

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL & SWEARING IN OF PROFESSIONALS

Mr. Garfield, Mr. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer were present.

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

3. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2373AA Beth Medrash Govoha of America Inc.**
619, 625, 633 7th St & 526, 620, 634 8th St Block 46, Lots 4-6 & 22-24
Site Plan Exemption for a parking lot

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

2. **SP 2211A Bnos Melech of Lakewood Inc.**
550 James Street Block 364, Lot 1
Preliminary and Final Major Site Plan for a school and gym

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

5. CORRESPONDENCE

- **SD 1511 Block 27 Lots 46.07 and 58, Kennedy Boulevard West** – request to remove previously approved landscaping

Mrs. Morris said I received a request from a Mrs. Follman who is looking to modify the landscaping requirements on a previous subdivision approval. I believe there were some trees required, and she is asking to install a 6' high vinyl privacy fence instead.

Mrs. Mindy Follman appeared and was affirmed.

Mr. Herzl said Mrs. Follman, you would like, originally you had to put trees in. And instead of putting the trees there is a vinyl fence there now.

Mrs. Follman said correct.

MR. Herzl said the whole neighboring property is heavily wooded and that's why you feel that no new trees are needed, just the gate?

Mrs. Follman said correct.

Mr. Herzl said you prefer just to have the gate, which is installed.

Mrs. Follman said exactly, I like the look of the privacy fence better.

Mr. Herzl asked if any Board members have questions.

Mr. Stern asked why this didn't come up during the initial application.

Mr. Herzl said originally, like every application, we asked them to put trees. They tried to put trees in and they died. I went down to the site, and the neighboring property is heavily wooded. There's no need for any new trees.

Mrs. Morris said this approval was back in 2005, 2006, so the Board is aware of the age.

Mr. Flancbaum said I also went past the site. I'm not in favor of additional trees. She installed the 6' high fence, and the adjacent property has trees that are 30, 40' high, it's heavily wooded. Honestly, there's no place to put trees.

Mr. Stern asked if the neighbors were given notice.

Mr. Flancbaum said the Mesivta of Lakewood is next door.

Mr. Stern said oh. I don't think they care. I'm good.

Mr. Garfield said can we put it in there that if a facility would be put up, then trees would have to be put in?

Mr. Flancbaum said Mr. Garfield, there's a high school next door. There is a facility up. And if the high school were to expand, then that's on them not on this applicant.

Mr. Herzl said there are existing heavily wooded mature trees over there. There's no room for more.

Mr. Flancbaum said there's no place on this property to put trees.

Mr. Sabel made a motion to approve the request. Mr. Garfield seconded. All were in favor.

4. PUBLIC HEARING

2. SP 2360 Yeshiva Tora Chaim

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

Mrs. Morris said this applicant has requested to carry to the August 25th public hearing in order to have time to meet with some of the neighbors who are objecting. A legal announcement was made.

1. SD 2441 Fifth Point Holdings LLC

120 Massachusetts Avenue Block 445, Lot 2
Preliminary and Final Major Subdivision to create 44 lots

Mr. Vogt said under submission waivers, from our July 21st review, these include topo, contours, and manmade features within 200', as well as an EIS, as well as architectural drawings of the proposed structures. We support the waivers for hearing purposes for reasons specified in the letter.

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

Mr. Vogt said under zoning, there are several. Comment 2, in terms of lot area for the duplex lots, as indicated the plans show 8,500 sf minimum, whereas the zone requires 10,000 sf. Per communications with Brian Flannery, he indicated that the basis of the design is based on the 8,500 sf allowed if this were a conditional use. He will give testimony shortly. Continuing on, variances are required for lot area on the proposed homeowners association lots as well. Specifically 2.13, 2.26, 2.27 in Block 445, and Lot 21 in Block 445.01. A couple of the lots are irregularly shaped, which affects architecture, that's comment 4. There's rear yard setback variances for a couple of the lots. Variances are required for maximum building coverage for a number of the lots as indicated. Again, per communications with the applicant's professionals, they indicate the building coverage would not exceed 40%. The Board will hear testimony on that shortly. Finally, under design waivers, they are required for the spacing of street trees. Basically it's to allowed for residential driveways and other site improvements. Finally, since there are more than 25 units proposed, a design waiver is required from providing a minimum 5% contiguous open space for recreational purposes. The project currently gives 3%. I believe that's all the relief.

Mr. Adam Pfeffer, Esquire, appeared on behalf of the applicant. He said as Terry indicated the application is for 22 duplexes which is 44 zero lot line lots. I don't want to disagree with Terry with regard to the variances required, but it will be our testimony that some of them are being sought as an abundance of caution as there is an issue with the Ordinance. The way it's written, it's not 100% clear. Brian will be able to clarify any of those issues. As I indicated, the Board shouldn't think we are asking for all these variances outright. We believe they're not actually required. He had Brian Flannery, professional engineer and professional planner, affirmed.

Mr. Flannery said the exhibits submitted, A-1 is a copy of the tax map showing the subject property in yellow. The tax maps are always drawn with north up, and the property is on the west side of Massachusetts Avenue. A-2 is the aerial exhibit prepared by Lines. I turned it upside-down so that it is also facing north. You can see we are proposing a loop road into the site with minimum 8,500 sf duplex lots. A-3 is the layout plan which shows the two sheets which comprise the layout. Again I have it upside-down so that it is consistent with the tax map. Back to A-1, I would expect the Board is very familiar with this property. It's sort of an infill-type development. High Point is located across the street. This property was formerly Janet Payne's of Payne Landscaping, it's just shy of 6 acres. It's located to the east, the western boundary is the townhouses that were built on Prospect Street many years ago. The northern boundary is to Lot 18, and there was a combined application on Lots 17 and 18 for duplex housing that was approved by this Board a couple years ago. Beyond that, you need to skip a block, to the south is Kielt Way which was developed with duplexes also less than 10,000 sf, consistent with 18-1014, and the properties that are immediately adjoining our property are owned by the Township and they are slated for possible park. If you look at the Master Plan of 2017, LU-4, the proposed Land Use Map, shows an area in here labeled as PP for public purpose. In the same Master Plan, if you continue, potential lands for preservation and recreation, detail map 2, it highlights all of these Township-owned lands here indicating a Township park to go in this area. This is a piece of property that is developed to the west. The High Point development I should point out because there was an application that recently went to the Zoning Board. High Point was approved back in the 80's and nobody has the records for that. There were about twice as many units approved as are there today. For some reason the developer didn't build all of the units, and there were tax lots for the units that didn't get built. These were referred to as phantom lots. The phantom lots didn't pay their taxes, so the Township foreclosed on a tax lien. And then the Township owned the phantom lots across the street in that vacant area next to High Point. Why this is

important, I think everyone in Lakewood knows that High Point has turned into an area where there is some crime that the police and the owners there are trying to eliminate. It was an agreement with the Town that the property would be sold, it would be subdivided off. And they did, it's a ten-acre lot right across the street from us. The Township will get 20% of the funds, High Point will get 80% of the funds. High Point has agreed to make improvements on their site to make High Point a safer, nicer, development, and the property will be sold to a developer. It's in the RM zone also, so the developer likely would be doing a townhouse or duplex development, which would then tie in because across the street, when you look at the aerial, you can see where the other development in the area is townhouses just to the south of it. So that would take away that open space area that has attracted crime. If you look behind us, the old police shooting range is back there. As part of that they had some solar panels. But it's Township-owned property that's not slated for more residential development. So this would be the last piece in the puzzle. Being almost 6 acres in the RM zone, it allows options for development. The option we chose is 22 duplexes. Townhouses would be permitted at a maximum density of 47 by-right, and multi-family units which could be up to 65' high, would be permitted at a maximum of up to 88 units. So the development options that are available for someone that develops this property for residential purposes, the least intense use is the 44 duplex units we are proposing this evening. The reason we came up with 44, is because the Township, about 10 years ago, passed an amendment to the Ordinance, Section 18-1014. And the intent of that section was that if a development could be done as duplexes or townhouses, rather than strictly holding to the 10,000 sf, would be reduce it to 8,500 sf but limit the density so that you could not get more than you could on townhouses. And this was done in response to a project on Route 9 in the HD-7 zone, and there the townhouses and duplexes are both conditional uses. In the RM zone they are permitted uses. So the Ordinance that got passed indicates in those districts in which townhouses are a permitted conditional use, including the HD-7, duplexes shall be subject to minimum lot size of 10,000 sf, except for those districts in which townhouses are a permitted conditional use, in which case the minimum lot size shall be 8,500 sf. And it also goes on to say that the impervious coverage can be 40%. The Planning Board had an application similar to this in the B-5A zone over by Locust Street, where I presented testimony that the Board found compelling at this time and I hope they do again tonight. It would not be sensible to treat a permitted use less than you would treat a conditional use. My reading of the language that permitted conditional use, I think that it wasn't clear and it wasn't the intent. I think the clear legislative intent was if a developer can build duplexes and townhouses, it would be better for the general public as well as the future owners to have that development be in duplexes rather than townhouses and the motivation to do that is what the legislative intent of 18-1014 is.

Mr. Herzl said and the density is less.

Mr. Flannery said the density is less, yes. We are proposing a density of 7.5 dwelling units per acre. Townhouses we can do at 8. So we are asking for 22 duplexes, or 44 units, as opposed to 47 townhouses we would be entitled to by right and also 88 multi-family high rise in a 65' high building that we would be entitled to by right. So my opinion is that the only relief we really need is number 3 in the report, but I will present testimony for all of the items out of an abundance of caution so the Board can see that this is an application that's appropriate for this particular piece of property.

Mr. Jackson said when you were describing this you triggered a memory of something. I'm aware of a case, High Point versus Lakewood Township. Is this the same property, you said it was originally approved with the condominiums that were there in High Point, right?

Mr. Flannery said the original approval allowed for almost double the amount of units that are there across the street today.

Mr. Jackson said I understand that, but the case that I'm talking about is...

Mr. Pfeffer said is your question is this the same property as the High Point piece?

Mr. Jackson said yeah, what it says, High Point at Lakewood Condominium Association vs Township of Lakewood, it's a 2015 opinion. In that case, the Township had foreclosed upon unbuilt condominium units and they sought declaration that the Township did not have title. And I think what the Court said, you cannot separate those units from the master deed of the originally approved condominium, and therefore whoever foreclosed on it, which was Lakewood, had an undivided share in the common element and they owned the undeveloped condominiums at that time. I just want to know if this is the same property.

Mr. Flannery said that is the property across the street, that's not the subject property.

Mr. Jackson said so this was never incorporated into the High Point condominiums?

Mr. Flannery said no, this was the Payne residence for 30 or 40 years. Janet Payne went to Lakewood High School and married Howard Payne, and they lived in this...

Mr. Jackson said I'll accept your representation that this is not the same property.

Mr. Herzl said Brian, there was no application on this property ever, correct?

Mr. Flannery said correct. This has been the Payne residence and they've sort of run their business out of it. If you look at the existing condition plan, there is greenhouse buildings and they've been running an landscape business out of it.

Mr. Jackson said alright, I just misheard you before.

Mr. Flannery said I was trying to point out to the Board that there's two undeveloped pieces in this area, across the street which is High Point, which has had movement as of last year. And hopefully that will fill in and make this a nicer neighborhood. And then our property, a roughly 6-acre house that's existing in an RM zone, so this would be the final piece or infill in this area.

Mr. Jackson said thank you.

Mr. Flannery said there is also proximity to the recreational area that's going to be provided by the Township as well as the other duplex units and townhouse units in the area. Part of the thing is when you are asking for relief is to show that it's particularly well-suited, and that's what the intention of my discussion was.

Mr. Herzl said and duplexes, everyone has their own private lot in the backyard also.

Mr. Flannery said that's correct.

Mr. Herzl said in a condominium you don't have that.

Mr. Flannery said it's certainly a benefit to the future homeowners because they'll have their fee-simple lot, access to the backyard, four parking spaces right in front. If we would do the multi-family, you'd have a big parking lot, it concentrates the drainage. There are appropriate places for that type of development and that provides housing opportunities that are needed, but this particular piece of property is more suited to duplex development which is why New Lines drew the plans in this fashion. If we look at the zoning comments in the RVE letter, under 1 it indicates that duplexes are a permitted use. 2, indicates the variances that are required, and basically the lot areas

we've provided 8,500 sf minimum lot sizes, consistent with 18-1014 which my testimony is I think the legislative intent was to allow this. In lieu of that, I would certainly argue and will give the justification for a C2 variance, that the benefits outweigh the detriments. The benefits of having 44 duplex units versus 47 or 88 townhouse or multi-family units, for the general public and the future homeowners, it's a benefit to everyone with no detriment in my opinion. Moving on to number 3, which is the variance that we do need relief for. We have open space lots which are less than the 10,000 sf. The Ordinance doesn't make provisions for smaller lot sizes for open space, but certainly the open space is provided to benefit and buffer the residents and the sizes that we're asking for, there a minimum of 1,075 and the biggest is 8,469 sf. So again my testimony is that technically we may need a variance and I will provide the justification for that variance. Again it would be a C2 variance, where the benefits outweigh the detriments.

Mr. Stern said so are you saying that Lot 2.13 is for open space?

MR. Flannery said yes.

MR. Stern said that's presumably where we'd put the playground?

Mr. Flannery said 2.13 is an open space lot. Additionally there are open space lots along the front, which would buffer Massachusetts Avenue from the residents. But 2.13 is an open space lot in the back.

Mr. Herzl said there are two, no? Or it's one big lot. How many square foot is that lot.

Mr. Flannery said almost 8,500 sf. 8,469.87 sf.

Mr. Stern said look at the configuration, you can't put a playground there.

Mr. Flannery said we have on each end a triangular piece where we could fit recreational equipment in. Additionally, I did point out the Township has designated as a Township park, the property almost directly next to this.

Mr. Stern said Brian, do you want your three-year-old walking across Massachusetts to go on the merry-go-round?

Mr. Flannery said I walk my grandchildren to the merry-go-round, so I always think parental or grandparental supervision is important. If it was a bigger lot, I wouldn't have my grandchild out there by himself anyway.

Mr. Herzl said also, if we are talking about duplexes everyone has their own backyard to play. If you talk about townhouses or condominiums, there's no room to play. Here to have a small tot lot and everybody has his own backyard.

Mr. Stern said Yechiel, your front yard is completely paved for parking and you have a little itty-bitty area in the back. You need to have a playground. I think this Board has been consistent saying we like playgrounds.

Mr. Pfeffer said Brian in your testimony, is the area large enough for some swing sets?

Mr. Flannery said the applicant would certainly agree to put in tot lot equipment and fence it to make it safe. The strip won't do anything other than benches and grass, but the triangular shapes in my opinion would fit tot lot equipment. So getting back to the variances that we need, item 4 indicates that we need a variance for the irregular-shaped lots. And what RV is pointing out, is we have two lots that are on the bend in the road and it's almost a triangular lot because there's really two side lot lines. The one is a mirror image of the other. The plans

show a side lot line for one side and a rear lot line for the other side. What complicates it a little is when you put the zero lot line in, the unit that's not near there doesn't have any rear yard, they have only side. There is also a comment that the fronts job more than 3' and RVE is 100% right, it needs to be fixed. This is a conceptual plan. These two lots will probably be the nicest in the development because they're different from all the other ones and they will be custom designed. And it's my testimony that they will comply with the Ordinance. One, the front of the building would go on an angle parallel with the street and then instead of a square jog you could make it where it would be less than 3'. The other way would be to shorten up the building near where it comes together, but a good architect can design the 4 nicest units in the development for these two irregular lots. My testimony is A, we don't need any relief from the provision of the 3' setback, the applicant agrees that he will comply with that section of the Ordinance. B, with respect to the rear, we've provided a rear. Sometimes what's done on a triangular lot when you have a rear is you measure from the back point, in this case it would be 15', and draw a line because the definition of the rear is perpendicular to the depth. So that would be a line across the back and we would comply that way also. Again, at an abundance of caution, I'm going to ask for the variances that RVE indicates even though it's my professional opinion we don't need them, and when I get past all the variances I will give the justification. 4 was the item referencing the 3' stagger, 5 is with respect to the rear setbacks. 6 is with respect to building coverage, and again 18-1014 allows 40% coverage and we will comply with that. As the report indicates, even if some of the decks are covered we will have less than 40%, and when plot plans are submitted for this we have not asked for any variance, if the plot plans show any particular lot exceeding 40% the building will have to be reduced to comply with that. With respect to the relief that we are asking, the 2017 Master Plan, on background information on page 2, goes into all the births that we have. It concludes on page 3, based on this information it's important that Lakewood plan for residential development to house its growing population. And this property is in the Prospect Cross Massachusetts, Prospect Core, which was designated as an area that should accept the growth. Continuing in the Master Plan, on page 7 under vision statement, it says encourage growth and development in appropriate locations consistent with established land uses. And that was my testimony earlier on that this is consistent. On page 8, master plan strategies, 1B says create a range of housing opportunities and choices, and it's my testimony that the duplexes we are proposing here are the appropriate housing opportunity for this particular piece of property. If we go to the Municipal Land Use Law, NJAC 40:55D2, under purposes of the act, it 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. And it's my testimony that this does that. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions, and preservation of the environment. And it's my testimony that this does this, because we are proposing a density of 7.5 units per acre where the Ordinance allows 8 for townhouses and 15 for multi-family. So it's my testimony that the Board can grant this relief without any substantial detriment to public good, and it will not substantially impair the intent of the zone plan or ordinance. All of the relief we are asking for are C2 variances, where we need to show it relates to a specific property. This is a 6-acre residential property in the middle of the RM zone. I think it's unique and as far as I know there is nothing comparable to this in the RM zone. The purposes of the MLUL would be advanced, which I testified to. The variance can be granted without substantial detriment to the public good. And my testimony is that the other development options available, although I'm not saying it as a threat, it's just that the developer had the option of doing stuff that was more intense and he chose this which fits the area better. The variance will not impair the intent and purpose of the zone plan and zoning ordinance, and it's my testimony it's consistent with that. The benefits substantially outweigh the detriment. In my opinion, no detriment to developing in this nature in an RM zone. It's dense, but the governing body designated this to be a dense area when they designated it as the RM.

Mr. Pfeffer said as far as other RM areas in the Township, are there many?

Mr. Flannery said no. The RM areas in the Township are limited and the development in those is similar to what we have. High Point across the street, and the townhouses next to us.

Mr. Pfeffer said you would consider it a high density zone.

Mr. Flannery said yes.

Mr. Sabel said what do you mean townhouses next to it?

Mr. Flannery said right behind this site is an existing townhouse development that was built by Dov Gluck probably 15 years ago. This property abuts to townhouses.

Mr. Sabel said you're referring to Empire Lane.

Mr. Flannery said across and south on Massachusetts, there's townhouses in there. The woods that you see across the street with the cars parked in it is the 10-acre piece that I discussed that is being sold at public auction which probably will be developed as townhouses or duplexes.

Mr. Sabel said that brings me to my point. I for one think that townhouses would be a lot better use over here. I think it would be right if you would provide a layout of house the townhouses would look, maybe it would look a little better than this proposal. Some decks have 5 feet. The circle housing is weird. There's no normal playground area. It's on Massachusetts Avenue, having townhouses, 47 townhouses versus 44, I think townhouses are a lot cheaper so that would be a benefit to the community and more housing opportunities. At least show us how townhouses would look and then we can make a decision. To threaten townhouses would be worse, we're talking 47 over 44. And saving 150,000 per unit for customers. I think we could put in bigger decks, some better playground, and maybe a shul, I think there's a benefit to that.

Mr. Herzl said if you would make townhouses, the units would be smaller? You would get more porches and open area?

Mr. Flannery said the units would be the same size, but for this particular piece of property I envision it would all be done in triplexes, so instead of having two units together you would have three. So the end units are virtually going to be like the duplex, but now what you've done is created a second level of housing in between so that one out of every three has no side, they can't get around to the back of their unit. It makes it more cumbersome.

Mr. Herzl said and no windows on the side.

Mr. Flannery said yes. And the future owners would be more comfortable in the duplex units rather than townhouses.

Mr. Sabel said look at Capital Lane right behind this. There's so many units in rows, not triplexes, 7 units. And everybody is happy. They paid a cheaper price. The zoning is intended for that, for townhouses. We found a condition that we can figure out, but this doesn't look right.

Mr. Stern said Brian and Adam, your lots 9, 10, 11, and 12 are Frankenstein lots. And you've got a very odd-shaped playground. Why don't we get rid of two units, let's call it 11 and 12, put your playground there, move your lot line a little bit and give lots 10 and 9 a little bit more breathing room. And you could do the same thing on Lot 2.13, for lots 2.12 and 2.14, you got double stacked squishy parking. Why don't you give those more room and have four stalls going in. You're losing two units, but 9 and 10 will be normal units and you'll have a proper playground. You've got 44 units here. 44 basements, that's 88, times, let's be generous, 4 kids per unit, that's 166 kids running around and you've got these little backyards. Get rid of lots 11 and 12. Put the playground there. Move the lot line

between Lot 10 and 11 down, and reconfigure 9 and 10 to give them more room. We'll give you whatever variances you need. But give them a proper playground on that curve. You lose two units, I'm sorry.

Mr. Sabel said and this covers them from walking on Massachusetts for a park.

Mr. Stern said Brian you're a good grandfather, but sometimes people get busy, they've got 8 kids, and they lose one. We don't want them crossing Massachusetts. We want a nice, normal, inviting playground.

Mr. Flannery said I think what you're asking for at this time is a concession on making a modification. Perhaps if I finish my testimony and we hear from the public. If you're telling me you're ready to vote yes on it, that's one thing, but if this is gonna be an application that goes further I think if I finish the testimony, we see if the public has any comments, and then we would certainly entertain your suggestion.

Mr. Herzl said I'm confused. You're saying to get rid of one whole duplex and shift it over to make a playground.

Mr. Stern said yes that is a Frankenstein lot. Give 9 and 10 more room. And that way they can spread it out and give that unit a normal backyard.

Mr. Herzl said I hear your comments. Me personally, I know Mr. Sabel has said maybe townhouses, he has a strong point...

Mr. Flancbaum said I prefer duplexes to townhouses. I hear Bruce's point, that if we would lose or take out one duplex unit, you have a nice area for recreation, it keeps the children more contained within the development and makes the development nicer. I personally like duplexes better than the townhouses and I think Bruce's idea may make a lot of sense here.

Mr. Herzl said I agree with Justin. I personally, it may be a drop more expensive, but I think people like their privacy and having their own yard than have a townhouse. I see other townhouses in town, they are very squished together and you don't have too much privacy.

Mr. Jackson said the variances they are looking for here relate to lot area. So your comments go directly to the heart of the variances. I wonder if they took some units out and spread the lot area out, or conserved it and did a clustering thing so you could get a park or an open space...

Mr. Herzl said I would rather give them the variance and have the nice open area instead of making each house a drop bigger. Let's have a park

Mr. Stern said Yechiel, we can. But let's have an accommodation so that Lots 9 and 10, I mean 9 has no yard. So if we give them a little bit more room, a piece from Lot 11 so you can spread out Lots 9 and 10, and then what's left over is a normal...

Mr. Herzl said you put it together with 2.13.

Mr. Stern said no that's a different thing. I was saying if you're not using 2.13 as a playground, let them take some of the room from 2.13 and add it to 2.12 and 2.14. But the main point is get rid of Lot 11 and 12, add a little bit of 11 to 10 so you can spread those two units out, and then the rest of Lot 12 and Lot 11, make into a normal proper playground for the kids.

Mr. Isaacson said adding on to Bruce's argument, Brian this may be a better suggestion, eliminate both of these on the curve, extend the U of the road more towards Massachusetts Ave, and perhaps leave and open space on the northwest board and put a duplex over there. So lose the one unit, but make the road curve earlier through where those two end units are now, and perhaps build one duplex on the other side of the road and leave one lot as open space. Does that make sense?

Mr. Flannery said as I was looking at it I thought perhaps what would make sense, following Mr. Stern's logic, is rather than lose one of the duplexes there, chop half the duplex off each, so we would have a single on the end of each side. Losing two units still, but it would leave the area in between for a substantial park. I like Bruce's idea of taking a little back from 2.13 to make the parking better in that area.

Mr. Stern said I'll make you a deal. I like your idea a lot, but see the parking you have on the straight part of the curve? There's 8 spots for Lot 10 and Lot 11 on the U. Leave those there, and then have the park right behind it. And then you have one unit on the north side and one on the south, you've got a big beautiful rectangular park in the middle, and you've got 8 overflow parking spots. That's a brilliant idea.

Mr. Flannery said I never would have come up with the idea unless you pushed me.

Mr. Stern said my half-whit and your half-whit, we've got a whole whit Brian.

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

Mr. Flannery said there is nothing we can't agree with. There were a couple comments asking for testimony. Obviously it will be DPW pick up, there will be a homeowner association, we will provide what ever DPW needs. I should point out the applicant is doing substantial road widening to Massachusetts Avenue which is a benefit to the area. They're also going to be contributing to the County's offsite impact fees, to the Township's impact fees, and as indicated in the report further on there is a stormwater management fee. So the applicant will be providing a lot of benefits. Item 25 indicated something different with respect to landscaping, and we would certainly agree to that. We asked for a waiver, and it's like a partial waiver with respect to the shade trees along the road because they don't work like they would in a different development, but we would agree to provide landscaping to the satisfaction of the Board Engineer.

Mr. Herzl said I think the road that goes around is 32', it's wider than most complexes.

Mr. Flannery said the 32' exceeds the RSIS standard, but it works in Lakewood.

Mr. Herzl said I would like that nobody should park on Lines Avenue. It should be a no parking zone, free for the buses. You have four spots for each house, the street should be free.

Mr. Flannery said the only place I would think that perhaps some parking would make sense would be in the back across from the park we discussed doing. You could have parking on that side only.

Mr. Herzl said ok. Because there you have 2.13, you could always back it up.

Mr. Garfield said I have a question. Where is the entrance and exit to get in there, on Massachusetts?

Mr. Flannery said yes.

Mr. Garfield said right near the corner of Prospect. The County recognizes the danger on that corner, you have a flashing light there now. Coming out to Massachusetts, if a car wants to make a left, he'll never get out. I've traveled down that way.

Mr. Flannery said there is 425' from that intersection, which the County is now starting on a signal, so it's 425' to the property and then another 107 so we are over 500' to the entrance of the property.

Mr. Garfield said I'll leave it at that, thank you.

Mr. Herzl asked if there was anything else in the report to address.

Mr. Flannery said no we would comply with all the other comments.

Mr. Vogt said I want to get something on the record. I like Bruce and Brian's idea of taking the two interior lots and doing a playground, I think it's a smart idea. Looking at the concept plan and the off-street parking, it looks like the original purpose of those 8 spaces that are right off the loop, it looks like the intent of that parking was to ensure the overall average of a minimum of 4 parking spaces per duplex dwelling unit. If that's the case, those 8 spaces would now have a dual use for the residents as well as users of the playground, which may be one and the same. I want to make sure that the Board's aware of that.

Mr. Stern said that's part of the thinking. They were for the duplex, but now we're going to make them public.

Mr. Vogt said that's fine, I don't have a problem with it. I just want to make sure the Board is aware that these are not 8 additional spaces per se.

Mr. Herzl said right, we are gaining because you are taking off two houses. You have 8 extra spaces which could be used for the public.

Mr. Vogt said I like the idea, I just wanted to make sure we're on the same page.

Mr. Isaacson said Brian, what's the circulation plan? Is it one-way through the whole thing?

Mr. Flannery said no, the intent is that it's 32' wide it would be 2-way.

Mr. Isaacson said would it make sense to make it one-way with the entrance closer to Prospect and then the exit further away? That would allow even more space to make a left turn onto Massachusetts Avenue.

Mr. Flannery said it's a County roadway so we will have to do what they want. Sometimes they don't like restricting the one entrance to right-in and right-out, because then it means everybody has to do it at the other entrance as opposed to having options. But we will do whatever the County approves.

Mr. Vogt said I recommend keeping it two-way for the following reasons. It gives freedom of access number one, and number two, if traffic does back up now on Massachusetts, the residents are going to figure that out. They're going to drive around to the other exit anyway.

Mr. Herzl said very rarely do we see a complex coming in with 32' wide roads.

Mr. Vogt said yeah that's a good point, this exceeds RSIS standards.

Mr. Herzl said right. Any other questions?

Mr. Sabel said the left turning lane on Massachusetts, this is going to end up being somewhere by the entrances to this development.

Mr. Flannery said I can't imagine a left-turn lane for that intersection that would be 500' long.

Mr. Sabel said how long is the average?

Mr. Flannery said for an intersection like this, somewhere around 100'.

Mr. Sabel said this is a lot further.

Mr. Herzl asked for any other questions.

Mr. Stern said to be clear, the new units that are replacing the double units will be perpendicular to Lot 13 and Lot 8, correct?

Mr. Flannery said yes.

Mr. Stern said and you'll have a big rectangular playground in between those two perpendicular units?

Mr. Flannery said correct.

Mr. Herzl said thank you, and opened to the public.

Mrs. Morris said before I read the public comment, I want to ask Mr. Flannery to clarify if any additional area variances are required for the new single-family units or the tot lot, as well as for the smaller area for Lot 2.13 when you give some of that lot to the two duplexes on the ends.

Mr. Flannery said with respect to 2.13 we could leave that the same size and provide an easement for the parking on that lot, so that wouldn't adjust the lot area. So there's nothing to discuss. The two lots on the end are 1700 square feet, so we would need relief for a single-family because the single-family typically requires 7,500 sf. I think if we did 5,000 sf lots for the single-families, that would allow us 7,000 sf for the playground. So we would also need relief and it would be covered by the catch-all to do single-families on 5,000 sf rather than 7,500.

Mr. Herzl said ok.

Mrs. Morris said thank you. I will move on to public. I received an email from Moshe Zeines.

Hi

I am pleased that the application was revised prior to the public hearing to include curb and sidewalk along Massachusetts Avenue.

I have no idea why some applicants continue to present applications that are missing curb and sidewalk.

1. Can you clarify how wide the pavement of Massachusetts Avenue will be once it is widened for this application?

2. Can you tell me the size of the tract? Specifically, how many sq ft of land use is proposed for development?

3. The applicant is requesting a major waiver on the recreational lot. The plans only show an "open space" lot, without saying if this will be a playground with playground equipment, or if it will simply be an "open space lot".

Additionally, according to the engineer's review letter it is only 3% of land area.

18-808 requires "not less than 5% of land area of every residential major subdivision or residential site plan consisting of 25 or more units shall be preserved as common open space or shall be dedicated to active recreational or community facilities."

I urge the board to clarify this item and not grant any waivers for 3% of "open space" where 5% is required. I also urge the board to require active playground equipment.

4. Although the application proposes 4 parking spaces per unit as is required, many of the spaces, especially at the end units, are "stacked". I believe that stacked parking requires a design waiver.

Stacked parking, as is evident from looking around various developments in Lakewood, encourages more on street parking.

Yes, I know that stacked parking can be worked out among various family members, however, realistically speaking, around Lakewood, this design encourages on street parking.

The corner lots near the stop sign are proposed for stacked parking. This will lead to illegal parking within 50 feet to the stop sign.

I urge the board to not grant this design waiver and place the onus on the applicant to redesign the parking without any stacked parking spaces.

5. Can we get crosswalks across both entrances to the new road?

6. Some applicants put in very small street name signs, and they are very hard to see at night. I urge the board to require large retro-reflective street name signs. This will increase safety for both drivers and pedestrians.

Mr. Flannery said the pavement on Massachusetts, we are providing 26' from centerline, so ultimately that would be 52' wide cartway. The County is improving that intersection and will do so virtually up to our property, so we will be taking it then another 500' past that. The size of the tract is 5.862 acres. And with respect to the waiver on the recreational area, we exceed the five percent required and it was my testimony that was the intent. We just added another 7,000 to it so we're now at like 8% and we've agreed to put the recreational equipment in there. There is no design waiver needed for stacked parking, and that's pretty typical. We have two stacked, and two next to it, and that's done on a regular basis.

Mr. Herzl said you have three not stacked for each unit, only one stacked.

Mr. Flannery said yes. And we are happy to do crosswalks across both entrances.

Mr. Herzl said thank you. Is there any other correspondence.

Mrs. Morris said no.

Ms. McLeer, for Mr. Jackson, said no.

Mr. Herzl closed to the public.

Mr. Sabel said I still believe that townhouses, or triplexes, it's only going to be 15 out of 32 so it's not that much a problem. It gives an opportunity for more affordable housing. But if anyone makes a motion to approve this I would ask that they please include window well coverings and a walkway from the basement entrances to the sidewalk, not including the driveway.

Mr. Herzl said thank you and asked for a motion.

Mr. Stern made a motion.

Mr. Herzl said would you add on what Mr. Sabel would like?

Mr. Stern said yes, that sounds reasonable.

Mr. Flancbaum seconded.

Mrs. Morris said before roll call, I did receive one more email from Mr. Zeines and I know there is a delay in the video feed on the website so I recommend we read it.

Mr. Jackson said I recommend that you listen to that.

Mr. Pfeffer said the applicant has no objection.

Mr. Jackson said after, we can asked the person that made the motion and seconded if they want to change their motion.

Mrs. Morris said his email said read item number 6 again. We didn't have his email scrolled down far enough when Mr. Flannery was responding. His number 6 comment says some applicants put in very small street name signs and they're hard to see at night, I urge the Board to require large retro reflective street name signs to increase safety for drivers and pedestrians.

Mr. Flannery said the applicant will leave that up to the Board. Whatever the Board wants, the applicant is fine with.

Mr. Stern said I don't know what a retro reflective sign is, I can't really opine one way or the other.

Mr. Jackson said how about we leave that up to Mr. Vogt during his review and he can check with, I don't know how approves the actual traffic plan on the Township level, maybe the Township Engineer.

Mr. Vogt said we can review that request if stipulated in the resolution. We would typically get the review and approval of the Township Traffic and Safety unit.

Mr. Herzl said thank you Terry. Back to the motion. Mr. Stern, your motion stands?

Mr. Stern said yes, and we are just going to give Terry super powers to interpret the signage requirement. But yes it stands.

Mr. Flancbaum said my second stands. Mr. Sabel voted no, the rest were in favor. It was noted that Mr. Rennert had left before roll call.

Mr. Sabel said the motion was for removing the two lots and putting the park on?

Mr. Herzl said yes of course. That was Mr. Stern's motion.

Mr. Sabel said very good.

6. APPROVAL OF MINUTES

7. APPROVAL OF BILLS

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Ally Morris
Planning Board Recording Secretary