

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. Hibberson, Mr. Herzl, Mr. Rennert, Mr. Follman

3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt, P.E., P.P., C.M.E. was sworn in.

4. PUBLIC HEARING

1. **SD 2208 Prospect St. Holdings, LLC**
Blanche Street Block 445, Lots 9 & 19
Preliminary and Final Major Subdivision to create 9 lots

Applicant has requested to carry this project to a future meeting date. New notices will be provided.

2. **SP 2231 Prospect St Holdings, LLC**
Blanche Street Block 445, Lots 9 & 19
Preliminary and Final Major Site Plan for a synagogue

Applicant has requested to carry this project to a future meeting date. New notices will be provided.

3. **SD 2254 Eli Kofman**
Manetta Avenue Block 236, Lots 6.01 & 6.02
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 5, 2017 was entered as an exhibit.

Mr. Vogt said variances requested include minimum lot area and width.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said this was previously subdivided for a duplex. The applicant has been looking to sell it as a duplex lot but people prefer to have single families. This particular property is in the area which the 2007 Master Plan recommends rezoning R-10 to R-7.5 to provide housing opportunities compatible with redevelopment in that area. He would be very surprised if this recommendation is still not in the Master Plan as most of the area is R-7.5. Even if it is not rezoned R-7.5, it is still two lots with the same number of units and cars. There is no detriment if the owners and neighbors are happier with single family homes.

Mr. Herzl asked if any variances would be required if this was in the R-7.5 zone.

Mr. Flannery said it would be completely conforming.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He questioned Mr. Flannery's involvement with the Master Plan.

Mr. Flannery said he has had many clients asking him to write recommendations. One of them was in this area but it was not this particular piece of property.

Mr. Moshe Zeines was sworn. He asked if both single family homes and duplexes are permitted in this zone.

Mr. Flannery confirmed.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.

All were in favor.

4. SD 2188 Aaron Sperber

Locust Street

Block 1083, Lot 7

Minor Subdivision to create three lots

Applicant has requested to carry this project to a future meeting date. New notices will be provided.

5. SD 2274 Pine Blvd, LLC

Pine Boulevard

Blocks 423; 423.07; 423.08; 423.10; 423.11; 424; 425

Concept Plan Review for a Major Subdivision to create 74 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 13, 2017 was entered as an exhibit.

Mr. Vogt said this is an informal concept plan which the applicant is seeking board input. Their primary issue is they do not know the exact number of lots or density at this time. If the project were to come back to a board and it required a density variance then it would have to go to the Zoning Board.

Mr. Brian Flannery, P.E., P.P. said the applicant is a contract purchaser of this property and he is looking at how to develop it. This is in the Hearthstone area with R-12 zoning but nothing around this property is R-12. A majority of the lots are 8,000 sf, ten percent are 12,000 sf. Blue Jay Court are on 8,000 sf lots, Windham, Highpoint and then the whole HD-7 corridor. So when you look at all of the development surrounding this property, there is no R-12. The 2007 Master Plan recommends this area to be R-7.5 but only single families. The proposed plans show 10,000 sf lots. They are not asking for approval at this time but for guidance from the board. The applicant would need the rights-of-way vacated so he can develop something that make sense.

Mr. Herzl asked what main streets are in the area.

Mr. Flannery said Route 9, Massachusetts Avenue and then the Hearthstone development surrounding it.

Mr. Herzl asked if this property would only open up to Route 9.

Mr. Flannery said this property could open up just to Hearthstone, it could open up just to Route 9. The neighbors may want another way to get to Route 9 or Massachusetts Avenue.

Mr. Herzl has issue with Route 9.

Mr. Flannery understands. It is a disgrace to have a road like that with this kind of population.

Mr. Herzl asked how they could direct traffic away from Route 9.

Mr. Flannery said the sketch was done with the idea that it provides an alternate route to get to Massachusetts Avenue. The County is talking to the governing body and the County is going to improve their roads. The developer is offering to spend extra money on improvements but he has to know he doesn't have to follow R-12 standards. The people in Hearthstone are usually pretty vocal but ultimately it is the board making the decision. They would request a letter from the Planning Board to the governing body asking to vacate the roads in this area as they do not make sense. The applicant would like to know if the board is comfortable with 75 ft wide lots.

Mr. Herzl asked how many houses could be built without variances.

Mr. Flannery said probably 5 or 6 less, ten percent of the lots there do meet the R-12 criteria similar to Hearthstone. The minimum criteria they would propose would be R-10 which is bigger than anything around it as well as making road improvements which would improve the area.

Mr. Franklin asked how wide the roads would be.

Mr. Flannery said 32 ft.

Mrs. Morris believes there is potential for another connection. She asked if it is private property, on the east side towards Massachusetts.

Mr. Flannery said it is a small right-of-way and Township property.

Mrs. Morris said the neighbors had indicated a park is there.

Mr. Flannery said there is a water tower between there with a small 30 ft right-of-way. They may have to work with the water company to get a little additional right-of-way but he is sure they could get a road through there. It may need to be on an easement or maybe that piece of the road could be a few inches less than 32 ft wide if that's all that fits. If that is something the board and the neighbors feels makes sense then they would explore that.

Mr. Herzl asked if the Master Plan recommended this area to be R-10.

Mr. Flannery said R-7.5 with no duplexes.

Mr. Herzl said the applicant really needs to look at traffic and try not to touch Route 9. Also, if the applicant is coming in with variances then they would have to deal with Hearthstone.

Mr. Flannery hopes the board is not influenced by seniors who are anti-development and who would not be directly impacted. Five additional units would not be a major impact. He doesn't think 10,000 sf lots would ruin Hearthstone as they are 8,000 sf lots in the area.

Mr. Rennert personally believes the applicant should follow the current zoning requirements as it is such a large scale project unless other direction comes through the Master Plan or Township.

Mr. Flannery said there are applications where by granting a variance you get something better than if you don't grant it.

Mr. Rennert understands. He would feel differently if it were less lots but this is a large project.

Mr. Herzl opened to the public.

Mr. Shlomo Klein said you can't compare the recommendations of the Planning Board back in 2007 to today as there are totally different problems there. The main issue in that neighborhood is there are not enough outlets so people must use Route 9. If this is developed correctly it would actually help out that part of the neighborhood.

Mr. Aaron Hirsch said it will be a few years until the County does anything with Cross Street. He doesn't believe variances should be granted in this area.

Mr. Herzl closed to the public.

Mrs. Morris said this is definitely an opportunity to have an outlet here other than Route 9. It may be possible to connect Claire Drive to Cushman Street.

Mr. Flannery said it is a good idea. Lot 12 lines up with Cushman and it does come out to Claire Drive which is only 33 ft wide. He would need to speak with the property owners about acquiring additional property in order to make that work but there may be issues they don't see and how it would impact their property. It certainly is the intention of this applicant that the benefits are to the neighborhood. He hopes the board agrees with him that the right-of-way layout there makes no sense and should be vacated. If the board were to agree with that and send a letter to the Township Committee, they may agree to vacate those roads. The Township is not currently vacating any roads as they are waiting for the Master Plan to be completed but if the Planning Board recommends these streets be vacated, they may approve it.

Mr. Vogt thinks it is an interesting concept. There is a case in having a positive benefit of having a through street connected. The board could look at variances on a bulk basis for R-10 size lots if it doesn't create a density variance.

Mr. Flannery said they would limit the number of lots to the R-12 requirements.

Discussion ensued concerning vacation of the roads.

Mr. Rennert said he would be more amendable to this project if they could open up streets.

Mr. Follman said it would be a monster benefit to the neighborhood.

Mr. Rennert asked the applicant to prepare a concept plan showing the streets going through and the R-10 requirements. Perhaps then they would be more comfortable recommending these streets be vacated.

5. OAK STREET CORE RESIDENTIAL DEVELOPMENT SUBDIVISIONS

- **SD 2270AO Five Star Developers, LLC**, Block 1026, Lot 3

Mr. Brian Flannery, P.E., P.P. said this is a completely conforming minor subdivision application to create 2 lots.

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

6. ORDINANCES & CORRESPONDENCE

- **SP 2026 Bais Medrash of Central Jersey** – Request to relocate approved dormitory space

Mr. Vogt said he and John Jackson have been in contact with the applicant and his attorney, Abe Penzer. The applicant is requesting to relocate the dormitory beds from the original on-site dwelling to the basement of the newly proposed school building. After the board had already granted approval, the existing home could not be retrofitted to safely provide the dorm beds. The applicant is requested to house the dorm beds within the basement of the new building. No change in the number of dorm beds is proposed. Architectural plans have been reviewed by the building and zoning department and were found to meet code. The current footprint and proposed site entrances are consistent with the approved site plans

The board was in favor of the administrative change.

- **SP 2201 Congregation Rachmistrivka** – Request to add additional parking area

Mr. Joshua Schmuckler said they are proposing an additional 5 parking spaces. No variances or waivers are requested.

Mr. Vogt has no issue with this change.

The board was in favor of the administrative change.

- **Ordinance 2017-xx: New Zone** – Riparian Buffer Conservation Overlay

Mr. Vogt said this is a model ordinance which other municipalities, who are interested in environmental conservation, have adopted. There have been applications in the past where they would comment, based on environmental mapping, that there may or may not be a category one buffer which is the most restricted buffer. There are waterways in the Township which are part of or connected to the north branch of the Metedeconk River which is designated as a category one waterway by the state. These are existing state regulations and the ordinance is simply a planning procedure that if there are properties within zones that could potentially contain these waterways and buffers that there is a procedure followed by any applicant or builder as to what they have to do, if anything, to comply with those regulations.

Mr. Shlomo Klein asked what the applicant would have to do different if this ordinance is adopted.

Mr. Vogt said if any applicant's property is in an area that is mapped to potentially contain a category one buffer, they would have to follow reasonable procedures to either indicate the buffer does not exist or that it is exempt from state regulations or they would have to seek relief from the state itself. It is meant as a mechanism to basically be proactive so that when projects are built, if there is a potential issue with the buffer that it is looked at in the planning process. There have been projects in town where the engineering department has had the state come in because they were within a category one buffer. What has happened after the fact is there have been studies done which have indicated it is not within the buffer or it is exempt and the reason why. The riparian buffers are not really cut and dry. You have maps which indicate there may be a buffer issue just the way there are maps there may be a wetlands issue. A field investigation needs to be done to determine whether that is or isn't correct. This board has seen applications where they have a state map which indicates a buffer going through a property and they have had consultants go back and look at the property and say that is not the case and explain why. If you have a state map that shows a waterway across the property, then that buffer may extend. What they have found in certain applications, they have gone out and looked at the water bodies and have found that the map is incorrect. This is simply a protection for all applications that come in for all development that they are at least going to be screened for this.

Mr. Klein said the applicant now has to get state approval before they can come before the board.

Mr. Vogt said they can still get board approval with the understanding the applicant is going to have to show approval for that permit prior to any activity to these properties. It is a better screening process.

Mrs. Morris said by the town adopting code that mimics DEP requirements, they are in effect taking that outside agency approval making it almost in addition to township requirements so they can't just turn a blind eye to it and say it is outside of their jurisdiction. It is at the DEP's request so that the town is acting as an additional enforcer of that state's requirements. This is worded as if it is an overlay zone on the zoning map. Mrs. Morris questioned if there should be a map included with this Ordinance.

Mr. Vogt said it is his assumption that T&M Associates is going to provide environmental overlay mapping at some time in the future.

Mrs. Morris said this is not necessarily applicable to the whole town but may be for specific areas. They just don't know exactly which areas this would apply to yet.

Mr. Vogt said they can then use that map and include any comments in their review letter.

A motion was made and seconded recommending the Township Committee adopt the proposed ordinance. All were in favor.

- 7. PUBLIC PORTION**
- 8. APPROVAL OF MINUTES**
- 9. APPROVAL OF BILLS**
- 10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Sarah L. Forsyth
Planning Board Recording Secretary