

## **1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE**

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

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

## **2. ROLL CALL**

Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer

## **3. SWEARING IN OF PROFESSIONALS**

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

## **4. MEMORIALIZATION OF RESOLUTIONS**

### **1. 2019 Planning Board Calendar of Meeting Dates**

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

### **2. Accepting the Directive of the Lakewood Township Committee to Investigate Block 90 Lots 3 & 9 as an Area in Need of Redevelopment**

Ms. Morris said a proposal was received from Cofone Consulting Group to perform a study of the referenced property.

Mr. Vogt took a look at the proposal and scope and he believes they are within industry standards.

A motion was made and seconded to approve the resolution.

### **3. SD 2069A Sam Rabinowitz 124 Locust Street Block 1081, Lot 4 Extension of Preliminary and Final Major Subdivision**

A motion was made and seconded to approve the resolution.

### **4. SD 2356 BJFM Partners, LLC Halsey Street Block 1019, Lots 1, 2.02, 3, & 4 Minor Subdivision to create five lots**

A motion was made and seconded to approve the resolution.

5. **SD 2355 46 Linden Ave, LLC**  
46 Linden Avenue Block 189.31, Lot 150  
Minor Subdivision to create four lots

A motion was made and seconded to approve the resolution.

## 5. CORRESPONDENCE & ORDINANCES

- **SP 2150A Wawa Lakewood LLC** – Left turn prohibition requested for previous Site Plan approval

*A review letter prepared by Remington & Vernick Engineers dated November 29, 2018 was entered as an exhibit.*

Mr. Ray Shea, Esq. said in 2016, this applicant was approved for a Wawa immediately north of the CVS at the intersection of Prospect Street and Route 9. The plan was to take traffic southbound into the site and have it exit southbound through CVS. The NJDOT is concerned there will be too much traffic too close to the light so they are back before the board tonight to restrict turning movements into and out of the site to right-turns only. He also asked if the board would make a recommendation to the governing body that no one be permitted to make a left hand turning movement if they are in the northbound lane and no one shall be permitted to make a left hand turn exiting the site.

A motion was made and seconded to amend the approval based on the NJDOT recommendation and to recommend to the governing body the resolution be memorialized eliminating left hand turns into and out of the site.

All were in favor.

- **2018-65 18-803.F. Paving Materials, Walls and Fences**

Mr. Vogt said looking at the ordinance, there are several references that talk about prohibiting structures such as fences or buffer landscaping within the easement which seem to be reasonable.

A motion was made and seconded to recommending the governing body adopt the ordinance.

All were in favor.

## 6. PUBLIC HEARING

1. **SD 2347 Estate of Helen Meyer**  
567 Joe Parker Road Block 189.04, Lot 62  
Minor Subdivision to create two lots

*A review letter prepared by Remington & Vernick Engineers dated November 20, 2018 was entered as an exhibit.*

Mr. Vogt said submission waivers are requested for topography and contours.

A motion was made and seconded to approve the submission waivers as recommended by the board engineer and planner.

Mr. Vogt said this is a conforming application. Design waivers are requested from providing curb, sidewalk and street trees.

Mr. Adam Steuerman, Esq. said there is currently a single family residence with the remainder being farm fields. The applicant is not looking to develop at this time as the purpose of this subdivision is to carve out the house so they can reconcile the estate distribution of the property.

Mr. Francis Meyer was sworn.

Mr. Herzl understands nothing is being built at this time but the board does not like to waive curbs and sidewalks.

Mr. Flancbaum believes there has been applications in the past where the board waived curbs and sidewalks but required they would be provided at time of development.

Mr. Steuerman displayed Google Earth pictures of the property and described the rural nature of the area.

Mr. Herzl is ok with waiving curbs and sidewalks at this time as long as they are provided at time of development.

Mr. Herzl opened to the public.

Mr. Shlomo Klein, 189 Chateau Drive, was sworn. He argued that the governing body and mayor wants sidewalks no matter what kind of subdivision is being done. He is concerned about the safety of pedestrians walking down that street.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He agrees there should be sidewalks, even just in front of the house. He said Drake Road used to be a rural road as well but now there are schools there and no sidewalks and it is very dangerous.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application as presented.  
All were in favor.

- 2. SP 2304 Khal Birchas Shimon**  
105 Linden Avenue Block 189.30, Lot 157  
Preliminary & Final Major Site Plan for a synagogue & rabbi's residence

Ms. Morris said the applicant asked this project be carried as they are working with the neighbors.

A motion was made and seconded to carry the application to the December 19, 2018 meeting.

- 3. SP 2290 Yeshiva Chemdas Hatorah**  
317 Cross Street Block 440, Lots 7.02, 56, & 60  
Preliminary and Final Major Site Plan for a school campus

*A review letter prepared by Remington & Vernick Engineers dated November 26, 2018 was entered as an exhibit.*

Mr. Vogt said testimony shall be provided on the uses of the building to ensure all would be permitted under the Planned Educational Campus requirements. No bulk variances have been requested. Testimony shall be provided to confirm all applicable setbacks and standards of the Planned Educational Campus ordinance would be complied with. In regard to potential relief for buffer requirements as stipulated in section 18-902H, Planned Educational Campuses must provide adequate buffer areas where they adjoin residential areas. The applicant's position is that there are no adjoining residential areas, therefore it doesn't apply. In looking at the ordinance, it does say exactly

that but it also refers you back to compliance with another subsection of the ordinance which is section 803 under design standards and that would imply that buffering may be required at the discretion of the board. He read from subsection E.2. of the UDO 'Buffering shall be required when topographical or other barriers do not provide reasonable screening and when the Board determines that there is a need to shield the site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light, and traffic. In small lot developments, when building design and siting do not provide privacy, the Board may require landscaping, fences or walls to ensure privacy'. Their recommendation, whether variances would be necessary, is going back to what it says in subsection 803 in that a buffer should be provided as determined by the board. Several design waivers are required including improving Nussbaum Avenue abutting lot 56, as well as from providing street trees and for providing driveway widths greater than 30 ft wide.

Mr. Jackson said in reviewing the ordinance, there is a definition for Planned Educational Campus which states 'An educational campus containing less than one hundred (100) acres of a not for profit institution of higher education that is a not for profit entity that is fully accredited and licensed by the Office of the Secretary of Higher Education of the State of New Jersey and one that offers both undergraduate and graduate degrees and is devoted to higher education and no other forms of education and that contains housing and accessory uses proportionate to the educational facilities intended for only for faculty and students who will attend or staff the institution's educational facilities and that is adjoining to or within five hundred (500) feet of faculty and student housing so as to create a unified campus setting'. He asked Mr. Pfeffer whether this institution was accredited by the state of New Jersey and Mr. Pfeffer did show him what appeared to be a copy of the official New Jersey website listing this institution on it which he presumes indicates that they are licensed and accredited by the state of New Jersey. The other question he has is the institution has to offer both undergraduate and graduate degrees. He doesn't know in these types of studies what constitutes a graduate or undergraduate degree and he would rely on the board to indicate that but he knows from the accrediting institution, which he believes is the association of institutions of Jewish Studies, shows that this school provides a bachelor of Talmudic studies. It is his understanding that a bachelor degree is an undergraduate degree, not a graduate degree so the accrediting institution does not indicate they offer degrees other than a bachelors. He thinks this is a jurisdictional issue and he would ask the applicant to address.

Mr. Adam Pfeffer, Esq. confirmed this is an accredited institution.

Mr. Rennert said if you go back a few years, the ordinance was rewritten to make the educational campus more restrictive. Beth Medrash Govoha is a school which has a graduate program where you can obtain a master's degree.

Mr. Jackson said he knows when a university or college offers a master's program, it is pretty significant so he is unsure whether an institution can just say they are going to offer a master's program. He thinks it has to be approved and accredited but he wanted to bring it up because it is a jurisdictional issue that the school must be able to offer a master's or a PHD in order to be eligible under the ordinance.

Mr. Pfeffer argued nothing says they don't or can't offer that. They are an accredited institution.

Mr. Rennert said per the ordinance definition, it must be offered and this school is not accredited to give a master's degree.

Mr. Jackson said it is also a threshold jurisdictional issue.

Mr. Jackson asked if his client can testify whether the school offers a master's or PHD program.

Mr. Pfeffer disagrees. The school is accredited, they have submitted everything necessary and no issues have ever been raised.

Mr. Jackson understands but it was just brought to his attention. The school must be accredited and offer both an undergraduate and graduate degree.

Mr. Pfeffer requested the application be carried to the next meeting so he can look into this issue further.

A motion was made and seconded to carry the application to the December 19, 2018 meeting.  
All were in favor.

**4. SD 2373 Vine Heaven, LLC**

Broadway Avenue Block 1037, Lot 4

Minor Subdivision to create four lots and dedicate a portion of vacated right-of-way back to the Town

*A review letter prepared by Remington & Vernick Engineers dated December 6, 2018 was entered as an exhibit.*

Mr. Brian Flannery, P.E., P.P. said this is a conforming application. A piece of the property is being given back to the Township for a linear park. They agree to all of the comments in the board engineer's report.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He argued these right-of-ways being used for parks would have had sidewalks.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He agreed there needs to be sidewalks. He motioned there are no sidewalks along Laurie Leed's properties.

Mr. Herzl closed to the public.

Mr. Flannery said they are not missing any sidewalks. There will be a 30 ft linear park which the builders are going to develop in accordance with whatever the Township requires.

Mr. Herzl questioned how people walk to these parks.

Mr. Flannery said there are sidewalks along the entire frontage of all the properties including the 25 ft right-of-way that was vacated and this lot owner is giving back the 5 ft strip to have the 30 ft consistent with the CAFRA plan.

Mr. Herzl asked if there will be sidewalks along the park.

Mr. Flannery said there will be sidewalks along both sides. The only sidewalk missing would be across Laurie Leed's properties which is not near here.

Mr. Klein said on the original plan, there were walkways within the park.

Mr. Flannery said walkways will be provided as directed by the Township along with benches and any other recreation.

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

**7. APPROVAL OF MINUTES**

**8. APPROVAL OF BILLS**

## **9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary