

## 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 & SWEARING IN OF PROFESSIONALS

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

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

## 3. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2365 140 E Kennedy Boulevard LLC**  
140 East Kennedy Boulevard                      Block 105, Lot 5  
Preliminary and Final Major Site Plan for a retail building

The Board discussed submission procedures for revised plans.

Mr. Stern asked to see a copy of the plans when they are submitted for resolution compliance.

A motion was made and seconded to approve. Mr. Garfield, Mr. Stern, and Mr. Meyer were in favor.

2. **SP 2364 Yeshiva Toras Aron Inc.**  
500 Summer Avenue                                      Block 402, Lot 2  
Preliminary and Final Major Site Plan for a gym

A motion was made and seconded to approve. Mr. Garfield, Mr. Stern, and Mr. Rennert were in favor.

## 4. RESOLUTION FROM THE COMMITTEE

- 2020-214: Amendment to the Cedarbridge Redevelopment Plan

Mr. Vogt said we had emails going late day on this. These are, as I understand it, very administrative changes that the Township is adopting to the Cedarbridge Redevelopment Plan. There's a lot of history in regard to the zone itself. There were redevelopment plans going back to 2000, if not earlier. There was a GDP which has been perfected since because most of the properties have already been through approval and already built. What the Committee is looking at are some administrative changes to the plan itself. One is coming up with an end deadline. Speaking with Harold Hensel, there were various dates in the existing plan. They're going to amend that so that the end all date is going to be 2040. I think there's dates in the existing plan that go as late as 2050. The second thing was taking out a paragraph from the original plan that is outdated. It talks about the future buildout of the area 20 years ago. It's simply editing. Bruce had a comment later this afternoon. I brought Harold into the conversation and he confirmed there are no changes proposed to the uses in the area itself.

Mr. Jackson said that's all in the plain language of the deletion. It's just deleting a recital about how it's undeveloped and there's going to be 2,000,000 sf of office space. It's just taking something out. Other than taking out a description of the area that's no longer accurate, it's not really changing.

Mr. Rennert said so why are they taking that out?

Mr. Stern said because it's developed now. The plan actually worked.

Mr. Jackson said that could be viewed upon as a premise for the zoning and it's not undeveloped any more. They want to ratify in it's current state, say that everything is still true and it's not built upon the premise that it's all vacant.

Mr. Herzl said so nothing changes, it's all administrative.

Mr. Jackson said yes. I have the portion of the paragraph to be removed:

The large upland area is proposed for a combination of uses that will serve of Lakewood Township in an extraordinary way. The Plan calls for an estimated 2,000,000 square feet of office space from the wetlands band south and east, with the exception noted below. The tract will be divided into a number of development lots which will include buildings of various sizes ranging from 100,000 square feet to 500,000 square feet. All lots should have access to one of two primary roads connecting Pine Street, Cedarbridge, and New Hampshire Avenues.

Mr. Jackson said so they want to take out that it calls for 2,000,000 of office space and that the tract will be developed into a number of development spaces.

Mr. Stern said Terry, we must have at least 800,000 to 1,000,000 of office space already built in Cedarbridge.

Mr. Vogt said I don't have a number but that sounds right. I think that's the point. The original plan had reference in the paragraph to be deleted which is basically past tense at this point. It's what people had envisioned at that time. Obviously most if it is already approved and a lot of it has been built. The intent is not to change what was envisioned, it's simply editing the original plan because what was future tense is now past tense.

Mr. Rennert said by taking that out, does it change the fact that we still want to have 2,000,000 sf of office space there?

Mr. Stern said no.

Mr. Vogt said not to my knowledge. There were emails late today. If the Board is concerned with that, you can send something back to the Committee in the affirmative but say it's your understanding that there is no change in uses as per the original plan.

Mr. Stern said why are we getting this, what's our standing?

Mr. Isaacson said there's one other point here. If I submit plans to build a house, I don't come back halfway through construction and say ok you can remove all the part about the foundation and the outer walls. Now I just want to build the rest of the house. It was a plan, I don't understand why it's being deleted halfway through.

Mr. Vogt said this is a redevelopment plan. It was done approximately 20 years ago. They are making edits in part because I believe that there is interest from people that may want to come in and finish the park at a future date. Speaking with Mr. Hensel, a lot of this is driven by they just want to make the plan current and consistent. You have people who may be looking to come in and develop in accordance with a 20 year old document. These are simply updates.

Mr. Rennert said are we under some time constraint or can we push this off?

Mrs. Morris said we can push it.

Mr. Rennert asked when we got it.

Mrs. Morris said last week.

Mr. Rennert said my concern is there has been in the past a push to put retail there. Taking out the reference to 2,000,000 sf of office space, I don't know if that's going to be used against the neighbors who don't want retail there, to say that the plan doesn't call for 2,000,000 sf of office space. Rather you could do something else there.

Mr. Stern said we've approved retail.

Mr. Rennert said you're right.

Mr. Stern said I think the plan was amended in 2005 for retail.

Mr. Jackson said Mr. Hensel has joined the meeting. I recommend the Chairman recognize him.

Mr. Rennert asked about the paragraph being taken out. Could that be construed to say that now we aren't asking for 2,000,000 sf of office space?

Mr. Hensel said no. That's not the case. The square footage referenced there was an approximation based on how much square footage was being developed every 5 years. They're still going to continue on, I don't know if it's going to come out to 2,000,000 totally but that's the purpose of it. It's really governed by the Ordinance and the controlling development plan as to how much is being built but they take down periodically a certain amount of square footage and build it out.

Mr. Rennert said where does the plan say specifically that this area is going to be developed with office space, aside from this paragraph.

Mr. Hensel said it's in the original DA-1 designation. There's a listing of permitted items in that zone. Terry, you can probably speak to that as to what's permitted.

Mr. Vogt said I don't have the DA-1 Zone in front of me, but I can try to find it.

Mr. Hensel read the permitted uses in the DA-1 Zone as per the Plan Amendment done in 2000.

Mr. Vogt said Harold, per the emails earlier today there are no changes proposed to the uses themselves.

Mr. Hensel said that is correct. The only thing that's changing is the milestone end dates because there are several all over the place as a result of that litigation and the GDP that we really don't need at this point.

Mr. Rennert said can we leave this paragraph then? It still pertains to today. We could just move up the date from 2050 to 2040.

Mr. Stern said is the reason they're doing it just good draftsmanship, or is there more of a substantive reason?

Mr. Hensel said it's draftsmanship. It was an estimated 2,000,000 sf of office space. I'm not sure they're going to get there, but it's not changing what's permitted there. That's controlled by the development ordinance and the plans that come before you.

Mr. Rennert said so why is this paragraph coming out.

Mr. Hensel said because the estimated office space may not be accurate now.

Mr. Rennert said who is that hurting? If we take this paragraph out and someone comes in and says the Planning Board recommended the Township take out the paragraph that talks about office space, we don't necessarily care about office space so we're going to put in retail. There was something approved for retail recently, but the Ordinance just read doesn't reference retail.

Mr. Stern said how was retail approved.

Mr. Hensel said there was a 2015 Amendment that added retail as a permitted use in particular locations.

Mr. Rennert said the neighborhood was adamant that they don't want to see this turned into a retail area. Pine Street cannot handle that. I'm ok moving forward without deleting that paragraph.

Mr. Garfield said say office space only.

Mr. Stern said it's not office space only, it's all those uses listed. What is the role of the Planning Board in this Ordinance?

Mr. Herzl said they just need our recommendation. The Township will vote regardless.

Mr. Jackson said I don't know about that with a redevelopment plan, this may be the province of the Planning Board. This is not an Ordinance in accordance with the Master Plan.

Mr. Hensel said I took a look at the statute, it is very similar to the statute for changing the zone. It indicates it has to go to the Board for their review and they have 45 days to report.

Mr. Jackson said ok so this is something the Committee can act in contrary to. It's like an Ordinance.

Mr. Rennert said the Township would need a larger majority to pass it against us.

Mr. Stern said maybe we should reaffirm that the future development should be consistent with whatever that zone designation that Harold just referenced, which excludes retail.

Mr. Rennert said today it excludes retail, but in the future someone could come in and make this argument that the Board took out reference to office. That could mean we don't really care if there is office space or not. I see no reason to change it. There's no benefit, it can only be a detriment. As it is before us, I am comfortable making a

motion not to recommend it. If you want to push it off, that's something you could do. Can I split my recommendation to say I recommend part of it be approved?

Mr. Jackson said you either make the recommendation or you don't make the recommendation or you make the recommendation with the following changes.

Mr. Vogt said I know I sent this late but I sent everyone an email at 5:07 today. I had responded to one of Bruce's concerns and said assuming the Board votes to send a letter in support, the Board may include the fact that no use changes are proposed in its approval.

Mr. Herzl said I'm ok with that, Eli are you?

Mr. Rennert said no. I would like to recommend that the part of the top paragraph on page 5 that's recommended to be deleted, not be deleted.

Mr. Herzl said is that your motion?

Mr. Rennert said yes.

Mr. Herzl said do we have a second on that motion. Seeing none, Mr. Herzl seconded it.

Mr. Stern said I have a question. How did retail get approved last time? Was it on an ad-hoc basis? What is to prevent what Eli is concerned about. How is a megamall not going to happen?

Mr. Vogt said I would have to see the use proposal and take a look at the Ordinance. I didn't expect this question.

Mr. Stern said Harold, retail is not one of those enumerated uses. How did retail get approved at this site? I'm not opposed to it, I think it's a great addition.

Mr. Hensel said I recall it that it went to the Planning Board at that time and there were recommendations from the Board. It was a small section of the entire DA zone that was considered and an amendment was done with the approval of the Planning Board to include a small section for retail.

Mr. Stern said so it's an amendment of the GDP, or...?

Mr. Hensel said an amendment to the Redevelopment Plan in 2015, as you are considering tonight. I think it's referenced in the Ordinance.

Mr. Stern said but not everywhere. It was amended for this particular... why don't we just put in a statement that...

Mr. Rennert said I'll tell you why. The statements don't get remembered, they don't get recorded anywhere. This document will lose that. It will be a new document that will not talk about having office space. And that's all that's going to turn up when a planner shows up to try to put in a megamall. I'm not saying it's the wrong place, a megamall could work perfectly well. But there's a lot more that needs to be discussed, especially with the roads coming into it. So I see no benefit in taking that paragraph out. Only bad can come out of deleting this paragraph.

Mr. Herzl said we have a motion and a second, let's take a roll call.

Mr. Isaacson asked for clarification on the motion.

Mr. Morris said to not remove the paragraph that references the original site conditions and the future 2,000,000 sf of office space.

Mr. Isaacson said isn't that the amendment?

Mrs. Morris said no, most of the amendment is changing the expiration date of it.

Mr. Vogt said and there is removal of the GDP.

Mr. Stern said what happened here is it was in litigation for 5-7 years, so it kinda slowed things down. Now I think it's extending the plan, and candidly after 15 years the plan is working as envisioned.

Mrs. Morris took a roll call. All were in favor.

## 5. PUBLIC HEARING

1. **SD 2437 Shraga Sternbuch**  
332 & 336 Laurel Avenue                      Block 536, Lots 37 & 47  
Minor Subdivision to create three lots

Mr. Vogt said as indicated in our letter, beginning in zoning, it is a permitted use. Minimum lot width variance is required for Lot 47.01. I believe that's the only variance relief. There is a design waiver required for the side lines not being perpendicular. This is strictly geometry, the Board as approved this in other applications.

Mr. Shraga Sternbuch appeared and was affirmed. He said I would like to build a house for myself, and I think there's enough room for a duplex lot and I was hoping you guys would approve it.

Mr. Glenn Lines, professional engineer, appeared and was affirmed. He said the application we have is, we are subdividing two existing lots into three lots. A single-family lot on the left and then the two lots on the right-hand side are for a proposed duplex. Mr. Sternbuch intends to build his house on the left-hand lot. The variance required is for lot width. We have I believe 42.23' where 50 is required. We can fit a 25' or wider house, it would be a narrower and deeper house. We are going to make one adjustment to the lot line between the single-family and the duplex lot, and make those lines parallel. Right now there's a little bend and it pinches off. We're going to make that about a foot wider and make all the lot lines so they're parallel. The other thing, we talked to the client today, he'd like to make that center lot have a better back yard. So he'd like to adjust that angled rear lot line to make more room for a play area.

Mr. Herzl said for the center lot you're making wider, you're taking it off the single-family lot?

Mr. Lines said a little bit of land would come off of Mr. Sternbuch's, and then he would get a little bit of land off the back of the middle lot. Just going to rearrange. All of the areas will still comply, it will just give that middle lot a little less of an angle on their backyard.

Mr. Vogt said Glenn, you cited the lot width from our first review which was 42.23. Our revised review is that the actual lot width as currently depicted is closer to 41'. I want to get that on the record. Are you saying as a result of these lot line changes that you just mentioned, is that width going to be increased or is the Board acting on 41'?

Mr. Lines said I feel like we should act on your number Terry, so it would be the 41'.

Mr. Herzl said what I understand it is they are not increasing the width in the front.

Mr. Lines said right, the frontage is not changing. We are trying to make the back a little wider, without requiring any new variances other than what was requested.

Mr. Vogt said but 41' will be a worst-case width that you hope to improve upon.

Mr. Lines said correct.

Mr. Garfield asked about evening out the lot sizes. It was determined he was looking at the wrong plan.

Mr. Herzl asked about the rest of the report.

Mr. Liens said the rest of the report we can comply with. There is one other request Mr. Sternbuch mentioned, if we could get a 1' variance on each side of the house. So instead of 7' setbacks it would be 6. That would be a 2 foot wider house.

Mrs. Morris said John, are they able to throw in additional variances that haven't been part of the notice or the application?

Mr. Jackson said if they have the catch-all in their notice... Most notices say any and all variances that the Board deems appropriate. If they do not, then they have to come back. So we'd have to take a look at their notice.

Mrs. Morris said I'm sure it's in there.

Mr. Jackson said it's to a degree, too. Obviously something that's a change or an oversight and relatively minor, but if it's a substantially different application, it's up to the Board to consider...

Mr. Rennert said my only comment would be I'm fine if you want to do it to your new lots. But an existing neighbor might have seen what you are proposing, seen no side yard setback, and not come to object. So that I'm not inclined to give.

Mr. Jackson said you're right on the mark with that. It's a matter of judgement on the part of the Board.

Mr. Rennert said I'm ok going within your newly created lots, that's ok.

Mr. Herzl said without notice for a variance to a neighbor, I don't think we should vote on it. Mr. Sternbuch, do you want to come back to ask for the variance?

Mr. Sternbuch said when would that be.

Mrs. Morris said it has to be two weeks or later because the applicant has to provide notice.

Mr. Rennert said do you want to take an approval based on what you have now? You can always come back and amend it.

Mr. Stern said I don't see any actual plans for the houses on the plans. I see lot lines and parking spots, but nothing that shows where the houses are going to be.

Mr. Lines said you don't have to show where the house is going to be. The house will be within the setback lines on a minor subdivision. And then we design a house that gets submitted to the Township Engineer and the Zoning Officer who review it for compliance with the approval.

Mr. Jackson said Mr. Stern, you can certainly say that as an element of the proofs you want to see the architecture, design, and the setbacks of the proposed house before you're inclined to grant the variance. Many times the structure itself can mitigate against the deficiencies with the setbacks. The Board of Adjustment does that all the time.

Mr. Vogt said I represent the Zoning Board. I think the truth is somewhere in the middle. There's a separate process that's done when these lots are created by either Board. When the developers come in with individual homes, unless it's part of a major subdivision where the architecture is an inherent part of the approval, more often than not builders come in with a home based upon a buyer. And that home has to fit what the Board approved in terms of setbacks and building coverage, or they have to come back. What the Zoning Board sees a lot of times is bulk variances for the development of a non-conforming home on an existing property. Sometimes they get caught up with what the architecture is going to look like. One third of the façade is stone, they have irrigation, but more often than not they don't dictate the architecture unless it's part of a larger project. On this particular project, if this property is approved, someone is going to come into the Engineering and Zoning department with a plot plan that has to conform with the Board's approval.

Mr. Jackson said I agree with what you said, but the Planning Board certainly has the authority to ask for the house that's going to mitigate against the deficiencies in width. The shape and configuration of the house could certainly make it an easier sell for an undersized lot subdivision.

Mr. Rennert asked if any existing houses are staying.

Mr. Lines said they'll both be demolished. Sidewalks, curbs, aprons will be installed with the new houses.

Mr. Rennert commented that he likes the exhibit provided with the subdivision overlaid on the satellite image.

Mr. Isaacson said I don't know when the owner decided to move the line, but didn't you have enough time to get that to us so we can see it?

Mr. Lines said I understand. We just talked about it today. We can vote on it the way it is at this point. Any setback changes, we will come back to the Board.

Mr. Herzl opened to the public.

Mrs. Morris and Mr. Jackson confirmed they did not receive any public comment emails.

Mr. Herzl asked for a motion.

Mr. Rennert made a motion to approve as presented, meaning the plans that were submitted.

Mr. Herzl said if you want to make it wider, you have to come back Mr. Sternbuch.



Mrs. Morris said I don't think that change is going to affect the substance of the application. As long as that diagonal adjustment doesn't affect the variances or the width variance of 41', I don't think that change will need to come back to the Board.

Mr. Herzl said he wants to make the side setbacks 6'.

Mrs. Morris said that change would require a new approval by the Board.

Mr. Meyer seconded the motion. Mr. Isaacson voted no, the rest were in favor.

2. **SD 2440 Edgecomb Parkview II**  
Edgecomb Avenue Block 1019, Lot 3.01  
Preliminary and Final Major Subdivision to create three lots

The Board ran out of time to hear this application and it was carried to a future meeting date. An announcement was attempted to carry it to the June 23, 2020, meeting, however the meeting audio cut out.

## 6. APPROVAL OF BILLS

## 7. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary