

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Stern, Mr. Herzl, Mr. Isaacson, Mr. Meyer, Mr. Raitzik

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 2314 TMV 70, LLC**
1255 Route 70 Block 1160.01, Lot 253
Preliminary and Final Major Site Plan for a medical office building

A motion was made and seconded to approve the resolution.

5. ORDINANCE

- R2019-280: Correction to 2017 Master Plan Zone Changes in the area of the Lakewood Commons**

Ms. Morris said this ordinance is with respect to the zoning map and how it depicts the Lakewood Commons neighborhood. When the Master Plan was considered and adopted, T&M had provided testimony about how some zones were updated in their classification to reflect the current use within the neighborhood. T&M took the Lakewood Commons zone and re-zoned it into the R-M zone being that it's multi-family, however, Lakewood Commons is affordable housing and now that they want to come forward with a new phase, they are discovering that the R-M zone does not permit affordable housing so this ordinance is to re-zone it back into the R-40/R-20 cluster zone which does permit affordable housing.

Mr. Flancbaum arrived. The board decided to designate this development as RM as they are multi-family not realizing at the time that the R-M zone does not permit affordable housing.

A motion was made and seconded to recommend adoption by the Township Committee.
All were in favor.

6. PUBLIC HEARING

1. **SD 2394 30 Congress Street Lakewood, LLC**
30 & 34 Congress Street Block 248.03, Lots 56 & 57
Minor Subdivision to realign lot lines

A review letter prepared by Remington & Vernick Engineers dated June 18, 2019 was entered as an exhibit.

Mr. Vogt said variances are required for lot area and lot width, however, if you look at the property it is undersized, and the purpose of the lot line adjustment is to more evenly distribute the area that they have.

Mr. Joseph Kociuba, P.E., P.P. was sworn. New lot 57.01 would become a 49.22 ft wide, 6,821.35 sf parcel and proposed lot 57.02 would become a 50.77 ft wide, 6,800.69 sf tract. There are existing homes on both lots and they are proposing to construct two new single-family dwellings. On the smaller lot, they could maintain the same footprint and extend the building back or build a two-story dwelling. They are trying to balance the lots and make them more appropriate for the area.

Mr. Stern thought if the structure is demolished then any variances that were grandfathered in goes away.

Mr. Kociuba said not in Lakewood. They are permitted to maintain the same existing setbacks.

Mr. Herzl opened to the public.

Mr. Moshe Krieger, Bruce Street, was sworn. He said the smaller lot is currently an eyesore, therefore, he is in favor of this application.

Mr. Herzl closed to the public. He asked about parking and sidewalks.

Mr. Kociuba said there will be four spaces per unit and sidewalks/curbs would be replaced as needed.

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

2. **SP 2323 AEB 2, LLC**
235, 241, 247 River Avenue Block 768, Lots 33, 34.02, & 36
Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington & Vernick Engineers dated June 3, 2019 was entered as an exhibit.

Mr. Vogt said submission waivers are requested from submission to the Ocean County Planning Board. The applicant's engineer indicates that submission is not required since the project is not on a County highway, does not affect a County drainage system, and is less than an acre in size. A submission waiver from providing topography, contours and man-made features within 200 ft is requested, the applicant's engineer indicates that the proposed improvements are within the existing site and do not affect anything beyond the property lines. They can support the waiver as there appears to be enough topography for the design. Finally, a submission waiver from providing an environmental impact statement, the applicant's engineer has indicated no known environmental constraints exist per NJDEP mapping. This waiver is supported provided the impacts of potential freshwater wetlands is addressed as a condition of approval.

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

Mr. Vogt said variances include minimum front yard setback from a state highway as well as minimum rear and side yard setbacks. A design waiver is required from landscape buffering as well as a partial design waiver from providing curbing along the front of the proposed parking lot.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the layout plan submitted which shows the proposed office building with the associated parking lot, exhibit A-2 is a copy of the tax map showing the location of the property on the east side of Route 9 just south of John Street. There is an existing office building and two homes in desperate need of rehabilitation which would be replaced with a new office building as shown on exhibit A-3. The applicant will also be the owner of the building so he can have his own office. The parking exceeds ordinance requirements.

Mr. Herzl asked if there will be any medical offices.

Mr. Flannery said no, it will be general office. A minimum front yard setback from Route 9 is being requested. If they complied with the setback, they would not have room for a building.

Mr. Herzl asked if there is enough room in case Route 9 is ever widened.

Mr. Flannery said the desired typical section is provided on the plan and they are not violating that, and they would not lose any parking.

Mr. Herzl said the zoning table on the plan lists an 89 ft setback and the board engineer's review letter indicates 85 ft.

Mr. Flannery said the board engineer is going by the overhang of the second story. They are allowed to have 2 ft overhang of the second story, so they could technically say 87 ft. If the board looks at the exhibits presented, this plan makes sense as it was designed to fit a building appropriate for the property.

Mr. Meyer argued there will be more cars coming to this site.

Mr. Herzl asked if there are any commercial lots in the area which do not conform to the 150 ft front setback.

Mr. Flannery said the building on the corner is probably 20 ft from Route 9. There is also a former nursing home which is now a school which is also not set back 150 ft.

Mr. Meyer asked what is behind this on lot 34.01.

Mr. Flannery said the majority of that lot is a C-1 stream corridor and it is wooded.

Mr. Stern said it is great they provided 58 parking spaces, but the downside is they are adding that many cars to Route 9 traffic whereas there are only about 14 cars for the existing structures.

Mr. Aaron Berkowitz was sworn. He works in the existing office building so he understands the traffic on Route 9 and he can tell the board firsthand how dilapidated the building is. They currently have about 15 cars during the day. He plans to occupy one floor of the proposed three-story building. He would not be investing in this if he does not think he could lease it out.

Mr. Herzl asked if there is access to any other road.

Mr. Berkowitz said no.

Mr. Stern requested a traffic island to restrict movements to right in/right out only.

Mr. Flannery agreed but asked that it be subject to NJDOT approval.

Mr. Meyer asked if it makes sense to slide the building towards Route 9 and to the left in order to get parking in the setback instead.

Mr. Flannery said the properties to the rear and side are owned by Rabbi Kanarek and if he did not want this, it wouldn't be happening. The building as proposed makes sense. This is not a place where houses should be, it is a spot where another office should be.

Mr. Stern said it is a beautiful building, but it is intensifying the use, he asked if they could make it two-stories.

Mr. Flannery said the ordinance allows 65 ft height and 30% coverage and they are only at 10%.

Mr. Stern said if this was on Cedarbridge as opposed to Route 9 then it would be perfect.

Mr. Herzl said Route 9 is a disaster in that area.

Mr. Stern agrees, that is why he is suggesting shrinking the building in order to make the use less intense.

Mr. Flannery said this is a redevelopment that is greatly needed, and it is smart growth. If the setbacks were met, the building coverage and height would be much higher and there would be more traffic involved. The reason they are proposing these variances is they have a lot size which is much smaller than the ordinance envisioned. This proposal does provide employment opportunities in a close location on Route 9 which is where there should be commercial uses rather than residential uses. It also provides that people in an office context can choose when they come in and go to work as opposed to retail which is going to have traffic coming in and out all day. It is not medical which would also have people coming and going all day, especially during peak period times when schools are operating. The Master Plan indicates encouraging redevelopment of existing, underutilized sites which this does and the only thing it has going against is it is on Route 9 which the State should have improved back in the 1960's. This property is being impacted by something the State should have done years ago and it is a disgrace to only have two lanes on a highway of this nature in Lakewood and this property should not be penalized for that. The Master Plan also indicates traffic congestion and shortage of parking. This can be done in part with sound land use planning that promotes reduced reliance on private vehicles through compact development footprints, facilitated access to public transit, provision of local services and within walking distances of residential areas and provision of adequate parking. They do that as they have adequate parking, they are on Route 9 which does have bus service and it is within walkable distance of a lot of residential areas. He further referenced sections in the Master Plan and MLUL to justify the variances requested. The only detriment he sees are a couple of extra trips on Route 9 and whether those trips are added or not, Route 9 in that area during peak hours is going to operate at a level of service 'F' and the rest of the day you have a building that is appropriate which fits in the area.

Mr. Herzl asked if there are any other comments in the engineer's review letter he would like to address.

Mr. Flannery said the required 50 ft buffer to a residential zone, but it is really not a residential zone and the partial design waiver from providing curbing is not needed as it was a drafting error. Curbs and sidewalks would be provided along the entire frontage. A traffic study was submitted which shows the driveway would operate at a

level of service 'B' but they all know Route 9 does not. The applicant agrees to any lighting and landscaping recommendations the board and board engineer feels appropriate.

Mr. Klein said he spoke with the applicant and there are actually about 25 to 30 cars coming and going at the current site of which 50% of those are residential in nature and therefore would impact Route 9 more than what is being proposed.

Mr. Flannery said there would be less cars as residential do not just make two trips a day, the average residence makes ten trips a day. Vehicle trips is what creates the problem as opposed to the number of vehicles.

Mr. Herzl asked if sprinklers will be provided as per the review letter's recommendation.

Mr. Flannery confirmed, and they would comply with the ordinance as to identification signs.

Mr. Raitzik asked if they still allow left turns into the property as there will be a problem for people trying to turn around if it is only right in/right out only.

Mr. Herzl thinks making any lefts on Route 9 is dangerous.

Mr. Raitzik said a lot of people come in from the north.

Mr. Vogt said the board can give recommendations, but the ultimate decision would be the NJDOT's.

Mr. Raitzik said there are left turns allowed there now.

Mr. Flannery does not see any issues allowing left turns into the site as it is a much more controlled movement, but a left turn out could be problematic.

Mr. Herzl opened to the public.

Mr. Moshe Zeines, Elmhurst Boulevard, was sworn. The traffic study indicates that the peak morning times are 8:15 to 9 am. He asked if there is access to John Street.

Mr. Flannery said no.

Mr. Zeines asked if there was testimony that this is a non-buildable lot.

Mr. Flannery said no, the testimony was that if no relief was granted it would be non-buildable.

Mr. Zeines asked if this was a vacant piece of land, is it his testimony that this lot would be a non-buildable lot.

Mr. Flannery said if no relief was granted, they would not be allowed to build there.

Mr. Zeines suggested that in the future, these types of applications should have designated areas for deliveries.

Mr. Herzl closed to the public.

The board agreed there should be an area striped and designated for visitor parking to allow for deliveries.

Mr. Flannery agreed to designate two spaces for temporary visitor parking.

Mr. Herzl said the applicant agrees to limit egress to right turns only but would allow left turns into the site. If the NJDOT denies this proposal, then the applicant must come back before the board.

Mr. Flannery said to clarify, if the NJDOT approves right in/right out movements only then the applicant does not have to come back before the board.

Mr. Herzl confirmed.

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

3. SD 2380 Thomas Rosenberg

Highgrove Crescent & 403 Ridge Ave Block 223, Lots 83.06 & 90
Minor Subdivision to realign lot lines

A review letter prepared by Remington & Vernick Engineers dated June 24, 2019 was entered as an exhibit.

Mr. Vogt said variances include minimum lot area, lot width, front yard, side yard, aggregate side yard setbacks and off-street parking relief is required for new lot 90.01. A design waiver is required from proposing an 8.50 ft wide right-of-way dedication along Ridge Avenue and from planting street trees.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the minor subdivision map submitted and exhibit A-2 is a copy of the tax map for the area. As the board can see, there are two separate lots, one of which is very narrow and long and one larger lot. This application proposes to extend the rear line on the larger lot and the yellow area would now be into the bigger lot. There are two existing houses now and there will be the same two houses when this is filed. Mr. Rosenberg's rear yard would be larger as a result of this subdivision. The new lot created would be consistent with the neighborhood on Ridge Avenue. So, they are talking about a 1.3 acre tract in the R-10 zone where they will have two houses. In the R-10 zone normally it is 8 units per acre and they will have 2 on 1.3 acres. A minimum lot area variance is required for new lot 90.01. A lot area of 7,055 sf is proposed whereas 10,000 sf is required and that is the only new variance. The other variances as listed in the engineer's report are all existing conditions. Relief for parking is required as the existing home on lot 90 only has 2 parking spaces and they are not proposing any new construction or additions, so they would request that relief. A design waiver is requested for a right-of-way dedication along Ridge Avenue as they would provide an 8.50 ft road widening easement. No one else has provided a dedication along Ridge and all that would do would reduce the lot area and front setback. He referenced sections in the Master Plan and MLUL to justify the variances requested.

Mr. Herzl opened to the public, seeing no one come forward, he closed to the public.

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

4. SD 2063 Eli Schwab

Joe Parker Road Block 189.16, Lot 157
Extension of Minor Subdivision to create three lots

Mr. Joshua Schmuckler said they are still trying to obtain Ocean County approval.

A motion was made and seconded to approve a six-month extension.
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