

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. Garfield, Mr. Stern, Mr. Flancbaum, Mr. Herzl, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

1. SD 2282 Albert Street Holdings, LLC

Towers Street & Pine Street Blocks 830.11, Lot 2
Extension of Preliminary/Final Major Subdivision to create 42 single family homes (“Somerset Run”)

A motion was made and seconded to approve the resolution.

2. SD 2342 Jacob Mermelstein

87 Lucy Road Block 1248.01, Lot 44
Extension of a Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

3. SP 2135 Somerset County Line, LLC

911, 913, & 917 East County Line Road Block 174.11, Lots 41.01, 42, & 43.07
Resolution of Abandonment

A motion was made and seconded to approve the resolution.

5. PUBLIC HEARING

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

Ms. Morris said the applicant’s attorney contacted her today and asked that this application be carried to the June 18, 2019 meeting as they are working with the neighbors.

2. SD 2390 Joseph Lipschitz
406 Lexington Ave Block 118, Lot 11
Minor Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated May 14, 2019 was entered as an exhibit.

Mr. Vogt said the applicant is seeking relief for building coverage. There is an existing non-conformity with respect to lot area.

Ms. Miriam Weinstein, Esq. said this is an application for a zero lot line subdivision approval to create individual lots for a duplex that has already been constructed. No new construction is proposed as a result of this application. This subdivision could have been done administratively but it requires a lot coverage variance. Coverages of 34.4% and 34.8% are proposed whereas 30% is the maximum allowed. Lot area of 6,058 sf is an existing non-conformity as 10,000 sf is required. There must have been an oversight as to lot coverage when the permit was submitted.

Mr. Brian Flannery, P.E., P.P. was sworn. He said there is a provision in the ordinance that states on an existing undersized lot, 35% building coverage is allowed so the zoning officer did not make a mistake when she approved this. Now that it is no longer a vacant lot, it is no longer entitled to that provision of the ordinance. This is a C-2 variance where the benefits outweigh the detriments. The benefit would be they do not have to knock down a building that is already there and there are no detriments in his opinion as it was built in accordance with the ordinance and signed off by the zoning officer. The only thing being done as a result of this subdivision is to allow them to have two separate owners which is why the governing body passed the provision in the ordinance to allow for the fee simple lot lines. If the applicant had come to the Planning Board from the start, it would have been a conforming application.

Mr. Stern is concerned as he does not want the board to set a precedent. He does believe the applicant made a mistake in good faith, but he does not want this to become a new tactic.

Mr. Joseph Lipschitz was sworn. His original intention was not to subdivide the lots and most of the areas in that location has a 35% maximum building coverage, so it was just an oversight on his part. There was already an existing building on this property.

Mr. Vogt said other than the undersized lot and building coverage, it is fully conforming with respect to building setbacks.

Mr. Flannery thought the lot was vacant but if there was an existing building with 34% coverage then they are allowed to keep to that.

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.

Affirmative: Mr. Stern, Mr. Flancbaum, Mr. Herzl, Mr. Meyer

No: Mr. Garfield

3. SP 2327AA Ephraim Lesser
50 Freeman Road Block 83, Lot 3
Change of Use/Site Plan Exemption to convert an existing house to a school

A review letter prepared by Remington & Vernick Engineers dated May 1, 2019 was entered as an exhibit.

Mr. Vogt said there are variances requested for minimum front and side yard setbacks, perimeter buffer relief and relief for proposed parking within the required buffer, however, they all appear to be existing conditions. Design waivers are necessary, including but not limited to shade tree and utility easements, shade trees, lighting, and landscaping.

Mr. Brian Flannery, P.E., P.P. was sworn. This is a change of use site plan from a residence to a school. It is going to be a pre-school with some remedial classes for older school aged children. There will be no buses coming to the site. The school anticipates between 35-40 students which would be dropped off. The variance relief requested are all existing conditions. Exhibit A-1 is the plan which shows the existing features with six parking spaces which is one per classroom and office.

Mr. Herzl does not like stacked parking. He asked if they can come in from Central and go out on Freeman.

Mr. Flannery said the parking would be for teachers only. It works now for the residents and changing something on Central Avenue would involve getting County approvals and he does not think it would make the situation any better. The applicant does not anticipate having six teachers at one time and they can certainly rotate them.

Mr. Stern asked where the students are being dropped off.

Mr. Flannery said the parents would stop on Freeman. There are no other houses on that road.

Mr. Stern said they would be walking across the grass.

Mr. Flannery said yes, the parents would stop and walk the child in. It would be the same situation if this were a daycare.

Mr. Herzl asked if they could propose a turnaround coming in from Central and going out Freeman.

Mr. Flannery said there is a substantial drop in grade.

Mr. Herzl is concerned having six cars backing out onto Central Avenue.

Mr. Flannery agreed to amend the application to provide a turnaround.

Mr. Herzl said to change the plan so that the cars come in on Central and go out on Freeman.

Mr. Flannery said that is what they are going to do.

Mr. Vogt said anything to avoid backing out onto a County road is going to be an improvement.

Mr. Flannery said the applicant will revise the plans to show six parking spaces that are not stacked which enter from the existing curb cut on Central and exit onto Freeman.

Mr. Stern questioned if the topography would allow that.

Mr. Flannery said yes.

Mr. Herzl asked what the maximum number of students would be attending this school.

Mr. Flannery said five classrooms are shown on the plan. There will be 10 children per classroom, so the maximum would be 50.

Mr. Flancbaum asked what the hours of operation are.

Mr. Efraim Lesser was sworn. He is the applicant and they anticipate having pre-school and small remedial classes for pre-school aged children and older children.

Mr. Herzl asked how many teachers he anticipates at any given time.

Mr. Efraim said five.

Mr. Herzl asked if people will be coming and going all day.

Mr. Efraim said the bulk of the children will be full day pre-school aged children. He anticipates only 20-25 children at this time and the maximum would not be more than 40. The hours would be 9:15 am to 3 pm but there will be some after school classes until 4 or 5 pm.

Mr. Flancbaum said on future applications, there should be a written statement indicating exactly what the applicant is proposing. There are too many questions and vague answers. It should be clear what is being proposed so there is no confusion.

Mr. Isaacson and Mr. Raitzik arrived.

Mr. Garfield asked if the applicant anticipates more than 40 students, he is concerned there will be trailers.

Mr. Efraim said no, he does not. The maximum anticipated is 40 and there is no room for trailers.

Mr. Jackson said if the board is not satisfied with the information presented, they can adjourn the application and have them come back with a better presentation with the answers the board needs.

Mr. Herzl opened to the public.

Mr. Samuel Halberg, 55 South Lake Drive, was sworn. South Lake Drive comes off Central and Route 9 and it is a very busy intersection. It was made into a one-way street because people walk there, park their cars, and go fishing as it is a recreational area. South Lake Drive is not a wide street and there is parking on both sides with enough room for a large car to fit without a lot of space. Freeman is also a narrow street with parking on both sides. He does not know how these cars are going to turn to go up Central unless they are driving motorcycles. There is no place for these 40 cars coming in and it is going to be a parking lot.

Mr. Israel Rubin, 110 Central Avenue, was sworn. The neighbors on Central are already under a lot of stress dealing with tremendous traffic as it is. He thinks anything that is adding to the issues they face daily is really imposing on people who are already being imposed on.

Mr. Herzl questioned if this application can be denied even though the variances are pre-existing.

Mr. Jackson thinks that unless the board has specific items they would like clarified or added to the plan that are part of the design criteria or for safety then the board is constrained to approve a conforming application.

Ms. Morris said there is a variance for parking within the buffer.

Mr. Jackson said if there is a variance for the existing house, that does not mean the board must turn it into a school. The board must regrant that variance.

Mr. Garfield would like to see some sort of traffic study.

Mr. Auerbach, 107 Freeman Road, was sworn. Due to the amount of traffic on Central, people have begun using the side streets as raceways in order to cut ahead of the traffic. He is concerned about taking a scenic area by the lake and turning it into a raceway for people trying to avoid the backups on Central.

Mr. Garfield asked about drainage as the topography is very steep.

Mr. Flancbaum said they are looking at an application which requires four variances, yes, they are pre-existing, but now they are seeking approval for a change of use into a school. It is just may not be the right site for this use.

Mr. Flannery said the board has raised some legitimate concerns as to how this site will function. The applicant would like to address them, revise the plans, and come back. It is a permitted use and he is aware that area and a lot of other areas in town have a lot of traffic. He asked to be carried to the next available meeting.

Mr. Alexander Rosenbaum, 109 Central Avenue, was sworn. He does not feel this is the right place for a school on such a small lot in a residential area.

Mr. Herzl closed to the public.

Ms. Morris said this application skipped the tech meeting as they try to push schools through quicker.

Mr. Herzl suggested this application go to a tech meeting.

Mr. Vogt said that is a good idea and a circulation plan shall be submitted.

Mr. Flannery said the applicant would like to withdraw the application.

Mr. Herzl said to make sure to go to a tech meeting when this application is resubmitted.

4. SP 2329AA Chaim Abadi

555 Joe Parker Road Block 189.04, Lot 62.01

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

A review letter prepared by Remington & Vernick Engineers dated May 14, 2019 was entered as an exhibit.

An aerial photograph was submitted and marked as exhibit A-1.

Mr. Vogt said an accessory side yard setback variance is required for the existing covered deck. Design waivers are required from providing a 20 ft buffer to a residential use, from providing parking within the required buffer, from providing a bus loading/unloading area and from providing curbing/sidewalk along the property frontages, shade tree/utility easements, shade trees, utilities and landscaping.

Mr. Chaim Abadi was sworn. He said the number of students will be approximately 20 to 30 as this is a school for different types of learning which are not done in other Lakewood schools. There is a program to prepare the students for college and that is the main reason for opening this school. No students will be driving or parking at the school so either parents will drop them off or they must arrange for drop offs/pickups. There will be 3 or 4 teachers at any given time.

Mr. Raitzik asked if the building will be empty in the evenings.

Mr. Abadi said yes, school starts at approximately 10 am and will end at 3:45 pm.

Mr. Herzl asked if there will be any dormitories.

Mr. Abadi said no, the students will not stay overnight.

Mr. Herzl asked if they plan to have classrooms in the basement.

Mr. Abadi said no as most of the basement is crawl space. It would be used for storage.

Mr. Vogt said per their interpretation of the plan, there will be 5 classrooms and 2 offices proposed which requires 7 spaces and they are providing 9.

Mr. Abadi confirmed.

Mr. Herzl asked if the cars will be backing out onto Joe Parker Road.

Mr. Abadi said no, there will be a turnaround in the gravel area.

Mr. Vogt said if approval is granted, they would provide a paved turnaround.

Mr. Abadi agreed. A waiver is required for the 20 ft buffer and they would provide a fence.

Mr. Herzl asked if they agree to provide landscaping as well.

Mr. Abadi yes, the only issue is if you look at the survey, their fence is a few feet onto the neighbor's property, so they will have to move it back. A design waiver is requested from providing curb and sidewalk as there are no other sidewalks along Joe Parker Road. The applicant would provide them at some point but for now they would like to post a bond.

Mr. Herzl opened to the public.

Mr. Francis Meyer was sworn. The applicant is requesting relief for the 20 ft buffer, but the existing driveway is only a few inches from his property line. A fence still does not mitigate having a decent sized buffer there. He actually built this house 20 years ago, so he knows the intimate details of it. The septic is in the front yard, so they cannot put parking over that. As far as the existing garage, there is about 20 ft to the property line. He does not know whether they can get two-way traffic or not for circulation. There should be some sort of bus plan with adequate parking.

Mr. Herzl said there was testimony there will not be buses.

Mr. Abadi said yes.

Mr. Meyer said that is the situation now but there could be buses in the future. He questioned who he would call if the does see a bus on the property.

Mr. Herzl said the inspection department.

Mr. Meyer asked how many students will be attending this school.

Mr. Herzl believes there was testimony there would be 20 to 30 max.

Mr. Abadi said 30 students would be the maximum.

Mr. Meyer said the fence referenced earlier is their fence, not the applicant's. He does not think there is enough room for any plantings in that area. Also, the lot width for a school is supposed to be 125 ft and this lot is only 100 ft wide. As far as getting in and out of there, it is pretty tight on that corner and it is on a County road.

Mr. Herzl said the plan indicates the requirement is 100 ft and they are providing 115 ft so they conform to R-20 standards. He asked how high he would like the fence on his side.

Mr. Meyer is not sure at this time.

Mr. Vogt believes the board can grant a variance for up to 8 feet.

Mr. Herzl asked if they would like to request that variance just in case the neighbor prefers a higher fence.

Mr. Stern asked if the existing driveway is wide enough for two-way traffic.

Mr. Meyer said no.

Mr. Isaacson said there was testimony the septic is in the front and there was discussion to provide a turnaround.

Mr. Abadi said they would propose something that works. *(hard to hear as he is away from the microphone)*

Mr. Herzl said there is plenty of room, he does not want anyone backing out onto Joe Parker Road.

Mr. Vogt said it would be similar in concept to what is existing on the adjacent property.

Mr. Herzl said the applicant would have to obtain County approval as well.

Ms. Melanie Meyer, 567 Joe Parker Road, was sworn. She asked what the setbacks should be in the R-20 zone.

Mr. Vogt said the front yard setback is 50 ft. He does not have it scaled on the plan but looking at the survey, the existing front yard setback is almost 100 ft.

Ms. Meyer is concerned they will be driving on the septic field.

Mr. Flancbaum said if the board approves the application, the board engineer will look at the design because obviously you cannot park on the septic system.

Ms. Meyer believes it is a law in New Jersey that a student can require bus service.

Mr. Abadi said most schools do not get bus service and they get reimbursed. *(hard to hear as he is away from the microphone)*

Mr. Francis Hayes, 14 La Quinta Lane, was sworn. He is in favor of schools, but he does not find it necessary to have a school at this location. He is concerned about the drop off/pick up situation as there is no parking on either side of that road and it will create a safety issue.

Mr. Herzl asked if any trees can be provided along the neighbor's property.

Mr. Meyer said there is not enough room.

Mr. Vogt said since they are going to be providing a 'U' shaped driveway, they can abandon a portion of the existing driveway and shift that leg in to provide 5 ft or so in order to make room for some arborvitaes.

Mr. Stern asked if the applicant is willing to agree to a deed restriction as to the number of students and to prohibit busing on the site.

Mr. Abadi said deed restrictions ruin the value of the property for title and for banks and loans.

Mr. Flancbaum said this is a small house that can only fit 30 people, so he is not as concerned about this becoming a large school.

Mr. Meyer asked if trailers are going to be placed on the site.

Mr. Abadi said no.

Ms. Morris said the applicant can get temporary trailers from the building department unless the board enforces some sort of restriction.

Mr. Abadi has no issue with that restriction except for remedial which he has no control over.

Mr. Herzl understands, sometimes for special ed the state would give a trailer.

Mr. Raitzik asked if there will be school over the summer as well.

Mr. Abadi believes there will be some students taking summer courses.

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

5. SP 2317 Beis Medrash of Albert Corp
699 Albert Avenue Block 855.06, Lot 15
Preliminary & Final Major Site Plan for a synagogue

A review letter prepared by Remington & Vernick Engineers dated May 14, 2019 was entered as an exhibit.

Mr. Vogt said a submission waiver has been requested from providing a traffic study. The board will have to decide whether they want to move forward without the study. They have no objections granting waivers for the site features within 200 ft of the project. A submission waiver is requested from location of existing/proposed wells and septic. The applicant's engineer indicates the existing well location is unknown, but it is his understanding that if the board acts favorably, they are going to give design information such that the project is going to be compliant with applicable regulations. Submission waivers from providing plans and profiles is acceptable for hearing purposes only and they will be requesting some profiles of utility crossings during compliance, if approved. Finally, a waiver was requested from providing an environmental impact statement. The applicant's engineer indicates that there are no known environmental constraints per NJDEP mapping.

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

Mr. Vogt said variances are requested for minimum front yard setback, accessory building minimum side yard setback, relief will be required for the number of proposed off-street parking spaces as well as perimeter buffer relief.

Ms. Miriam Weinstein, Esq. said back in September of 2014, she appeared before this board for a change of use site plan exemption to convert an existing residence to a synagogue on this property. At that time, the shul was constructed in a trailer and the house was used as the rabbi's residence. The time has now come to construct a more permanent home for this synagogue; therefore, they are here before the board to construct a brand-new two-story synagogue with a basement. The existing trailers will remain on the site as an accessory use to the shul and will house the youth groups for the neighborhood. There is a front yard setback variance due to the unique, long and narrow shape of the property and the fact that it fronts on three streets: Albert, South and Oak and therefore has three front yard setbacks. The applicant has agreed to reduce the size of the sanctuary to 2,995 sf such that even with the Township's most recent interpretation of the parking ordinance for shuls, there will be no need for a parking variance. This is a well-established, single-family home neighborhood in the R-20 zone. It is not a dense neighborhood or a fast-growing neighborhood with duplexes springing up all over the place with basements. The applicant knows the current parking needs of the shul as it exists, and they are expecting to remain roughly the same even after the new building is built. As far as the kiddush room, there will not be a rentable simcha hall. It will truly be a kiddush room for Shabbos and yes there will be an occasional bris for a member of the shul. This synagogue has no reason to have a rentable kiddush hall at this location as there are other rentable halls in the vicinity which are walkable.

Mr. Brian Flannery, P.E., P.P. was sworn. As indicated, the applicant will reduce the size of the main sanctuary space to 2,995 sf which would require 37 spaces whereas they are providing 38 spaces. No additional parking is required for the kiddush hall as there will not be a simcha hall in the basement.

Mr. Isaacson asked how many members attend the shul.

Mr. Flannery said one of the congregants just told him 80 members. It is the same shul which is existing, and they have been parking on the grass and the number of parking spaces being proposed is what has been utilized in non-parking type areas and they feel comfortable it is the right number.

Mr. Moshe Botnick was sworn. He said there are roughly 80 members in the shul.

Ms. Weinstein asked where the members currently park.

Mr. Botnick said they currently have 18 spaces as part of the existing approval for the shul. Members are parking there, and they have also been parking on the grass in front of the shul along Albert and South. The proposed parking for this application has the same or greater number of striped spots as the existing shul.

Mr. Raitzik asked if he anticipates more traffic in the area.

Mr. Botnick said no, this is an established shul which has been in existence for several years. There have been several new synagogues going up in the area and this is really just going to the next level to build a long-term shul to house their current members and they are not anticipating a major increase at this time. They would like to make more space for children but there will not be a major increase in adult membership and vehicles.

Mr. Garfield said there are a lot of schools on Oak and he is concerned about all of the traffic in the area.

Mr. Flannery said there is always going to be some impact on the area with a new shul or business. As indicated, this is an existing established shul in an R-20 zone, so people already come to this site to pray. This is a

neighborhood shul, so the impact on Oak is going to be virtually the same after this is built. Also, there used to be a circle at that intersection which was subsequently replaced, and a traffic light was installed which makes the situation much better. It is his testimony that a traffic study is not needed. Exhibit A-1 is a tax map of the area, exhibit A-2 is the map submitted showing the proposed synagogue and existing trailer, exhibit A-3 is the existing conditions map which shows the existing house which would be removed as well as the existing trailer which would remain. A minimum front yard setback variance of 10.08 ft is proposed from Albert Avenue, whereas 30 ft is required. The property line is 10.08 to the steps but it is 17 ft to the actual building. On the very north of the site is the septic field then it is all loaded with parking and the building which fits in how the applicant feels it will be appropriate for the neighborhood. A minimum side yard setback is required for the trailer as it is at 9.5 ft whereas 10 ft is required. It was not intended to be placed there but they would ask for relief on that as it is an existing condition and it has been there for years. As indicated earlier, they comply with off-street parking requirements. A 20 ft wide perimeter buffer to the adjoining residential properties is required. There are two lots being impacted which are on the northerly and the southerly side of the site. On the northerly side, nothing is really changing except they are adding more parking. On the southerly side, there is an existing house and trees being taken down and they would be proposing a 6 ft solid fence, but they would provide any type of fence the neighbor prefers. Additionally, they would propose frosted windows on that side to minimize the impact into the rear yard.

Mr. Raitzik asked if brises are performed at the existing location.

Ms. Weinstein said yes. As far as the windows, they are either going to frost them or come up with some other way to block the visibility to the satisfaction of that neighbor. The applicant did not want to commit to frosted windows as they do not look appealing but either way, they would ensure the neighbor is comfortable with whatever is proposed. The applicant does not want the resolution to specify that it must be frosted windows. The 6 ft vinyl fence was agreed upon by the neighbor and will be installed.

Mr. Flannery referenced sections in the Master Plan and MLUL to justify the variances requested. The applicant would comply with any building codes with respect to fire safety. ADA access and sprinklers will be provided as needed but it is their opinion that sprinklers are not required for the building and they are in an area with well and septic. The applicant would agree to comply with all outside agency approvals. The applicant would comply with any reasonable Shade Tree Commission recommendations.

Mr. Wasserman, 1435 Oak Street, was sworn. He is in favor of the shul but he would like to clarify the windows facing their property. He asked how they can guarantee there will always be no visibility from inside the shul into his property.

Ms. Weinstein said there will be something proposed so that there is no visibility. The applicant will meet with him to ensure he is satisfied and if that means frosted windows then the applicant would agree to that, but they would like the opportunity to explore other options and work with him which would be a condition of approval.

Mr. Raitzik asked where the women's section would be in the sanctuary.

Mr. _____ said in the back room.

Mr. Raitzik said then it will not be higher up.

Mr. Botnick said the plans include a women's sanctuary on the second floor, however, the sanctuary is located on the opposite side of the building from where this neighbor lives.

Ms. Morris asked if the 6 ft fence is proposed along the entire property line.

Ms. Weinstein said there is an existing fence there now and wherever there is not one, they would fill it in.

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

- 6. APPROVAL OF MINUTES**
- 7. APPROVAL OF BILLS**
- 8. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary