

## 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. Sabel, Mr. Stern, Mr. Flancbaum, Mr. Herzl, Mr. Isaacson, Mr. Meyer were present.

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

## 3. PUBLIC HEARING

1. **SD 2432 Yehuda Rotberg**  
136 & 138 Gudz Road Block 11.10, Lots 70 & 71  
Minor Subdivision to realign lot lines

Mr. Vogt said this is in the R-12, there is a variance for lot width. There's a chance that off-street parking relief is necessary on new Lot 70.02, we'll get testimony on that. Under design waivers, they are necessary with respect to sidewalk along Gudz Road as well as street trees along the frontage.

Mr. Charles Surmonte, Professional Surveyor and Engineer, appeared and was affirmed. He said the owner of Lot 70.02 is trying to expand their lot in planning for future improvements. They are constrained in the rear due to a riparian buffer, so they approached their neighbor hoping to widen the lot and make it more developable. They were only able to obtain an additional 10 feet putting them at 85', 5' shy of the 90' required for the zone, but it seems that's the maximum the neighbor is willing to offer.

Mr. Herzl said it's currently 75 and you're going up to 85?

Mr. Surmonte said correct.

Mr. Herzl said are there any other variances besides width?

Mr. Surmonte said that's the only variance.

Mr. Vogt said are you seeking parking relief on Lot 70.02.

Mr. Surmonte said I can't say that we have 4 parking spaces. When the time comes to redevelop the lot, we would provide the required parking. At this time, we'd like to sit tight with the existing asphalt driveway which is 2 spaces.

Mr. Vogt said so it would be conditioned upon meeting the parking requirements when that lot is developed. Do you have testimony on the design waivers?

Mr. Surmonte said we were hoping we could bundle all those improvements up at the time of redevelopment. We intend on providing them down the road but are hoping to forestall those until the future.

Mr. Vogt said so if the Board is amenable, they can simply put sidewalk and street trees in when those lots are developed and not necessarily seek a waiver.

Mr. Herzl said it I understand, they aren't building any new houses at this time.

Mr. Jackson said Mr. Surmonte, do we have the ability to put the plan up? For the record can you state the lot and block or street address?

Mr. Surmonte said it's number 136 Gudz Road.

Mrs. Morris said I can share the map.

Mr. Jackson said Mr. Surmonte, your client's name is Rotberg?

Mr. Surmonte said yes.

Mr. Jackson said as we look at this property I see Lot 70.01 and I think lot 70.

Mr. Surmonte said 70 and 71.

Mr. Jackson said 70.01 and 70.02?

Mrs. Morris said those are the proposed lots.

Mr. Jackson said and what will the dimensions be?

Mr. Surmonte said Lot 70.02 will be 85 wide by 300 deep. Lot 70.01 will be 140 wide by 300 feet deep.

Mr. Jackson said Lot 70.01 has an existing structure to remain?

Mr. Surmonte said yes. We provide no changes other than taking the land off it.

Mrs. Morris said it looks like the lot on the left is already undersized with respect to width and you are making it wider.

Mr. Isaacson said that is exactly what I was going to. You're improving the width.

Mr. Herzl said the only thing is the sidewalks. How do we get it so that when they go to construction we have the sidewalks.

Mr. Isaacson said it's my understanding that when they're going to develop it, they're gonna have to come back in front of the Board for approval.

Mr. Flancbaum said Mr. Surmonte you referenced the riparian buffer in the back before. It's pretty far in the back. How does this 10' width help them?

Mr. Surmonte said this way they can build a wider house instead of a deeper house and then still have a useable backyard. They were just looking to make this lot as buildable as they could.

Mr. Flancbaum said it looks like it's over 100' from the rear of the existing structure, so...

Mr. Surmonte said it's only 50 feet from the back of the house.

Mr. Jackson said the questions were about the... I see existing lot line to be eliminated. That's where you're making it 10 feet bigger.

Mr. Surmonte said yes.

Mr. Jackson said questions about the riparian buffer, does that coincide with these grading lines?

Mr. Surmonte said yes in the back there is a dashed line which is about 50' from the back of the house and it says 300' riparian buffer on the extreme left of the drawing. So that only affords the property 105' of by-right developability, so that was the reason they wanted to increase the width.

Mr. Jackson said on the zoning table, Lot 70.01, does that lot need variance relief to exist in the dimensions you are proposing?

Mr. Surmonte said no, it is fully conforming.

Mr. Jackson said 70.02, is that conforming?

Mr. Surmonte said no.

Mr. Jackson said are you reducing the non-conformity?

Mr. Surmonte said yes. It is from 15' down to 5' shy.

Mr. Jackson said so you're making the conditions on 70.02 better.

Mr. Herzl said the only thing is, I want to know when he wants to build a house on 70.02 does he just go to the inspection department or does he come back to the Board? I want sidewalks to go it, if not now then later.

Mr. Vogt said they do not have to come back to the Board. If the subdivision is approved, they'll go to the Engineering department and file for plot plan approval. It's important that the Board act on the application as to whether sidewalks are or are not required because that will carry through to the plot plan approval.

Mr. Isaacson said let's put in the resolution that they have to put in sidewalks and shade trees when the lots are developed.

Mr. Jackson said that's for both lots?

Mr. Isaacson said existing Lot 70.01, that is a developed house. I believe it has sidewalk in front.

Mr. Vogt said we did not interpret it that way, it doesn't look like there is sidewalk on either.

Mr. Herzl said I would like to have sidewalks on both.

Mr. Jackson said because of this format, is everyone in favor of requiring the applicant to have sidewalks at this time?

Mr. Isaacson, Meyer, Herzl said yes.

Mr. Vogt said about 2 minutes ago someone mentioned curb. I believe there is curb there already.

Mr. Surmonte said correct.

Mr. Vogt said so the waivers in question are only sidewalk and street trees.

Mr. Yehuda Rotberg appeared and was affirmed. He said there are currently no sidewalks. There is a curb. I have no issue putting in sidewalks or shade trees. The reason for the extra 10 feet is to keep as much of the backyard and trees as we can. I don't think the neighbor we are getting the ten feet from is going to allow us on to their property to put in sidewalks.

Mr. Herzl said Mr. Rotberg, which is your property?

Mr. Rotberg said the lot that is currently 75' wide. I don't own the next property.

Mr. Herzl said we can't force them then if they're not doing anything on that property.

Mr. Jackson said I think you absolutely can make that a requirement of this subdivision request. Both properties are up for review and if you think it's appropriate to have sidewalks on both properties, this is where the opportunity is. You might ask Mr. Vogt if you want to allow cost and feasibility to factor into it. I guess it's about 140' of sidewalk.

Mr. Vogt said I couldn't tell you truthfully, it's to be private construction.

Mr. Rotberg said and there's a lot of trees there.

Mr. Vogt said I can't give you a number off the top of my head. If you're putting sidewalk in a municipal rate for arguments sake at \$45 a square yard, whatever that ends up being. It's 4 sidewalks with bump outs at whatever the length of the property is.

Mr. Jackson said Mr. Herzl, you don't even have to consider the cost necessarily but you do have the authority to make it a condition of approval.

Mr. Rotberg said I think it will cost us a lot of money and I don't know if the people that own that property will be happy with sidewalk.

Mr. Herzl said and your property, you agree to sidewalks.

Mr. Rotberg said 100% we agree. It's a fast moving road, I want my kids to be safe.

Mr. Herzl said that's exactly why we want them on both properties.

Mr. Rotberg said I understand that.

Mr. Herzl opened to the public.

Mrs. Morris said she had not received any emails on this application.

Mr. Herzl closed to the public.

Mr. Flancbaum said I think ultimately we need curb and sidewalk on both properties, if and when the properties are developed. Maybe we put the same condition on the other lot.

Mr. Jackson asked Mr. Vogt about the mechanics for conditions of approval and bonding requirements.

Mrs. Morris said typically a minor subdivision does not require a bond. Given that there are existing dwellings, there is no immediate construction to precipitate their installation. In this case it would have to be bonded before the map could be signed. We would hold that money until they put the sidewalks in.

Mr. Jackson said and they couldn't perfect the subdivision until it's either bonded or done.

Mr. Isaacson said I agree with what Justin just said. By my calculation the whole 225 feet would be in the \$4,500 to \$5,000 range.

Mrs. Morris said that sounds right to me.

Mr. Isaacson said since the lots are owned by different people, can we require it on 70.01?

Mr. Jackson said you can require it as a condition of approval because both lots are in contention here. They are both part of the application. 10 feet is coming off of Lot 70.01 so they have to sell that and they are a co-applicant and the Board has the authority to make them do it. Both parties are part of this application.

Mr. Herzl said what if the other lot doesn't want to do the sidewalks.

Mr. Jackson said if they can't fulfill the conditions then they can't do the subdivision.

Mr. Vogt said I'm not sure that you would require the consent of the larger lot if the sidewalk is going within the right-of-way. It could be constructed there without their consent.

Mr. Herzl said you're right, it's Township property.

Mr. Flancbaum said I'm a little lost here. I thought when someone submits an application to the Engineering office, they automatically require curb and sidewalk. Is that not the case?

Mrs. Morris said that is the case, but in this case they're not proposing to submit permits for building anything.

Mr. Flancbaum said no I understand that, they're not building anything. Once they build something, they're going to have to build that regardless.

Mrs. Morris said correct, but then if those houses sit there for 10 years you won't have sidewalk for 10 years.

Mr. Flancbaum said right, but they're not changing anything.

Mr. Jackson said so you're using the subdivision as a tool to nudge the sidewalks.

Mr. Herzl asked for a motion.

Mr. Garfield said which public hearing are we on?

Mrs. Morris said this is the first one, SD 2432.

Mr. Garfield said this is Rotberg?

Mr. Herzl said yes. You can't vote on this one, we are finished already.

Mr. Isaacson said so are we requiring that they need to bond for it or that they have to ask for it anyway in the future?

Mrs. Morris said that is up to whoever makes the motion.

Mr. Herzl said I think the consent is that we do want the sidewalks on the whole property.

Mr. Isaacson said and I don't think the cost is going to be that high for the bond.

Mr. Herzl said they're building such a big lot over there, \$5,000 is not a lot of money.

Mr. Isaacson made a motion to approve with the condition that there be a bond for sidewalks on both new lots and that shade trees be installed on new Lot 70.02 only, and Mr. Flancbaum seconded. A waiver is granted for shade trees on Lot 70.01. Mr. Sabel abstained. All were in favor.

Mr. Jackson clarified that curb is to be replaced as necessary and as directed by the Board Engineer as well, and that these items can be bonded as a condition of perfecting of the subdivision.

**2. SP 2363AA Heshy Rawicki**

28 Drake Road

Block 376, Lot 1

Change of Use/Site Plan Exemption to convert existing house to a school

Mr. Vogt said we have a number of submission waivers listed in our letter. Most of these are typical with a change of use application. Design waivers include bus drop off/pick up area, shade tree and utility easement, lighting and landscaping, trash storage, proposed grading, curb and sidewalk on the frontages. Under zoning, the project is in the R-12 and is permitted. There are no bulk variances identified. Design waivers are required from curb and sidewalk.

Mr. Brian Flannery, Professional Engineer, Land Surveyor, and Planner, appeared and was affirmed.

Mr. Jackson said I want to make the announcement, on the website there is an email address posted where you can send comments and questions which we will address after the applicant makes his case.

Mrs. Morris said that email is [planningboardcomments@lakewoodnj.gov](mailto:planningboardcomments@lakewoodnj.gov).

Mr. Flannery said the application is for 28 Drake Road to convert an existing residential dwelling into a school. The property is located at the corner of Clarkson Avenue and Drake Road. As a point of reference, this was my neighbor for probably 30 years. Proposed is 4 bedrooms and an office with 5 parking spaces. I have the Change of Use Plan submitted by Nexgen, it shows there is curb and sidewalk along Clarkson and Drake. There is curb along Atlantic Avenue but no sidewalk. Atlantic Avenue goes no where.

Mr. Isaacson said how many classrooms?

Mr. Flannery said 4.

Mr. Isaacson said the plans only show one and an office.

Mr. Flannery said that's the first floor, the second floor shows the bais medrash which we count as a classroom.

Mr. Herzl said are there any variances.

Mr. Flannery said no. We aren't making any changes to the property, it's just a change of use. There are sidewalks on Drake and Clarkson as shown on the Change of Use Plan.

Mr. Vogt said as Brian indicated, the Change of Use Plan does show sidewalk along the majority of Drake and Clarkson however it's not the entire frontage. Partial waivers are required.

Mr. Isaacson said I'm pretty sure they finished this already.

Mr. Flannery said the adjoining property to the east is a school that fronts on James Street, they have no access to Drake so that's a developed site with no sidewalk. When they did their application 20 years ago the neighbor I referenced before asked for no sidewalks, said they liked the rural nature of Drake. On the other side of Clarkson there are sidewalks that go up to the Weinberger property. At that point there's no sidewalks across the street. If you cross the street, Serenity Estates is there and has sidewalks that get you up to Neimann Road. This application provides sidewalks to connect on Clarkson Avenue as well as the development to the west.

Mr. Herzl said you're reading off Nexgen's Land Development Change of Use? I have another one from New Lines that shows sidewalks all around it.

Mr. Flannery said is that the survey map?

Mr. Herzl said it says Final Asbuilt Survey of Property.

Mr. Flannery said I thought the survey map was consistent with the Nexgen plan.

Mr. Herzl said it shows sidewalks going around all of Drake, Clarkson, and Atlantic as well.

Mr. Sabel said is Clarkson the same as Atlantic? If you look at google maps, Atlantic shows to the west but on your map it says Clarkson.

Mr. Flannery said Clarkson ends at Atlantic. Clarkson goes between Atlantic and Drake. Atlantic then goes to the west about 100 feet and It goes to the east and provides frontage to development of a subdivision.

Mr. Sabel said that's Kyle Court, not Atlantic.

Mr. Flannery said Atlantic goes about 100' to the west and then Kyle Court leads to the South and comes out to James Street.

Mr. Sabel said ok what you call Clarkson, on Google Maps it's showing as Atlantic Avenue. What you show as Atlantic is Kyle. I can clarify the confusion. Sidewalk is showing fully on Atlantic and Drake, and partly on Kyle.

Mrs. Morris said I pulled up on my screen the latest survey by New Lines, it was revised through April 6, 2020. I assume this is more current information. It shows sidewalk on Clarkson, Atlantic, and Drake. The Change of Use plan shows less. The latest survey shows that a sidewalk waiver is not required.

Mr. Herzl said why do we have two different plans?

Mrs. Morris said this is a survey. The other is a Change of Use. The survey appears to have been updated, I'm assuming field work was performed there was additional sidewalk construction in the recent past. I see Mr. Abadi shaking his head. You can see the survey that was used for the Change of Use was originally done back in December, but has been updated over the last few months as the site conditions have changed. It doesn't appear that a sidewalk waiver is required except for perhaps right here where Atlantic Avenue is not improved.

Mr. Flannery said you are correct. That is a right-of-way that goes to nowhere. Obviously the first survey was done before they finished the sidewalk. The updated plan shows that there is sidewalk all around the frontages, except where Ally indicated the short section of the paper street that goes to nowhere. There would be no reason to put sidewalk.

Mr. Isaacson said that's not a paper street, that was developed.

Mr. Flannery said the first hundred feet was developed, that goes to Kyle Court, which I remember well. My house was right at the intersection where Clarkson intersected with Atlantic Avenue.

Mr. Jackson said Mr. Isaacson as a Board member has given input and stated his belief that it is paved all the way to the end and Mr. Flannery has a different recollection. We can't have it as an argument, Mr. Isaacson has to set forth the basis for his belief and Mr. Flannery in response, I would like to know the last time you were out there.

Mr. Isaacson said this is next door to my kids' yeshiva, I lived about 50 seconds from here. As Mr. Sabel said before, Clarkson is Atlantic Avenue and Atlantic goes up until Kyle Court.

Mr. Flannery said we are agreeing on that. Atlantic goes up to Kyle Court and has sidewalk. And then Kyle goes out to James Street. What Ally indicated is that beyond Kyle Court there is a right-of-way that goes to nowhere. So there's roughly a 100 foot piece of Atlantic Avenue right-of-way that is not developed and has no public reason for development. At one point I had requested a vacation but the Township was in the situation where they weren't vacating rights-of-way. That's the only part where there is no sidewalk, a paper street to nowhere.

Mr. Herzl said what's further up Atlantic Avenue?

Mr. Flannery said it goes to the east 100' to Kyle Court and then it continues another 100' east to nowhere. It used to connect to the yeshiva to the east. The yeshiva asked for a vacation in that area that was granted, that shows up on sheet 82 of the tax map. Atlantic Ave does go to the west about 500' and has homes on the westerly part of Atlantic.



Mr. Vogt said based upon the as-built and testimony, it looks like the applicant only requires waiver of curb and sidewalk on the unfinished portion of Atlantic Avenue.

Mr. Jackson said looking at the map, it shows a tree line that would roughly coincide with what you say is the end of the street. Is that in that condition now?

Mr. Flannery said that portion of the right-of-way is wooded.

Mr. Jackson said so Atlantic has the curb and sidewalk...

Mr. Sabel said Kyle, which is Atlantic Avenue, where he's requesting a waiver from sidewalk for that 100', there is a house towards the south of this property. I guess these 100' go between the applicant's property and the house?

Mr. Flannery said yes.

Mr. Sabel said eventually the house is going to come down and we are going to have a big yeshiva.

Mr. Isaacson said which house?

Mr. Sabel said this one.

Mr. Isaacson said that's a brand new big house.

Mr. Sabel said eventually they will build a big yeshiva. Maybe we'd want a sidewalk then, and they're going to say we already gave a waiver here and students walking from James street should have a sidewalk.

Mr. Isaacson said it's an open area, it's woods.

Mr. Flannery said the app this evening is for a small school in an existing house. If the school wants to build something bigger, they have to come back to the Board and the previous waiver doesn't restrict the Board from requiring it in the future.

Mr. Sabel said John can you clarify if they'd have to come back for a waiver?

Mr. Jackson asked Ally to show on the map where he's talking about.

Mrs. Morris said the question is, this little house that they're turning into a yeshiva, if they come back in the future to develop the site further with additions or a new building, does the fact that the Board previously granted this sidewalk waiver would that mean they are entitled to a waiver at that future application?

Mr. Jackson said I'm confused because I thought the application now does not show a yeshiva.

Mr. Herzl said that's the change of use they're going for, to a yeshiva.

Mrs. Morris said it's a house they are changing to a yeshiva. Mr. Sabel is saying at some point in the future they're going to expand upon that.

Mr. Jackson said that's a question for Terry, I know there are exemptions for that. What level of development would trigger them coming back to the Board?

Mr. Vogt said Ally can answer that better than I can, but the primary trigger is 1500 sf of new building.

Mr. Herzl said the question is if they come back to the Board, because we've granted them a waiver today, does that automatically grant them the waiver at a future date?

Mr. Jackson said no. The reason why I asked how big the exemption, if we want to put that as a condition in case they do a 1500 sf addition, we could put any addition requires sidewalk.

Mr. Flannery said I think Mr. Sabel's concern was a big yeshiva is going to go there. A 1500 sf addition would still have a sidewalk in the woods.

Mr. Jackson said if they come back to the Board they could make them put sidewalks in then. But for 1500 sf they don't have to come back to the Board.

Mr. Herzl asked if there are wetlands here.

Mr. Flannery said no. Across the street yes, at the Crystal Lake Preserve.

Mr. Isaacson said did you say part of this was vacated.

Mr. Flannery said there used to be a street at the back 25', there was a vacation between the school and this property. That means this 100' piece of unimproved Atlantic Avenue doesn't go through and goes to nowhere. In Terry's report he indicates there is no drop off or pick up area. The parents in this school coordinate the driving of students and there are parents with vans that take the students and it's a cooperative kind of thing. There are three vans and they alternate the times they come so there's no need for a bus drop off.

Mr. Herzl asked what age the students are.

Mr. Flannery said 9<sup>th</sup> and 10<sup>th</sup> grade, we expect a maximum of 33 students next year.

Mr. Herzl asked the maximum number of students.

Mr. Flannery said I was told 33.

Mr. Sabel said 8 kids per classroom?

Mr. Chaim Abadi appeared and was affirmed. He said the plan next year is for 33 students. At this point is time they aren't sure what they are doing after. They know they will have to add to the school, they have a dream to buy land from a neighbor otherwise they'll have to move. At this time it is only for 33 students.

Mr. Isaacson said there is no one to buy from except Toras Emes.

Mr. Sabel said it's hard to believe there are only going to be 8 students per classroom.

Mr. Isaacson said it's only 9<sup>th</sup> and 10<sup>th</sup> grade.

Mr. Abadi said 9<sup>th</sup> grade this coming year, 9<sup>th</sup> and 10<sup>th</sup> the next year.

Mr. Herzl said after two years you're not using this building anymore?

Mr. Abadi said he's not sure if he's going to add to the building and move, he doesn't know yet.

Mr. Herzl said your testimony is that in 2 years you're going to be back by the Board.

Mr. Abadi said yes.

Mr. Flannery said the report indicates no bulk variances are required. We've indicated we need a partial waiver for curb and sidewalk along the paper street portion, the wooded piece, of Atlantic Ave that goes nowhere. Testimony on the number of students was asked, that's 33, the parents drive, there was a comment with regard to refuse storage, that will be roll out containers picked up by DPW. There's a question with respect to the landscaping, the lot is already nicely landscaped, we aren't changing anything and don't think anything is needed so we are requesting a waiver from that but in reality there is landscaping there.

Mr. Flanbaum asked about the cooperative van agreement the parents have.

Mr. Flannery said three of the parents have vans, and they pick up 11 kids each and bring them to school.

Mr. Flanbaum said and that's what they do now?

Mr. Herzl said can you show us where the three vans will drop off?

Mr. Flannery said there are 5 parking spaces, the vans don't come all at the same time.

Mr. Flanbaum said what times do they arrive?

Mr. Flannery said they stagger by 5 or 10 minutes each.

Mr. Garfield said I don't think you can depend on 5 minutes. You know kids and the packages they carry. And if the next bus is 3 minutes early and the other is 5 minutes late, you've got two buses. And this is a very busy street. We have to anticipate what's going to happen tomorrow.

Mr. Herzl said this is for a maximum of only two years. We aren't anticipating major growth in the next two years. If there's any growth they have to come back to the Board.

Mr. Garfield said what's done is done. It would be difficult to re-do it again. We have to be careful on this.

Mr. Herzl said is there enough room on the asphalt driveway for a van to turn around and back and turn around?

Mr. Isaacson said I know the property, there is enough room for three vans to turn around.

Mr. Sabel said let's talk about worst case scenario, 18 kids in a classroom. 18 times four, 68, divided in seven passengers, that's almost 10 cars. You think we have place for 10 vans?

Mr. Isaacson said it's a high school, they're coming between 7:30 and 8:00 in the morning. That time of day, there's really no traffic on Drake Road. There's probably 7-10 parking spots at the facility. Even with the rabbi's there in

the morning, there's room to do about 18 15 passenger vans. But as Mr. Herzl said before from Mr. Abadi, this is a two-year plan. 16 people per class, you'll have 54 at the end of year two, at which point they'll have to come back.

Mr. Sabel said I agree with everything except we can't rely on two years. We're not going to give them a TCO for two years and have to come back before the Board, there's nothing in place and what will happen will happen there.

Mr. Abadi said the reason why there are vans here is not any other reason except logistic. The boys come from all over town, it doesn't make sense for a bus to drive around for an hour and a half to get 50 kids to school. So the best thing is for the parents to get together in different areas and that's why we did it with vans.

Mr. Herzl said my question is with 5 parking spaces, if you have 3 vans coming at once plus the teachers, is that enough parking spaces for the vans to pull in plus the spaces for the staff.

Mr. Sabel said we can make a circle driveway, we have the space. It's a huge property.

Mr. Garfield said when buses take the children, they are insured. In the vans, who's responsible?

Mr. Jackson said that's a tricky one to answer. I have a question. We are talking about these vans, that sounds kind of organized to me. Is there a fleet of vans? Are these all the same type of vans, or is it like me taking my suburban and picking kids up? Do the vans have the name of the school on them?

Mr. Abadi said no these are private vans by private homeowners.

Mr. Garfield said our children being on a private van is improper. How do we know when they inspect it the brakes are no good? We have to be careful, and we are responsible. I don't think we should depend on private parents.

Mr. Herzl said I don't think you can force a parent to send their child on a bus.

Mr. Garfield said there's no law until they make one.

Mr. Flancbaum said if that's what they currently utilize, the vans are in and out, there's only a few. I don't know that we need any more than what's being provided.

Mr. Herzl said they have 4 classrooms so they need 4 parking spaces for the staff. That leaves one extra space for the vans, and it'll be staggered. If we had 8 parking spaces, then you have enough for all the vans and the staff at the same time.

Mr. Flannery said we're calling it four classrooms, but one is the bais medrash. There's actually only 3 classrooms, of which only two would be occupied next year. We show the parking lot striped but there is a lot more room for vehicles than shown there and it's my professional testimony that it's sufficient to accommodate the proposed trips and the staff for the site.

Mr. Sable asked how big the bais medrash is. 26 by 26. Does that require a parking spot?

Mr. Flannery said we are indicating it as a classroom, which is typical, and that needs 1 space. That's how we come up with the required 5.

Mr. Vogt said that interpretation is correct.

Mr. Sabel said my interpretation is this is a bais medrash with 676 square feet. Does that require a parking space?

Mr. Vogt said no because the way the code is written, it counts as one classroom.

Mr. Herzl said so one office, one bais medrash, and three classrooms, which gives them 5 spaces required. They have the spaces for the staff, but not for the vans pulling in.

Mr. Sabel said absolutely agree. My concern is worst case scenario, we have 50 kids there and a lot more vans, which is going to be challenging to turn around. We have the ground, not the pavement. Maybe gravel or stone would give them a safe place to pick up.

Mr. Herzl said Mr. Flannery, is there any room to give an extra one or two parking spaces for a van to pull in without the staff, if they have to stay there or turn around?

Mr. Flannery said we have the room, the question is, is it worth knocking down the existing vegetation to provide more room when the applicant and I feel that what's there is sufficient.

Mr. Sabel said I am concerned and I think more Board members, unless you are ready to commit to a TCO for two years. If we have more than 33 or 35 students we will have more traffic and we'd like a better circulation plan.

Mr. Flannery said Mr. Abadi is speaking with the applicant.

Mr. Sable said if you look on Google Maps, there is enough space to make a driveway without cutting down a single tree on the right side.

Mr. Abadi said Mr. Rawicki does not want to do it now, as the need requires he may add later. He is also saying that in the morning when the boys come for morning prayer, there is only one rabbi there initially to welcome them, and the other rabbis come later.

Mr. Sabel said that makes sense. The question is down the road a year or two from now, we have to make sure we aren't creating a disaster. How can we know we aren't creating a disaster. Can we limit to a two-year TCO, can you commit something else, how can we feel comfortable? It could be gravel even.

Mr. Abadi said we can have Terry agree to a specific location where he would want the gravel to be off of that driveway and let Terry decide what's needed. We are comfortable with that.

Mr. Herzl said ok. We need enough area for the vans to turn around and get all the teachers, all the staff, in.

Mr. Abadi said it will end up being, they need to pull in, k-turn out. Probably needs another 25, 24 feet to back up, that's all.

Mr. Herzl said Terry are you ok with that?

Mr. Vogt said yes I recommend that Brian draw up a concept plan and work with our office.

Mr. Flannery said there is room to do it, the applicant has indicated they are ok with it, so we can provide that plan as a condition of approval.

Mr. Sabel said can we request to review it before the resolution?

Mr. Flannery said yes.

Mr. Sabel said John, can we limit it to a certain number of years, or once the change of use is issued it's always in place?

Mr. Jackson said a TCO is tricky because it's not a condition that's specific to the approval so I don't know how enforceable it is. I don't know why you can't put a condition that they do something by the end of the TCO. I don't know how that's enforced though.

Mr. Flancbaum said I think that's very messy. Let them do the improvement now.

Mr. Jackson said I think it's unworkable too.

Mr. Garfield said where I live, we have an emergency road for ambulances. It's a block road that they do plant grass in it's like a cinderblock on its side. It's temporary but something of this type, in case you need it in the future, it's there. Remember you don't need a substructure. Picture it like a cinderblock on its side with holes. Or if they want to put a road it, it's there. The curb is down. You don't have to rebuild it. They have a sidewalk, a roadway, it's anticipating what is needed and the space is put there.

Mr. Herzl said they don't know what they're doing within the next two years. They're going to have to come back to the Board.

Mr. Sabel asked is this septic or sewer?

Mr. Flannery said the house was originally septic but public sewer has been installed in Drake Road.

Mr. Abadi said it is hooked up to sewer now.

Mr. Sabel said while we are working on that parking lot extension, we would like to see an interior design if there is any sidewalk on the property, inside, from the street to the building. If you could show that as well that would be great.

Mr. Flannery said we would do that on the same plan which we would show the Board before the resolution is adopted.

Mr. Sabel said thank you.

Mr. Vogt said one recommendation, the recommendation on interior sidewalk is a good one. You may want to allow the applicant to go with asphalt.

Mr. Herzl said I agree with that, especially if it's only temporary.

Mr. Sabel said I agree with that as well.

Mr. Herzl opened to the public.

Mrs. Morris said we did receive an email from Chaim Stein on Drake Road. I think Mr. Jackson's office was filtering these as needed.

Mr. Jackson said I took a look at this email and I think it's appropriate to read it. They provided their name and their address. It says we the current owners of Drake Road want a sidewalk along the Drake Road frontage. Please do not grant a waiver for that. Mrs. Morris can you read it?

Mr. Morris read, "We, the current neighbors of Drake Road do want a sidewalk along the entire frontage of the Change of Use application. Please do not grant any sidewalk waivers." I'm not sure at what point in our discussion this was sent, but the Board did clarify that all along Drake and Clarkson there is sidewalk as well as on the improved portion of Atlantic.

Mr. Herzl said it's interesting, he's saying if he wants the sidewalk it sounds like it's missing.

Mr. Isaacson said it sounds like a portion of Drake is missing.

Mrs. Morris said if you're not granting the waiver and it's not in and their survey is wrong, then they'll have to put it in.

Mr. Herzl said I think we all agree on that. The only waiver is a portion of Atlantic Avenue.

Mr. Flannery said we are not asking for any relief for sidewalk along Drake. If the survey map is wrong, the applicant will put sidewalk in to match the survey map.

Mr. Herzl said Ally, do we have any other emails?

Mrs. Morris said I have something in my digital file. This email came through, John I'm not sure if you've seen it, it's from April 30<sup>th</sup> from the Ziembas at 1 Kyle Court, they are next door.

Mr. Jackson said I can put it up on the screen.

Ms. McLeer of King, Kitrick, Jackson said we did receive it and we did look at it. We agree that it is thorough and appropriate to share.

Mr. Jackson put the email up on his screen and read,

We are the owners of Block 375 Lot 1.01, 1 Kyle Court. Our home is next door to the proposed yeshiva location. While we are not objecting to the application, we hereby request that in order to protect the privacy of our family, the applicant be required to plant a row of grown Arborvitae on the side of the Property that is adjacent to our property. There exists a paper road between the properties, however it provides less than a 40 foot buffer.

We would like the Board to understand that we specifically purchased a lot in this area and built ourselves a home because of the rural character of the area. Being next door neighbors with a school was completely

unanticipated. While a regular school brings noise and lack of privacy, how much more so a high school with teenage boys who are on ground the entire day, well into the evening. As summer months come upon us and everyone spends more time outdoors, we are apprehensive how enjoyable it can be for us and our young children with teenage boys practically in our yard. And indeed, for the past few months, the boys have milled about in the backyard throughout the day as the school has no indoor recreation or gym and downtime is largely spent outside.

The presence of a yeshiva in this neighborhood will completely change the character of the neighborhood and while we are not fighting their proposal, we think it only fair that the proposal be approved contingent upon their providing privacy trees to shield the Property from our home. We thank the Board for their consideration.

Very truly yours,  
Aryeh & Gitty Ziembra

Mr. Jackson said I presume everyone was able to read along.

Mr. Abadi said we will do it.

Mr. Jackson said Chaim Abadi has agreed they will do that. Is that acceptable to the Board?

Mr. Herzl said yes.

Mr. Isaacson asked for the commenter's address.

Mr. Jackson said 1 Kyle.

Mrs. Morris said they do specify grown arborvitae, I'm going to assume that means 6 to 8 feet tall. Terry, would you concur?

Mr. Vogt said that's typically what's installed new.

Mrs. Morris said and you'll work out with the applicant how far apart they will be spaced?

Mr. Vogt said yes, I'll work with Brian. He's going to be doing the concept plan on the access anyway, that should be incorporated.

Mr. Garfield said does it meet the criterion for the setbacks? Is there room in the back for a play area?

Mr. Flannery said there is room for a play area in the back. With respect to the setback, the Ordinance says if you leave 20' undisturbed you don't have to do anything, which they are. But to be a good neighbor the applicant has agreed to do the arborvitae.



Mr. Garfield says I have concern with the arborvitae, I have those and at 20' now that they're grown, that would give you only 8' as per your 20'.

Mr. Isaacson said I highly doubt you have 20' wide arborvitaes.

Mr. Garfield said there are arborvitae that don't grow as wide.

Mr. Flannery said we will have the landscape architect work that out with Terry.

Mr. Jackson said it's common for Mr. Vogt's firm, they have landscape architects and standards to check.

Mr. Garfield said I'm not worried about the trees, but space for the children to play. We have to leave some space for the children to have a green area.

Mrs. Morris said it looks like there is a large side yard with a shed and a faux rock formation. Maybe there's some space there.

Mr. Flannery said there is plenty of space, it's a 1.1 acre site. The faux rock formation actually has a faux cave that the boys can go in. The landscape architect will propose a species of arborvitae that is more columnar and Mr. Vogt will review that.

Mr. Herzl asked if there were any other comments.

Mrs. Morris said those are the only two.

Mr. Herzl closed to the public.

Mr. Sabel asked to clarify the conditions going into the motion. The only sidewalk waiver is the extra hundred feet of unimproved Atlantic near 1 Kyle. And adding the trees the neighbor requested. And inside sidewalks and proper additional parking, it does not have to be concrete. It is sewer, not septic. And all the sidewalk around it should be installed, not pending.

Mr. Herzl asked for a motion.

Mr. Sabel made a motion to approve and Mr. Meyer seconded. Mr. Garfield did not support the motion, the rest were in favor.

Mr. Sabel said his vote should be voided if they don't get the circulation plan before the resolution, with enough time to review it.

**3. SD 2424 Gefen Construction, LLC**

Oak Street

Block 1024, Lot 1.03

Preliminary & Final Major Subdivision & Site Plan to create 19 duplex units and one synagogue

Mr. Vogt said under submission waivers, these include sheet size, traffic study, topo within 200', contours, man-made features, and environmental impact statement. We have no issue with sheet size, we do have the traffic waiver mentioned. I don't think we have to have that any more. We have no issue with the waivers and can support those. The subdivision will have to comply with the Township Tree Ordinance.

Mr. Herzl said what's the reason on the traffic study?

Mr. Vogt said it looks like they had originally requested the waiver, they have given a traffic statement. I would accept that for hearing purposes and if the Board wants additional information we'll get that at the hearing. What they have submitted is adequate for hearing purposes.

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 project is in R-10A. No bulk variances have been requested. It's our understanding and the applicants will confirm that there are no variances, including parking relief. They do require perimeter buffer relief with the rabbi's residence and shul.

Mr. Sabel said where is this property.

Mr. Isaacson said next door to Tashbar.

Mrs. Morris said it doesn't have an address, it's not developed.

Mr. Adam Pfeffer, Esquire appeared and said this is an application for 19 duplexes, which is 38 units plus one lot for a rabbi's residence. We are seeking no bulk variances.

Mr. Brian Flannery appeared and was sworn. He said I have three exhibits. A-1 is the Final Plat and I've highlighted the phases.

The Board discussed what plans were received and confirmed they have on hand the full subdivision set.

Mrs. Morris put up the digital copies of the Exhibits.

Mr. Flannery said I've highlighted so the Board can see phase one and two on the Final Plat. Phase 1 is the 12 units along Wadsworth and the rabbi's residence and phase 2 is the remaining 26 units.

Mr. Herzl said how many total units?

Mr. Flannery said 19 duplexes for 38 dwelling units.

Mr. Herzl said and the rabbi's residence is phase 1?

Mr. Flannery said yes phase 1.

Mr. Herzl said I see. 29 duplexes plus a rabbi's shul, for a total of 39 units.

Mr. Flannery said yes, and the rabbi's residence has the shul. A-2 is a tax map that shows where the property is. It's right behind Tashbar on Oak Street, that was where the Township sold property to the school. This property is the subject of a litigation settlement. There was Nassau Avenue that was vacated and there were some issues between the selling of that. There was litigation between the adjoining owners, the Township, and Tashbar, and the settlement agreement led to this application.

Mrs. Morris confirmed that some lots have been combined and this is now Block 1024 Lot 1.03.

Mr. Flannery said I see that, I guess it's part of the settlement agreement. All of the properties to the South and also Block 1024 were part of the Oak Street Core CAFRA approval by the Township that provided for tree save areas, storm water management, and recreation areas. The upper part of it was part of a plan that had campus housing by Tashbar prior to the litigation that led to this evening's application. Exhibit A-3 is a colored rendering on an aerial prepared by WJH Engineering. It shows the duplex unit, the rabbi's residence with the shul, you can see Tashbar and some of the Oak Street Core duplexes surrounding the property. This is a logical extension of the R-10A and we aren't asking for any bulk variances. On Terry's report on page 4 under zoning, item 1 indicates that it's a permitted use. Item 2 indicates no bulk variance requested. We don't need variance relief. With respect to comment 3 regarding parking, all of the units will provide the required parking.

Mr. Isaacson said on the cover sheet the setbacks say 10 and 25, but then it just says 10 under what is proposed...

Mr. Flannery said that is typical on duplexes because you have a zero lot line in the middle. There is ten on each side.

Mr. Isaacson said that's what I thought, just checking.

Mr. Herzl said how many parking spaces do you have, 4 per unit or 4 per duplex?

Mr. Flannery said we are showing 4 per unit, which would be a minimum. There are three across the front and one behind it, which is typical in the Oak Street Core area.

Mr. Sabel said it's showing two only on this one.

Mr. Herzl said the long one is a double. There's technically four, but one is a stackable.

Mr. Flannery said correct, you have two single and then two stacked. And that is typical in the Oak Street Core.

Mr. Sabel said how wide are those driveways, the long ones?

Mr. Flannery said 9 by 36.

Mr. Sabel said there is a walkway there going into the basement, and if a car is parked there we are putting a car on the walkway. My house is like that, but it bothers people.

Mr. Flannery said what we are showing, this is a subdivision, so we are showing typical dwelling units. Before these can get constructed, a plot plan gets submitted to the Engineering office and they make sure everything is adequate. If there were extra bedrooms and they exceeded four parking spaces then we would have to fit five. You can see there's additional space in front of the units so we could add a fifth parking space and if the particular configuration doesn't work with the architectural drawings then the driveway can be moved to accommodate that.

Mr. Herzl said how many parking spaces are there for the synagogue?

Mr. Flannery said 9 parking spaces for the shul.

Mr. Herzl said how big is the sanctuary?

Mr. Flannery said less than 800 sf so no parking is required. Continuing in Terry's report, he indicates what I addressed previously is that there was a prior application for campus housing for Tashbar. He indicates Tashbar may need to amend their approval. That doesn't affect this application, this was a litigation settlement and we have nothing to do with Tashbar. Our opinion is the litigation settled the need for amending the site plan and if not, then it would be Tashbar's responsibility and not this applicant. With respect to comments regarding survey info on the final plat, we would comply with those comments. With respect to squaring off Halsey Street, we will satisfy the Board Engineer that that is done appropriately. He asks for an explanation on the stormwater facilities and there is stormwater that goes on the side yards and rear yards of these units. The normal procedure in Lakewood is anything in the right-of-way is monitored by Public Works and this application pays a one-time maintenance fee for that. Anything that's on the lots, there's easements that are given to all the affected lot owners and those owners maintain the stormwater system. He asks for testimony about separate basement apartments. There would be basements just as there is for the rest of the Oak Street Core, and to the extent that the future purchasers wanted to have a basement apartment, that would be permissible. He asked about trash and recyclables, and it would be roll-out cans to be brought out and picked up by DPW. He mentions the one-time maintenance fee which would be \$29,500 that the applicant acknowledges. There's no variances to provide justification for, but the Board should know that the Master Plan of 2017 under background info talks about all the growth, it concludes on page three that Lakewood should therefore plan on residential development to house its growing population and this accomplishes that goal. The Vision statement indicates encourage growth and development in appropriate locations, consistent with established land uses, and this certainly does this. And the fact that there is a litigation settlement that the Township was a part of further supports that. MLUL NJAC 40:55.D.2., under purposes of the act, is to encourage municipal action to guide the appropriate use of all lands in the state, in a manner which would promote public health, safety, morals, and general welfare, and this application certainly accomplishes that as well.

Mr. Herzl said everything else in the report you agree to?

Mr. Flannery said we will satisfy everything that is in the RVE report.

Mr. Herzl opened to the public.

Mr. Jackson said there is a comment from Mr. Richard Ciullo, 535 Vaughn Ave in Toms River.

Mr. Sabel asked to verify that this pertains to this application.

Mr. Jackson said it does, and he asked for his standing. He said he travels in the area. In my opinion, it's appropriate to accept this comment. The Board can consider that he resides in Toms River. The Planning Board also has regional and statewide responsibilities. The individual advised me that he's been recognized by the Zoning Board and the Township Committee. His comments seem to be addressed to this specific application.

Mr. Pfeffer objected to the objector's standing, as a non-Lakewood resident.

Mr. Jackson said that is noted, but the Board will address the appropriateness of the comment. He read the email,

First, let's face facts and acknowledge that the entire Oak Street corridor is a disaster at this point. The volume of duplexes that have already been built, with the accompanying basement apartments, have made the area unmanageable and I question the wisdom of further contributing to an already impossible traffic flow. Forgetting for a moment the problems that this creates for busy families, I have serious concerns about emergency services being able to quickly respond to a person in need and it is my opinion that it is a only a matter of WHEN, not IF the day will come that a delayed response will cost someone their life, if it hasn't already.

With that said as I reviewed this application as best as I can, I would ask the following questions:

1. All appearances on the map would indicate that the 19 duplexes have an exterior, primary entrance to the basement. That indicates that similar to every other duplex built in Lakewood over the last five years, the basement will be used as an apartment rental and instead of welcoming 19 families to town you are approving an application that will welcome 38 families to town. Am I correct in that assertion?

2. Assuming that the basement is to be used as a rental and based on an average family size of 5.6, this minor subdivision brings 137 more children into town and more specifically into a densely populated community situated on less than six acres of land.

a). Why is there no requirement for a playground or open space for passive recreation for children? Are they going to be playing in the streets?

b). Lakewood is unique in that the town relies almost exclusively on private, religious schools to provide education for children. With the addition of so many children, has any consideration been given to the influx of students into the private schools? In recent years we have seen students turned away, last year there were girls with no school to attend in September, if memory serves me correctly they finally found a school in December. Are there commitments in the community to insure that spaces will be available in coming years? Public schools are legally bound to provide for school aged children but in a private school community such as Lakewood, I worry about the children having no school to call home unless they attrition to public schools.

Mr. Flannery said I would like to comment. First of all, he says the Oak Street Core is a disaster. The DEP CAFRA permit disagrees with that. The governing body who zoned the property for this and actually presented the CAFRA application so that it would provide for all of the items that are required, feel differently. And all of his comments relating to, I'm happy that he's concerned about the children in Lakewood, but he's talking about a by-right application that is in accordance with the Ordinance that was recommended by the Lakewood Planning Board and adopted by the Township Committee, which I think have a far better understanding of what's required in Lakewood than this gentleman from Rise Up Ocean County.

Mr. Stern said was there a traffic study on this? I don't see anything here on that. Is there considerations of traffic?

Mr. Flannery said Terry indicated that a traffic statement was submitted, but with respect to off-site traffic on a conforming application, off-site traffic isn't something that gets weighed heavily. When you look at this, you can see it on the Exhibit A-2, we actually improve the traffic. We are extending Edgecomb Avenue through here. It's currently a dead-end and we are improving it. We are improving Argyle, connecting up to Argyle, so we are providing extra circulation. From my standpoint it's a benefit, traffic-wise, and it's in accordance with the Ordinance with no variance relief requested.

Mr. Stern said all these people coming from the north on Route 9, they gotta take a left somewhere. Which means they have to cross oncoming traffic on Route 9. If they can't, they gotta stop and wait. How do they take a left, not just in particular to this development but globally, at what point does the system stop working and does the Planning Board take that into consideration or is this something that only the Township can be cognizant of?

Mr. Flannery said the Planning Board in 2017 took that up. Because what they do with the Master Plan updates, you make recommendations on what needs to be done. The problem with traffic in Lakewood is that River Avenue, in 1968, John Franklin met with the NJDOT who said Route 9 needed to be widened. They haven't gotten to it. We do have a project where most of the improvements are going to be intersection improvements and that project is supposed to be started in the next year or two, so that will help. The DOT since the 90's has known we've needed four lanes and hopefully they are working on that. In the meantime, we need to provide access so that the vehicles have somewhere else to go so they can avoid Route 9. You indicated that these homeowners have to go to Route 9 and make a left...

Mr. Stern said no, coming from the north... the people on the west side of Route 9 have to risk their lives to cross oncoming traffic with no controlled intersections. That's a problem.

Mr. Flannery said Broadway is going to have a traffic light, that's part of the DOT's improvement project that is coming in the next two years as they tell us.

Mr. Garfield said on Route 9 they were anticipating sometime in the future on widening it. Right now they are only doing repaving, new utility pipes, there will be some traffic lights. There was a question of money, and right now I'm not even sure they've got the money to do what they planned. I don't think you should depend for quite a while on Route 9 becoming four. I'm on the transportation board.

Mr. Flannery said I'm not anticipating Route 9 becoming four lanes. What I indicated is the NJDOT has known since the 90's that Route 9 needs to be four lanes, and why Lakewood has been treated like a stepchild and hasn't gotten that, but that's not really this Board's concerns at this location.

Mr. Garfield said I don't think it's at the point where anyone can talk about it any more.

Mr. Jackson said I want to step in here. Mr. Flannery made a comment and I think it's in accordance with the law, that the zoning is determined through the Master Plan and those regulations are adopted by the governing body. There's a presumption that the area is suitable for what's proposed, that's why we have zoning. In a use variance case where someone is asking for something that's not permitted in the zone, the traffic impact from that use and whether it's compatible with the zone becomes a much larger issue. Mr. Flannery is correct, in a sense the zoning regulations already made the judgement that this area can handle this type of traffic. The governing body and Planning Board in its wisdom considered all those things, like crowding and the need for housing. Whether we like it or dislike it, think it works or not, those are the rules that have been handed down to us and it's up to us to apply those. Mr. Flannery also made a comment about the traffic study. On a local site that is important, whether the drive aisles and turning movements are adequate, all those things come into play. I presume the study has addressed that but as far as the overall macro impact on the community, I don't know if that's appropriate for consideration.

Mr. Stern said duly noted, this is beyond our scope. The email was talking on a macro level. My question was do we consider that. You're saying that given that the zoning is correct, it's kinda beyond our scope. My follow up question, Brian mentioned that the Master Plan is something we do when we want to do. It's required at least every ten years. Can we do it more often, and if so, how is it initiated?

Mr. Jackson said every ten years a reexamination is required. There's nothing that prohibits the Board from doing it on a more regular basis. If you recall the last time we did it, I don't think it's anything the Board wants to do any time too soon.

Mr. Herzl said once every ten years is enough.

Mr. Jackson said you can also look at specific areas. If you recall when we did the golf course, part of our Master Plan, the Board said they wanted some improvements to the roadway and the Court set those aside. We did what we thought we could and the Court changed it a little and now we have to deal with what the Board, governing body, and Court has said. To answer your question, it can be done more often.

Mr. Vogt said if you look at the very end of our letter, this property is part of Transportation Improvement District two, and they are making a \$65,000 contribution towards traffic improvements. So indirectly, they are addressing off-site traffic.

Mr. Herzl said all streets, Edgecomb is staying unimproved?

Mr. Flannery said we are improving it as part of phase 2, 32' wide, curbs, sidewalks, shade trees, in accordance with Township standards.

Mr. Herzl said all roads around the property eventually will be improved.

Mr. Flannery said yes, to complete Township standards.

Mr. Herzl asked if there were any more questions.

Mr. Jackson said the same individual sent me another email. It's a request that his questions be addressed fully.

Mr. Pfeffer objected again and said these items were already addressed and have nothing to do with this application.

Mr. Jackson said I hear you but I think this is a regional concern we need to hear.

Mr. Herzl said the only other thing Mr. Jackson had up on the email was some playground equipment. Is there any requirement, I know we have more than 25 houses and you have to set aside a recreation area.

Mr. Jackson read from the second email, "Please make sure that they address my concerns regarding passive recreation space for the children, even if the answer is another smarmy lecture on my lack of understanding as it relates to zoning law. This is a critical issue that our group is working on with all municipalities in Ocean County, the urgent need to provide said space to allow for a safe play area for children." And I know in the original question...

Mr. Pfeffer said which municipality and what organization are they talking about?

Mr. Jackson said in this format I can only tell you what he told me. Why is there no required playground or open space?

Mr. Flannery said the Ordinance does not have a requirement for playground or open space. This property was part of the Oak Street Core, and every property owner in that area contributed to a fund that put pocket parks in, paid for passive recreation areas for the Oak Street Core project. This property owner was part of that. There's nothing in the Ordinance that says you need to have a playground, the Ordinance says you need to set aside 5% of the area. That provision was taken care of when, the same as for every other in the Core, when the Core was developed. With respect to schools, I think that's just a silly comment. Obviously the property is zoned for this and Lakewood takes very good care of their school children. The regional concern for the private schools in Lakewood I think is a farce.

Mr. Jackson said Mr. Chairman, I think if you're satisfied that he's answered the question...

Mr. Herzl said I'm satisfied. I don't think we can force any applicant to make sure we have schools for the kids. There's always public school. We can't force where they're going to go.

Mr. Garfield asked for the anticipated number of children in this development.

Mr. Sabel said about 200.

Mr. Garfield said and how many square feet are in this pocket park? If you divide one into the other, there goes the 6' area. They're not gonna have room even to play for a slide board.

Mr. Flannery said I would assume the Board is aware further down Vine Street, the recreation area provided by the Township, that provides plenty of room for everybody.

Mr. Garfield said how far down is that?

Mr. Flannery said probably within 100'.

Mr. Jackson said I recall over x number of units that a development is required to provide a park.

Mr. Flannery said the Ordinance doesn't say you are required to provide a park, you are required to set aside 5%. The entire Oak Street Core contributed money to the Township to purchase properties in the area and contribute to recreation facilities in the area. So all of the property owners in the Core contributed to a fund that was done to accommodate that.

Mr. Jackson said so in your view, this 5% has been met? How do we know it hasn't been met 10 times over by different developers?

Mr. Flannery said it was all involved in the CAFRA plan, which was prepared and submitted by the Town.

Mr. Pfeffer said I'd like to object to the question about how many children are going to be created by this application. That's not a reason to approve or deny an application.

Mr. Jackson said Mr. Pfeffer, I gave a corrective charge to that, the zoning takes into account that you're going to have households with children in them.

Mr. Herzl said I think we addressed this email. I don't think we have to provide anymore than we did. Ally, are there any other emails?

Mrs. Morris said no.

Mr. Herzl closed to the public.

Mr. Garfield said there is a development where they allowed x amount of square feet in the backyard. In the backyard ended up a wire, holding up the telephone poles, making the backyard almost unuseable. These things, I would think the builder could have anticipated and someone knew, that the backyard was going to become unuseable. Just a comment to think of.

Mr. Herzl asked for a motion.



Mr. Sabel said sidewalk on the west side of Argyle, what's going on with that?

Mr. Flannery said whoever develops the west side will put the sidewalk in.

Mr. Sabel said can we require you to do it, by law?

Mr. Flannery said no, we've been through this with the Lakewood Ordinance which says the opposite side is an off-site improvement and there has to be a reason that this development creates the need for off-site improvements.

Mr. Vogt said I agree with that because this is a by-right application. If this required variances, the Board may have leverage.

Mr. Sabel said the shul, I would like to see a concrete pathway from the sidewalk to the shul.

Mr. Flannery said we would agree to accommodate that.

Mr. Vogt said similar to the last application I recommend giving the applicant the flexibility to use asphalt.

Mr. Sabel said not over here. Everything else is going to be concrete.

Mr. Flannery said we are happy with concrete.

Mr. Sabel said the sanctuary, doesn't it need two accesses? Another way out?

Mr. Herzl said that's a building code issue, you won't pass inspection if it's needed.

Mr. Sabel said it shows the rabbi's shul has a finished attic with a total of eight bedrooms. Does that require additional parking?

Mr. Flannery said 8 bedrooms would need four parking spaces. There is no basement apartment.

Mr. Sabel said can we add the concrete pavement from the basements to the streets, not part of the driveway?

Mr. Meyer said yes.

Mr. Sabel said and to the main house also.

Mr. Jackson said he received another comment from Mr. Ciullo. He read,

Rise Up Ocean County is the name of the organization and we attend meetings in ALL MUNICIPALITIES in Ocean County, particularly Lakewood, Toms River, Brick and Jackson. where the bulk of development is occurring.

I wish I was there to address that farce issue, HOW DARE HE.

This meeting format does not allow for the proper give and take typically associated with planning board hearings. An emotional appeal to the developer to do the right and honorable thing and amend the application to include passive recreation space as a gesture of good will. The planning board cannot demand this amendment but it can request it.

Mr. Pfeffer objected again to his standing to make comments. This meeting is being done in conformance with guidance provided by the DCA, proper notices were sent, the email address for objections was given, and we've given ample opportunity for objectors to voice their opinion. I will point out that the only person who has objected is someone who doesn't reside in Lakewood.

Mr. Isaacson said I think the comments about a farce were in regard to schools.

Mr. Sabel said the papers we got all say unfinished basements. I guess our vote will be on unfinished basements?

Mr. Flannery said this is a subdivision application. It subdivides the lots and then the applicant can build on those lots what is permitted by Ordinance. This is a by-right application asking for no relief so the subdivision, the fact that we show architectural plans is more for the Board to get a feeling of the applicant's intention rather than to lock the applicant into building exactly what's shown. Every application after it's submitted, the buyers come in and want something a little different and a house gets built as long as it conforms with all the Ordinances and codes. This is not a site plan for each duplex lot.

Mr. Sabel said and we're going on unfinished basements.

Mr. Flannery said let me make it clear that this applicant is asking to build units the same as all the others in the Oak Street Core, which includes basement apartments if the future buyers want to buy them. The application is to allow the subdivision so that the future buyers can build duplex units in accordance with the Ordinance and the codes and all other factors.

Mr. Herzl closed again to the public.

Mr. Sabel said Terry, finished attics. Usually the duplexes don't come with that. Does anything change with the zoning?

Mr. Vogt said I don't know it would change. If they go for plot plat and additional bedrooms are shown in the attic, that would contribute to the parking calculation and may change the number of parking spaces. I think the fifth space is triggered by a ninth bedroom. That would be determined at plot plan.

Mr. Jackson said the original review letter said that a buffer variance was required for the rabbi's residence. I don't see any other variances, is that accurate?

Mr. Vogt said that's out understanding.

Mr. Jackson said about basements and attics, Mr. Flannery is correct. They are looking for subdivision approval. The Board does have the right to limit the approval since they are seeking variances.

Mr. Sabel said we have to ask the applicant to finish the sidewalk connecting Argyle to Clyde. It cuts off right before the driveway. We need to continue a concrete sidewalk past the driveway, connecting to Clyde or to the end of their property. It's 30 or 40'.

Mr. Flannery said we agree to that, a concrete sidewalk.

Mr. Meyer made a motion including everything Mr. Sabel said, and Mr. Flancbaum seconded. All were in favor.

- 4. APPROVAL OF MINUTES**
- 5. APPROVAL OF BILLS**
- 6. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Ally Morris  
Planning Board Recording Secretary