testimony that there is no detriment. We are not establishing anything different, most of this neighborhood is developed. The wider lots on the other side can say they want 75. This isn't going to impact the neighborhood, the only thing that would impact the neighborhood is if a school came in.

Mr. Herzl asked if there is anything else in the report he can't agree with.

Mr. Flannery said with respect to Shade Tree, we'd do anything that the Board engineer says is required by the Ordinance or that makes sense. They've asked for buffer plantings in certain places between two houses, and it's not required nor consistent with the rest of the neighborhood. To require that as a Board doesn't make sense.

Mr. Sable asked if they recommend that a lot.

Mr. Flannery said their recommendations are sometimes reasonable and sometimes not.

Mr. Herzl asked Terry if he agrees with the recommendation.

Mr. Vogt said that's the discretion of the Board and I can't comment as to what the Shade Tree recommends or doesn't.

Mr. Jackson said I would point out that if it's tied into or would mitigate the variance relief, then I think it would be reasonable. It's hard to put conditions on that have nothing to do with the variance.

Mr. Sable said with the stormwater issues in the area, maybe it would make sense to have more trees there?

Mr. Flannery said no.

Mr. Vogt said I doubt that's included in the recommendation.

Mr. Flannery said you're going to have grass there and that will absorb the stormwater. You're looking for vegetal take up, and you're going to get that from grass.

Mr. Jackson said I think that condition would be difficult to sustain legally, to have a buffer between residential homes when it's not required in the Ordinance and it has nothing to do with the variances.

Mr. Sable said thank you for clarifying.

Mr. Herzl opened to the public.

Mr. Moshe Zeines appeared and was affirmed. He said you don't even have to hear the next application, because Brian is saying a school is a detriment and we have a daycare next around the corner. What we are hearing is either you allow me to put my five houses or I'm going to put a school here. But there is an option three, the Board could do four houses. If it were a school there would be a bus lane. Anyone could turn one of these houses into a school dormitory. Going down to 17, people will go down to 15. Brian is saying there's no detriment to the zoning ordinance and zone plan, but there is a drainage problem, and a sewer problem. Public Works was in the area, on Towers Street. After it rains the ground is very, very wet. A fifth house is not a good idea, four make a lot more sense.

Mr. Sable asked if this is septic.

Mr. Flannery said yes. You need about a 2,000 square foot septic system, on a 17,000 square foot lot they fit fine. On a 10,000 square foot lot, they are squished in. If I were driving down the street, I wouldn't know that the guys on the other side of the street are different. With respect to drainage, we are providing a roof recharge system as has been required for the past couple years as part of the plot plan. We would agree to an enhanced one to deal with the storm water. There are drainage issues in the area, it's really where there are low points in the road and

drainage wasn't put in. That's not this area, this area has no drainage problems and we are happy to do an enhanced recharge system for the roof runoff.

Mrs. Morris asked for specificity as to what an enhanced drainage system means?

Mr. Flannery said we would accommodate runoff from the whole roof, whereas some houses drain partly to the road.

Mr. Vogt said I have a recommendation. Existing Lot 20.01, you have a one-story structure. If that gets redeveloped at a future time, parking shall comply.

Mr. Flannery said all the bulk requirements, including the parking, would comply.

Mr. Herzl asked for a motion.

The Board hesitated.

Mr. Sable said I would like to see four.

The Board discussed their options.

Mr. Sable made a motion to approve 4 lots only.

Mr. Flannery said the applicant would like to speak. The application is for five.

All parties discussed their options.

Mr. Jackson said I think you can make a motion to reconfigure it as four lots. That would be an inherent denial of the five lot application, if the Board wants to do that.

All parties discussed their options.

Mr. Jackson recommended against reopening to hear from the applicant at this point.

The Board moved to let the applicant speak.

Mr. David Holtz appeared and was affirmed. He said there are going to be four 75-foot-wide lots. The fifth is 86 feet wide. The reason we came for this application is we have been approached by the neighbors, who have been approached by some schools...

Mr. Jackson said I think that's hearsay.

Mr. Holtz said otherwise I was approached by schools. There are schools on East Spruce. Taking the whole... it is true its 75 feet wide, but they are 230 feet deep. The smallest is 75 by 230. The entire street is 75 foot wide.

Mr. Herzl said but they are also full-sized lots with 20,000 square feet.

Mr. Isaacson said it sets a precedent. This Board does not act favorably upon adding in lots where they don't fit. I see eight blue squares, but even those are not the same. These are all under 20,000 and it sets a precedent in Lakewood that you can put in an extra lot. We have shied away from putting in extra lots where they don't belong.

Mr. Sable made a motion to approve four lots.

Mr. Isaacson debated four lots, still with variances, or just acting on the request for five.

Mr. Herzl said the Board is inclined to give you four.

Mr. Sable said I stand by my motion.

Mr. Herzl said we have a motion on the table for four lots, do we have a second?

Mr. Isaacson said I'd like to hear from the applicant. If he doesn't want four lots, I'm inclined to deny it on five lots.

Mr. Stern asked if the applicant should table.

Mr. Herzl said you cannot get five lots.

Mr. Stern said he is thinking, maybe he needs to talk to his people.

Mr. Holtz said the fifth lot is 86 wide. The reason is to keep the existing home. How about, to address the Board's concerns, I knock down that house and spread the width equally over all the lots. None would be 75' wide.

Mr. Sable said so make a denial and he can come back with that.

Mr. Isaacson said that's 11 feet, over 5 lots.

Mr. Herzl said I don't think 2 feet is going to make a difference.

Mr. Sable said do you rather 4, or a denial.

The Board discussed.

Mr. Herzl said I have a motion on the table for four.

Mrs. Morris said I don't think the Board should be asking the applicant what kind of motion he wants.

Mr. Isaacson said I agree with you, I just heard Brian say before...

Mr. Jackson said the Board has asked me to avoid this kind of round table discussion...

Mr. Isaacson seconded.

Mrs. Morris said the Board needs to determine the width distribution and the variances associated with this and we have no plan.

Mr. Jackson said I didn't realize that, and you're right. It probably warrants further discussion. It's probably more appropriate to deny the five lots.

The Board debated the matter.

Mr. Sable said we should deny and he can come back with an application for four.

Mr. Herzl asked Terry's opinion.

Mr. Vogt said if the Board is comfortable and knows what they're approving, then we can work anything out in compliance.

Mrs. Morris said I don't think it's a matter of Terry being comfortable. I think the resolution has to specify the variances granted and we don't know what those are.

Mr. Herzl said I just feel bad, I don't think the applicant wants a denial tonight.

Mrs. Morris said if he were smart, at this point he would table before the Board has a chance to deny it.

The applicant tabled the application until further notice in order to make revisions to the plans.

Mr. Herzl asked if renote is required.

Mr. Jackson said yes this is a major reconfiguration.

## 6. CORRESPONDENCE

- **SP 2272 Congregation Pri Aahron**, Block 189, Lots 28 & 29, Ridge Avenue – revisions to proposed parking layout and school building/dormitory interior layout

Mr. Jackson said I spoke to this applicant and they agreed to come back on this as an amended site plan with notice. I just wanted to announce that for any public who is here on this item.

## 5. PUBLIC HEARING

5. **SP 2358 Spruce Care, LLC**  
1491 & 1499 East Spruce Street                      Block 855.01, Lots 22 & 30  
Preliminary and Final Major Site Plan for a daycare

Mr. Vogt said under submission waivers, a waiver is required from proof of submission to the County Planning Board. We have no issues with that. A waiver is also required from providing an Environmental Impact Statement. We can support this waiver since a Letter of Interpretation from the DEP has been provided.

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, variance relief is sought, but a perimeter buffer design waiver is required.

Mrs. Weinstein appeared on behalf of the applicant and said this variance free application is to construct a daycare facility and a 38-space parking lot. The Board should be proud of us, you spoke and we listened. I want to thank Terry Vogt for guiding us as to what information should be provided as well as the applicant and his professionals for providing all of the pertinent info. I want to thank Bruce Stern who was quite vocal on the last daycare application in regards to what the Board would like to see on future daycare applications. You'll note the architectural drawings are clearly labeled with the student ages and the staffing requirements so you can make an informed decision. I also will point out that yes, this application is a block away from the last one. She had Mr. Brian Flannery, P.E., P.P., sworn in.

Mr. Flannery said A-1 is the tax map, A-2 is sheet 3 of the set, A-3 is the first floor plan of the architectural drawings, A-4 is the second floor plan, A-5 is the circulation plan. I'd like to point out that on A-3 and A-4, the Ordinance was a little loose on how to decide parking requirements. Each of these indicate the size of the classroom, the age and number of children, and the number of staff. This is an operator of a daycare that knows what they are doing. As indicated in Terry's report, there is a statement about drop offs and pick-ups, and a whole chart with the ages and how much staff is needed. All the information is shown on the plans to show a maximum of 258 students with 35 staffers. A-2 shows the parking lot with 38 spaces. There are 12 vehicles that can pull up out front. The staff will be there to take them into the classrooms. The standard for a daycare, which is permitted in every zone, has been raised. Terry has made it clear and at the tech meeting it was treated differently than ever before so that the Board can understand it. Terry's report, under zoning it's in the R-20 zone. We are here with a permitted use. Item 2 indicates no bulk variances are required. Under design waivers, 25' wide buffer is required. Ordinance says for non-residential uses, 25' to residential. On the west is a school and we provide a 10' setback which is sufficient. We have 20' on the other side and are providing fencing to meet the intent. Item 2 under design waivers is access driveways less than 20' wide, the driveways are one way to control traffic flow and are appropriate. Justification for the variances, the Ordinance and Municipal Land Use Law go into daycare centers and their benefit to the public. The Master Plan of 2017 says encourage growth and development in appropriate locations consistent with established land uses. The Municipal Land Use Law, NJAC 40:55D.2., says encourage municipal action to guide the appropriate use or development of all lands in the state in a manner which will promote public health, safety, morals, and general welfare. This particular property is already close to two schools and New Hampshire Avenue, which is a major collector. This is a more appropriate location for the daycare center. The remainder of the report, we would comply with all the requirements that the engineer has. There was a comment about buses and we are putting on the record that there will be no buses. HVAC will be roof mounted.

Mr. Vogt said we had discussions with the applicant's engineer subsequent to this letter, regarding the feasibility of shifting the parking and the access towards the street in order to widen the sidewalk in front of the daycare to get it closer to 6 feet.

Mr. Flannery said we agree with that.

Mr. Sable asked about from the road to the building.

Mr. Vogt said you are somewhat limited.

Mr. Flannery said we have sidewalk along the frontage and can put 4 feet along one side to bring you to the building. We have garbage on the other side.

Mr. Vogt said I think it would be better to have one side in.

Mr. Herzl asked if you lose any parking by shifting forward.

Mr. Vogt said I don't believe so.

Mr. Flannery said no. And it's a much better layout, just shifted forward.

Mr. Isaacson said you can't move back because of wetlands.

Mrs. Weinstein said correct.

Mr. Stern said thank you, this is exactly what we didn't have on the previous application. Question, for you, Ally. About 5 weeks ago we sent a letter to the Committee about changing the Ordinance. Have you heard anything back from them?

Mrs. Morris said after the meeting a month ago I emailed a letter on behalf of the Board to the Committee members, Clerk, and Board attorney. I have not heard back but I wouldn't expect an informal letter indicating receipt of our letter. There are procedures for them to have closed session and public session on the letter, as well as on Ordinances to follow as a result of that letter. It's not unusual that I haven't heard back, and I believe Mr. Herzl indicated he would be reaching out to the Mayor to ask for a status update.

Mr. Stern said this application is very good and much better than the other one, given the current constraints. But here's the issue. Our last application, we said what, 5 minutes per child drop off?

Mr. Herzl said they are giving you that you can have 12 cars in the circle.

Mr. Stern said I'm questioning why we need a change to the Ordinance. How many cars do you have?

Mr. Flann said 38 parking spaces, 12 in the drop off area.

Mr. Stern said let's assume you have all 258 coming in 258 cars. Even assuming absolute perfection, with 12 coming in, 3-5 minutes to unload, then another 12, I'm getting 21 cycles to get everyone in perfectly.

Mrs. Weinstein said but they don't all come at the same time.

Mr. Stern said but in a 60-minute window, to do 21 cycles, that's 2 minutes and 45 seconds each. I'm applauding the effort, and I'm not... this is why we need the Ordinance to be worked on. This fits, thank you, but this isn't going to work practically. East Spruce is going to be backed up, and all the more reason for that sidewalk. The mummies are going to park on New Hampshire and walk up.

Mr. Herzl said you need available 12 staff members for that hour to bring in from the cars.

Mr. Stern said and this is clockwork perfection. It ain't going to work. It takes time. I'm supporting this but we need the ordinance to be revisited.

Mr. Herzl said can we have the applicant provide as many staff members as cars will be dropping off at once?

Mrs. Weinstein said yes.

Mr. Sable said I'm concerned about pedestrians coming from Albert as well. We need sidewalk on both sides.

Mr. Jackson said the Board has the testimony they need, I think they're just frustrated with the ordinance.



Mr. Stern said we'd like to hear from a professional on how long it takes to drop off and pick up.

Mrs. Morris said maybe you should ask Miriam or me, I don't know that an engineer can testify on that.

Mrs. Weinstein said no, but the applicant can.

Mr. Jackson said and I think you stated very haply what it involves and that it's not realistic.

Mr. Herzl said and have the applicant agree to have as many staff as cars are dropping off.

Mr. Flannery said and we'll also agree to sidewalks on both sides.

Mr. Joshua Munk appeared and was sworn. He said we we're planning to have three staff, but to have 12 is not pragmatically practical. I think three covers the cars that are in front of the building.

Mr. Herzl said I don't think three can do 258 cares in an hour.

Mr. Munk said they aren't all coming at the same time. We have an early drop off at 8:30, regular drop off at 9:15, and some parents that do it on their own schedule. They don't come all at the same time, and there aren't a full 258 cars. We have a current operation on Oak Street, and we have a system like clockwork that moves nicely. We have a parking area where the parents go into. Here we have a bigger queue. With the staggered times and the monitors, its not three minutes. It could be less than a minute. We will add more staff if it backs up. We can't dedicate 12 people at all hours, but a minimum of three. Teachers do come with their own kids, and there are families with multiples. All this together, I think it should work and we have it under control.

Mr. Jackson said no one has a bigger stake in managing this than the operator. It would be a nightmare for them. If we put two, five, or thirty-five in the resolution, it's going to be difficult to enforce.

Mr. Herzl said if it changes to any other use it should have to return to the Board.

Mr. Munk said ok.

Mr. Herzl asked if there is anything in the report hey can't agree with.

Mr. Flannery said no.

Mr. Sable asked where they are putting the garbage.

Mr. Flannery said we have 9', we can go around it.

Mr. Sable said on the east side...

Mr. Herzl said the garbage is private? They come after hours.

Mr. Sable said is the sidewalk going to go in front of or behind the garbage.

Mr. Vogt said it's going to be problematic.

Mr. Flannery said I think you're better having it go around the back. Whichever way works best, we'll work it out with Terry's office.

Mr. Vogt said if we can push it back four feet and allow a nice straight movement.

Mr. Sable said that would be nice. How food is being served? There's no kitchen.

Mr. Munk said we don't do food preparation. It gets delivered and they eat in their classrooms.

Mr. Flannery said Shade Tree does have a comment about 31 arborvitaes and we don't like them.

Mr. Isaacson said I expected that.

Mr. Herzl opened to the public and no one came forward.

Mr. Sable asked for crosswalks across the drive aisles. He asked about the circulation and why there is a left turn only coming out onto the street but not in the parking lot, why is it that way. Why is the parking lot two-way?

Mr. Flannery said the parking lot is two way in case they park and want to come to the front, they don't have to go back out onto the street.

Mr. Stern made a motion to approve.

Mr. Jackson reviewed the conditions and said sidewalks on both sides of the parking lot, minimum of 3 staff members will help with the drop off and pick up, crosswalks across the front of the school, and they must return to the Board if it changes to a school

Mr. Sable 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