

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. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Meyer, Mr. Stern

3. SWEARING IN OF PROFESSIONALS

Mr. David Magno, P.E., P.P. was sworn.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD 2358 Winding River, LP

1255 Prospect Street Block 396, Lot 1.01

Correcting Resolution for Minor Subdivision to create two lots and Amended Site Plan for existing site

Ms. Morris said this is an amended resolution as the board engineer recommended an additional sentence be added to clarify the timing of proposed or required improvements.

A motion was made and seconded to approve the resolution.

2. SP 1948C Yeshiva Orchos Chaim

410 Oberlin Avenue South Block 1600, Lot 12

Amended Preliminary and Final Major Site Plan for an addition to existing school

Mr. Herzl said he received a call from Mr. Sabel who could not be here, but he stated something was added to this resolution.

Ms. Morris said this resolution has been modified several times back and forth before being brought to the board while the applicant spoke with the board engineer and attorney.

Mr. Jackson said they can wait until Mr. Sabel has had the time to review the resolution and make sure it is satisfactory and they can adopt it at that point.

Mr. Herzl asked that this resolution be carried to the next meeting.

3. SP 2271A Bais Shaindel

685 River Avenue Block 782, Lot 7.01

Amended Preliminary and Final Major Site Plan for an addition to existing school

A motion was made and seconded to approve the resolution.

4. SP 2306 1650 Massachusetts Ave, LLC

1650 Massachusetts Avenue Block 524.27, Lot 126

Preliminary and Final Major Site Plan for a school

A motion was made and seconded to approve the resolution.

5. CLOSED SESSION

Mr. Jackson said he wanted to go into closed session with the board to discuss the litigation involving Eagle Ridge. There have been several complaints and a lot of court action, amendments to the complaints, appeals, etc. and he just wanted to give board an overview of that. They were in court yesterday and Judge Ford indicated that the Park matter may proceed.

6. CORRESPONDENCE

- **SD 1981 Times Square Homes, LLC** Block 11, Lots 116.01 & 118.01 – grading changes

Ms. Morris said the Township dictates that any major changes in site grading require board approval. This application is proposing some grade changes to the rear of one the lots. She believes the plot plan was submitted and acceptable by the Township engineer with respect to grading, however, he noticed it did differ from what was shown on the original major subdivision plans and felt the applicant should go back to the board.

Mr. Magno said the original proposal had terraced walls and he believes the applicant would like to construct one larger wall so they can have a flatter yard area.

Mr. Abe Auerbach was sworn. There is an existing wall there now and the whole backyard is completely useless so they worked it out so they can take the existing wall and build it up in order to better utilize the lot.

Mr. _____ asked what it backs up to.

Mr. Auerbach said it backs up to another neighbor which he has spoken to and they are ok with the wall. They provided a signed letter from the neighbors indicating same.

Mr. Herzl is fine with this if the engineering department agrees.

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

A motion was made and seconded to approve.

All were in favor.

7. PUBLIC HEARING

- 1. SD 2383 Zissel Scheinerman**
603 Ocean Avenue Block 189, Lot 173
Minor Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated March 4, 2019 was entered as an exhibit.

Mr. Magno said this is a minor subdivision on the corner of North Oakland Street and Route 88. It is an existing oversized lot with a dwelling and the proposal is to subdivide it into two conforming lots. No variances or design waivers are being requested.

Mr. Joe Kociuba, P.E., P.P. was sworn. He confirmed no variances are being requested.

Mr. Herzl asked if sidewalks are being provided.

Mr. Kociuba said there are existing sidewalks on Ocean Avenue and they would install sidewalks along North Oakland Street.

Mr. Herzl asked how many parking spaces are being provided.

Mr. Kociuba said four spaces per unit.

Mr. Herzl said there is a comment in the review letter concerning landscaping recommendations.

Mr. Kociuba said this is a fully conforming application and there are no landscaping requirements per the ordinance.

Mr. Isaacson asked what landscaping is being provided.

Mr. Kociuba said street trees.

Mr. Magno said foundation plantings shall be provided for the house as well.

Mr. Kociuba agreed, it is required at plot plan.

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.

- 2. SD 2323 Yecheskel Piotrkovski**
30 Gudz Road Block 11.30, Lot 13
Extension of Minor Subdivision to create three lots

Mr. Joe Kociuba, P.E., P.P. was sworn. They are having difficulty with the survey and request an extension.

A motion was made and seconded to approve a one-year extension.
All were in favor.

3. SP 2255 Cheder Toras Zev

1000 West Cross Street & 950 Cross Street Block 494, Lots 2.01, 3, & 4
Extension of Minor Subdivision to create two lots

Mr. Joe Kociuba, P.E., P.P. was sworn. This is a unique minor subdivision that is tied to a site plan as well with 1,000 ft of frontage on a County road. There has been a substantial amount of back and forth with the County in order to get their design approved and there is a separate issue as the Township owns a sliver of land down the center of this. There are agreements with the Township to purchase that but there has been additional time necessary in order for the Township to do what they need to do to transfer that strip of property.

Mr. Herzl asked if that strip of land is not transferred if the application is then null and void.

Mr. Kociuba confirmed, they do require that strip of land to move forward. He requested two one-year extensions.

A motion was made and seconded to approve two one-year extensions.
All were in favor.

4. SD 2337 Chaim Tzvi Herskowitz

Towers Street Block 855.03, Lot 37
Extension of Minor Subdivision to create two lots

Mr. Joshua Schmuckler, New Lines Engineering, was sworn. This application is on a County road and they are very close to obtaining their approval. A one-year extension is being requested.

A motion was made and seconded to approve a one-year extension.
All were in favor.

5. SD 2374 319 Cedar Bridge, LLC

Stonewall Court Block 548.06, Lots 170.60 & 170.61
Minor Subdivision to adjust lot line

A review letter prepared by Remington & Vernick Engineers dated February 6, 2019 was entered as an exhibit.

Mr. Magno said this a request for a minor subdivision and the project is located on the corner of Cedarbridge Avenue and Stonewall Court. Variances are requested for lot area, width, side yard and combined side yard setbacks. There is an existing dwelling going up on the lot to the north, the lot to the south is a parking area and what they are requesting to do is to move the lot line northward to put the parking lot all on one lot and that is why variances are being requested.

Mr. Adam Pfeffer, Esq. said this is a minor subdivision but it only a lot line adjustment and they are not creating any new lots.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 shows the proposed minor subdivision map which is just a lot line readjustment. In orange he has shown the two lots and the blue line is the line they are proposing to move 5.09 ft to the north so that there is no access easement or parking lot on the residential lot. The original application was a fully conforming application and to accomplish that, there was an access easement for the parking area to provide additional parking for residents in the area. In order to make that parking lot a normal size, an easement was proposed. Now so that homeowner does not have an easement and all of the associated problems, they are here for a minor subdivision to readjust the lot line and in order to do that they would need variance relief. Variances requested include minimum lot area. New lot 170.68 will be 7,080 sf whereas 7,500 sf is required. Minimum lot

width variance of 44.91 ft whereas 50 ft is required. The reality is nothing different is going to be built as it is going to be the same house and the same parking lot. This is just a convenience for the future homeowner so they do not have an easement on their property. The minimum side setback on lot 170.68 would be 2.4 ft whereas 7 ft is required and the combined side yard proposed is 9.9 ft whereas 15 ft is required.

Mr. Jackson asked him to clarify who was the easement for and how was it created.

Mr. Flannery said the easement was created by this board with the application of this property. There was a setback from Cedarbridge Avenue and some of the residents would rather leave that as a buffer and asked to put in a parking lot, so they have additional parking. The applicant at that time agreed but they would not lose a lot over it, therefore an easement was proposed.

Mr. Jackson asked who is benefiting from that parking lot.

Mr. Flannery said it is for anyone in the area. There is a shul located on lot 170.06. If there is an issue removing the easement, then it would remain, and the lot would be 5 ft bigger and would have an easement to allow access to those parking spaces.

Mr. Jackson does not know if it is that simple.

Mr. Flannery said it is an access easement where people can use that 5 ft strip. If the board were to deny this, everything would look the same except the owner of that lot is going to pay extra in insurance because he has an easement on his property.

Mr. Jackson said there is a case called American Dream v. Marlboro which was a New Jersey Supreme court case and it says that only the Superior Court has the jurisdiction to extinguish an easement that is put on a land use board that is in the public benefit.

Mr. Flannery said they are not extinguishing the easement. They are simply amending the application to leave that easement there and move the lot line.

Mr. Jackson asked if the easement is strictly for access and there is no associated area for parking itself.

Mr. Flannery said the easement was to allow parking and for people to walk.

Mr. Jackson said if the easement allows parking, you cannot park a car on a 5 ft wide strip.

Mr. Flannery said the entire remainder of the parcel is the parking lot.

Mr. Magno questioned why the easement is required if the lot line is being moved.

Mr. Flannery said per Mr. Jackson, it cannot be eliminated.

Mr. Magno argued that easement is to that lot and they are making that lot bigger which should eliminate the need for the easement.

Mr. Flannery said it is a redundant easement.

Mr. Jackson said the ownership of the lot is different than the easement because the easement gives the right for people to park there who are not that lot owner.

Mr. Magno said if the lot lines moves then it will not matter.

Mr. Jackson said it would as the dominant estates are different than the lot ownership. He asked who owns the parking lot.

Mr. Flannery said the developer.

Mr. Jackson said if the easement is removed, how do these people know they still have the right to park there.

Mr. Flannery said it is the HOA documents which gives them the right to park there.

Mr. Herzl asked if sidewalks are being provided.

Mr. Flannery said there are existing sidewalks. He referenced sections in the Master Plan and MLUL to justify the variances requested.

Mr. Herzl opened to the public.

Ms. Denise Grener was sworn. She asked who the property owner currently is.

Mr. Flannery said the developer currently owns both lots.

Ms. Grener asked if the property owner will take full risk concerning the easement.

Mr. Flannery said if the board acts favorably, there would be no easement on the homeowner's property. The parking would occur on the remaining lot which the developer is responsible for and maintains all the risk.

Ms. Grener is concerned there may be utilities on the easement.

Mr. Stern asked who is going to own that parking lot in the future.

Mr. Flannery said currently the developer owns the parking lot. He is unsure what the arrangement with the HOA is as far who would ultimately own that lot.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.

Affirmative: Mr. Stern, Mr. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Meyer

Abstain: Mr. Flancbaum

6. SP 2316 Lakewood Township

9th, 10th, and Lexington Block 113, Lots 1-5
Courtesy Site Plan review for parking lot

A review letter prepared by Remington & Vernick Engineers dated February 25, 2019 was entered as an exhibit.

Ms. Morris said this is a courtesy review and she does not believe there is a formal approval process, but they are here to advise the board and consider any feedback.

Mr. Magno said this is an existing area that is dirt/gravel and the proposal is to improve it.

Mr. James Biegen, P.E., Maser Consulting, was sworn. The parking lot proposes 465 spaces which would be a paved parking lot with a curb along the perimeter and two entrances, one on 9th Street which would be full access and one on Clifton Avenue which would be right in/right out only. Also, on Clifton Avenue, there will be a bus drop off area with a bus shelter which is a requirement of New Jersey Transit. There would be some curb islands with landscaping and lighting which would meet Township requirements. In addition to striping which delineates the spaces, they would provide necessary stormwater drainage which would meet current rules and regulations. There will be extra landscaping along 10th Street and there is an existing 55 ft wide landscaped area along Lexington Avenue which would remain. Approval from New Jersey Transit and Ocean County Soils District will be required.

Mr. Stern asked how many additional spots this proposal will add.

Mr. Biegen believes about 30% more spaces as it is much more efficient. They did look at other options including angled parking which allows you to pack in a little bit more with one-way aisles, but it was not the most efficient.

Mr. Meyer asked if there is on-street parking on 9th Street.

Mr. Biegen said one of the recommendations from DPW is that they sign and stripe the northerly side of 9th Street to have no parking which will also help with visibility coming in and out of the parking lot. New sidewalks are also proposed along the perimeter of the parking area.

Mr. Meyer asked if it is the same situation on 10th Street.

Mr. Biegen confirmed, there is only on-street parking on the opposite side.

Mr. Stern asked if the island on Clifton will physically prevent someone from making a left turn.

Mr. Biegen said that is correct. It is angled so it should direct people that way and part of it will be a full faced curb.

Mr. Herzl asked when this is being constructed.

Mr. Biegen said they still must go out to bid and they need approval from New Jersey Transit. He doesn't have an exact date, but they are looking to start sometime this year.

Mr. Herzl opened to the public.

Ms. Denise Gerner, 14 Evergreen Court, Jackson, was sworn. She is concerned about the stormwater runoff and management of same.

Mr. Biegen said they would meet the rules and regulations of the state. They have prepared an existing and a proposed runoff plan and they would be proposing some impervious on the pervious pavement that will help absorb some of the drainage.

Ms. Biegen questioned if landscaping is being provided.

Mr. Meyer said there are proposed grass areas and trees.

Mr. Herzl closed to the public.

A motion was made and seconded to recommend the application be approved.
All were in favor.

- 7. SP 2310 The Parke at Lakewood, LLC**
752 & 688 Cross Street Block 524; 524.23, Lots 2.03 & 77.02; 1
General Development Plan for a Planned Unit Development

Mr. Jackson announced that this application will be carried to the April 2, 2019 meeting as only four board members are available which do not have a conflict of interest. Once they fully confirm that they cannot meet a quorum due to disqualifying conflicts of interest, the statutory mechanism under the MLUL, members of the Board of Adjustment are then enlisted to serve as a temporary Planning Board member for only that application. The statutory process lays out exactly how those members are to be selected and the statutory mechanism is that they are to be selected in the order of their longest continuous tenure.

- 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