

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. Fuentes, Mr. Herzl, Mr. Isaacson, Mr. Rennert, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

1. 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

Ms. Morris said the applicant requested this resolution be carried to the next meeting.

2. SP 2233 Zichron Chaim, Inc.

712 New Hampshire Avenue Block 1159.03, Lots 13 & 17
Extension of Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

3. SD 2324 Mordechai Finkelstein

138 & 142 North Oakland Street Block 189, Lots 136 & 186
Extension of Minor Subdivision to create five lots

A motion was made and seconded to approve the resolution.

4. SD 2365 Nachum Szanzer

1519 Central Ct & 14 Carlton Ave Block 12.12, Lots 1 & 2
Minor Subdivision to adjust lot lines

A motion was made and seconded to approve the resolution.

5. SP 2224 Cong Satmar of Lakewood

604 & 608 East Kennedy Blvd Block 104.02, Lots 14 & 15
Preliminary & Final Major Site Plan for a synagogue

A motion was made and seconded to approve the resolution.

- 6. SP 2296 Lakewood Madison Plaza LP**
1700 Madison Avenue Block 27, Lot 63
Preliminary and Final Major Site Plan for a bank

A motion was made and seconded to approve the resolution.

- 7. SD 2354 Silvestro Drive Holdings**
Silvestro Drive Block 430, Lots 1, 2, 12, & 54.01
Preliminary and Final Major Subdivision to create nine lots

A motion was made and seconded to approve the resolution.

5. ORDINANCES & CORRESPONDENCE

- **Resolution R2019-93** – General corrections to the UDO after multiple consecutive Ordinance adoptions

Mr. Sabel arrived.

Ms. Morris said it is her understanding that this ordinance is making some corrections to the existing ordinance. In her review with the zoning officer, there were additional errors found in the zoning chart which the board should bring to the Committee's attention.

A motion was made and seconded to recommend adoption of the proposed ordinance by the Township Committee.

All were in favor.

- **SP 2226 Bnos Devorah** – Block 1154, Lot 1.02

Ms. Miriam Weinstein, Esq. said this is an approval for a daycare. The applicant has elected not to erect the daycare and it is only going to be a gym for the existing school. No additional parking or traffic requirements are necessary. The applicant would request not to improve any roads in connection with this as it is just an extension of the existing school.

Ms. Morris said that was a specific condition in the last approval and she believes an amended site plan should be submitted.

Ms. Weinstein argued that Vermont Avenue is on the other side of the existing building from where the addition is going to be.

Ms. Morris said a waiver was required from that road being improved. The board granted the waiver when the original school building was built but only granted a partial waiver when the daycare was approved. It seems the applicant is now requesting a full waiver which needs to be noticed.

Mr. Herzl said there is frontage to Vermont and the board required them to do road improvements.

Ms. Morris said yes, that road is being used to access schools behind it and this school fronts on that roadway.

Ms. Weinstein said it does not lead to schools behind it. She thinks at that meeting, someone made a comment that it may, in the future, lead to other properties behind it. There are no schools currently behind it and it does not help this school in any way, shape, or form.

Ms. Morris said that the zoning officer and the tax assessor have advised her that this applicant has fenced off the right-of-way behind the property and put their basketball court within the right-of-way or perhaps it was the volleyball court. The tax assessor was out there last week and the road is cleared to access the school to the east that also fronts on Oak and there are cars which park back there but the applicant has erected a fence across the right-of-way so she imagines they do not want to use any of the roadways but it sounds like this was a very specific condition from the original approval which they are asking to be waived which was not noticed.

Ms. McLeer agrees that notice should be required.

Mr. Brian Flannery, P.E., P.P. said it could be done as a site plan exemption which would not require notice as no variances are associated with the request. The applicant is simply adding a gym to an existing school.

Mr. Herzl argued it was a condition in the resolution.

Mr. Flannery said it was a condition for a daycare which would bring in more traffic. The criteria for a site plan exemption is the addition must be less than 1,500 sf and the applicant would have to show reasons why a site plan is not needed.

Ms. Weinstein said they are only changing the use of the portion being added which is smaller than what was previously proposed. This gym is only going to service the existing girl's school which would not bring in any new traffic. The reason the board imposed the condition of paving Vermont Avenue which was because a daycare was being proposed.

Ms. Morris said a site plan exemption specifically requires notice in the ordinance. She believes Mr. Flannery is referring to applying directly to her for a site plan exemption which would not mirror what is going on right now.

Ms. Weinstein said it was already approved and the applicant is not changing the building.

Mr. Vogt asked what would happen if the applicant gets a use change and that extension of the road originally required, there is now a need for that road.

Mr. Flannery said in order to change it to a daycare, there are parking requirements, so you cannot change one use to another where you don't meet the parking requirements.

Ms. Morris thought they met the parking requirements with the approval the applicant already has, and they are not proposing to change anything previously approved except the use, so all of that parking would be there.

Mr. Flannery said they are leaving the existing facilities as they are and putting in a gym. To him, that qualifies as a site plan exemption.

Ms. Morris said it does and it should not be before this board. The way it was explained to her was they have an approval and rather than proposing a daycare, it would be a gym which would be used for the school only.

Ms. McLeer agrees. If it is anything other than that then it is not a correspondence request.

Ms. Weinstein said the applicant does not want to put in the improvements as there is no need for the additional parking or to improve the roadways.

Mr. Herzl said the only question is if this should have been noticed.

Mr. Flannery said site plan exemptions are noticed when a change is being made from a residential to a non-residential.

Mr. Rennert said the approval should be conditioned that if this building gets changed to anything but a gym, then the applicant must come back before this board.

Ms. Weinstein agreed.

Ms. Morris said typically, because correspondence is not considered formal action and it is not considered a material change, there is no resolution from this action. She simply writes a letter which explains that the board agrees this is not a material change and therefore does not require board action. So, if the board is going to take action, that would mean an amended approval is required specifically in light of the fact a waiver is being requested from improving that right-of-way.

Mr. Flannery said the board could pass a resolution granting a site plan exemption with any conditions set forth by the board.

Ms. McLeer said there were specific conditions in the original resolution and if it is the applicant's intent to go a different direction than what those conditions originally imposed then that is a material change which requires official action by the board.

Mr. Flannery said it would be a material change with respect to that approval so if the applicant could withdraw that approval and ask for a site plan exemption.

Mr. Herzl asked if the applicant can come back under correspondence if they notice.

Ms. Morris does not believe so as Mr. Jackson has indicated the intention of correspondence is that it is not a material change and that notice should not be required.

Ms. Weinstein doesn't think it should come back as an amended site plan, but she agrees it should be noticed.

Mr. Vogt asked if there are any other site changes being proposed from the approval, besides the removal of the access.

Ms. Weinstein said yes, the addition is going to be smaller than what was shown.

Mr. Vogt asked if there will be additional infrastructure.

Ms. Weinstein said no.

Mr. Vogt said the parking circulation will remain the same.

Ms. Weinstein said everything will remain the same.

Mr. Vogt asked in lieu of an amended site plan, can the applicant submit a correspondence request and notice for the waiver.

Ms. Weinstein said that would be her recommendation.

Ms. McLeer said they would work it out with her office and the applicant but this request cannot be heard tonight.

- **SP 1934 Congregation Tiferes Avrohom – Block 190, Lot 70.24**

Mr. Vogt said the applicant is requesting to finish off the unfinished attic space to have a balcony overlooking the main sanctuary. Per UDO requirements, parking is based off the main sanctuary so there would not be any changes in terms of parking requirements.

Mr. Adam Pfeffer, Esq. said the applicant would like to finish off the mezzanine section for the women space. No additional square footage or changing of the main sanctuary space is proposed. This would solely be used for women when they come for services.

Ms. Morris said typically this would just go to the building department for approval, but the resolution specifically referenced that the attic would be unfinished.

Mr. Sabel asked how many parking spaces were required for the original approval.

Ms. Morris said the main sanctuary is less than 800 sf so no parking is required but the applicant provided three parking spaces.

Mr. Sabel said on page 3 of the architectural plans, it says new simcha hall.

Mr. Pfeffer said that is not being proposed. The only item they are here for tonight is to finish off the mezzanine attic space.

Mr. Naftali Eisen, 3 Venice Court, was sworn.

Mr. Herzl asked where everyone parks now.

Mr. Eisen said he built an office building next door with 44 spaces which they utilize during off business hours.

Mr. Isaacson asked if there is a minyan upstairs.

Mr. Eisen said no.

Mr. Sabel is concerned there is a simcha hall as the plans call for one. He asked if there is one now.

Mr. Eisen said no, the basement is unfinished. They do not have any intention of doing that at this time.

Mr. Pfeffer argued that those architectural plans were not submitted with this correspondence request.

Ms. Morris said they were submitted by the builder.

Mr. Pfeffer said that is a previous plan which was submitted along with the original approval.

Mr. Herzl said the approval is strictly to finish off the mezzanine and if the applicant wants to propose a hall in the future, they will have to come back before the board.

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

6. PUBLIC HEARING

1. SD 2067 Mark Moskovitz

123 Central Avenue Block 83, Lot 7
Extension of Minor Subdivision to create two lots

Mr. Mordechai Finkelstein was sworn. He presented a power of attorney to the board attorney which was entered as an exhibit. He said there are issues with the County and sanitary sewer. He requested two one-year extensions.

A motion was made and seconded to approve two one-year extensions.

Affirmative: Mr. Fuentes, Mr. Sabel, Mr. Herzl

Abstain: Mr. Rennert, Mr. Isaacson, Mr. Meyer

2. SD 2255 Accurate Builders

601 Prospect Street Block 402, Lot 3
Extension of Minor Subdivision to create two lots

Mr. Brian Flannery, P.E., P.P. said they are working with the County and requested two one-year extensions.

Mr. Sabel said the board should only grant a one-year extension as this is on Prospect Street.

A motion was made and seconded to approve a one-year extension.

Affirmative: Mr. Fuentes, Mr. Sabel, Mr. Herzl, Mr. Meyer

Abstain: Mr. Rennert, Mr. Isaacson

3. SD 2318 Congregation Maalos Hatorah

1544 & 1552 Salem Street and Gates Ave Block 1159, Lots 31, 32, & 46-48
Extension of Minor Subdivision to create five lots

Ms. Miriam Weinstein, Esq. said the applicant is seeking flood area hazard permits and requested a one-year extension.

A motion was made and seconded to approve a one-year extension.

Affirmative: Mr. Fuentes, Mr. Herzl, Mr. Meyer

Abstain: Mr. Sabel, Mr. Rennert, Mr. Isaacson

4. SP 2078 Park Lane Associates

651 New Hampshire Avenue Block 1160.06, Lots 249.02 & 265
Extension of Preliminary and Final Major Site Plan for a building addition

Mr. Evan Zimmerman, Esq. said in 2014 this board granted a site plan approval for the Astor Chocolate facility. He asked for a five-year extension primarily based on the fact they have yet to obtain CAFRA approval.

Ms. McLeer said according to the ordinance, the board may extend a period of protection for a major site plan of one year but not to exceed three years.

Mr. Zimmerman said the size of this project is over 200,000 sf, under section 52-B of the MLUL the board is entitled to grant an extension '(1) the number of dwelling units and nonresidential floor area permissible under preliminary approval: 'The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration: (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval; (3) economic conditions; and, (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.'

Ms. Morris said a lot of times with site plan approvals, an extension offers protection against zoning and ordinance changes for a certain period. She is not familiar with any zoning changes in this area which would affect this approval.

Mr. Sabel said 612 parking spaces were required and only 303 spaces are being provided which is more than 50%. A waiver from providing sidewalks on New Hampshire was also granted.

Mr. Zimmerman said that is correct. That was the only variance granted by the board. The site plan amendment was for an addition to the facility. The building was 112,000 sf and they are adding 122,000 sf to the building.

Ms. McLeer stands corrected. The board can grant more than 3 years if the board feels there are reasonable circumstances.

Mr. Zimmerman said the building currently operates and will continue to operate with a parking deficiency. It is a manufacturing use and the parking demand is therefore lighter than what the ordinance requires.

Several board members are uncomfortable granting an extension with the parking deficiency and sidewalk waiver.

Mr. Zimmerman said the applicant can come back with additional information concerning traffic and the number of employees who work at the site.

A motion was made and seconded to carry to the March 19, 2019 meeting.
All were in favor.

- 5. SP 2308 Yeshiva Toras Menachem Inc.**
1990 Swarthmore Avenue Block 1606, Lot 9 & 16
Preliminary and Final Major Site Plan for an addition to a school

Review letters prepared by Remington & Vernick Engineers dated January 10, 2019 and February 11, 2019 were entered as exhibits.

Mr. Vogt said a submission waiver is requested from proof of submission to Ocean County Planning Board. The applicant's engineer indicates that an application will be filed after completion of the traffic report. A waiver is also requested from providing an environmental impact statement which is supported since the property is already developed.

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

Mr. Vogt said there is a pre-existing non-conforming front yard setback. The required front yard setback for a school in the M-1 zone is 140 ft which the Industrial Commission may reduce to 70 ft. Buffer relief is also required from nonresidential uses or districts, relief is required from providing a 10 ft wide landscape buffer.

Ms. Miriam Weinstein, Esq. said this application was carried from a previous meeting as there was a jurisdictional issue. As the board recalls, there is a portion of the property owned by the school and a portion being leased by the Industrial Commission which would be utilized for parking and some playground equipment. The notices did not include the lot being leased from the Industrial Commission. All new notices have been sent within 200 ft of both of those lots. This school is one of the fastest growing boy's elementary schools in Lakewood, many of the parents are in the audience tonight. Currently the school has 494 students from 1st through 8th grades. There is one 7th grade, one 8th grade and there are parallel classes all the way down to the younger grades with three classes per level in primary through 2nd grade. This school has already received 232 applications for next year's incoming primary class. This application proposes a two-story addition to the northeast corner of the existing school building including a hall in the basement. After the addition, there will be a total of 36 classrooms, 27 in the new addition and 9 in the original building as well as parking, a playground and a pool. There will be a total of 316 parking spaces. The only variance relief being sought is for a pre-existing non-conforming front yard setback and for buffer relief as is typical with virtually all of the school applications that come before this board. All students will be bused to school except for the occasional student who misses the bus or has an appointment.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the existing site, A-2 is an aerial showing the existing school and adjoining properties, A-3 is the current property outlined in orange, the existing school is outlined in blue and the proposed addition is outlined in pink. To the left side of the site is the area being leased where the proposed parking lot, pool and recreation area are going. Exhibit A-4 is a tax map which shows other lots in the area. The only variance relief being sought is the pre-existing front yard setback as the corner of the school is less than 140 ft from the existing roadway. The proposed addition would be in the back, so they are not increasing any non-conformities. There will be a total of 45 classrooms requiring 135 spaces, 3 meeting rooms requiring 6 spaces, 38 offices requiring 38 spaces, 3 libraries requiring 9 spaces, tutor spaces requiring 24 spaces and 71 spaces would be required for the wedding hall for a total of 283 spaces, whereas 298 are being proposed.

Mr. Herzl is concerned about the lack of parking for the hall.

Mr. Isaacson said there was earlier testimony there would be 316 total spaces.

Mr. Herzl asked if the school requested additional property to add more parking.

Ms. Weinstein said the school did go back to the Industrial Commission and they are willing to work with the school in any capacity they can. She believes they are meeting later this week.

Mr. Vogt estimated that 273 parking spaces were necessary and per their review of the plans, 298 spaces are proposed including 7 ADA spaces.

Ms. Morris said an email was sent from Mr. Reinman indicating they are in talks with the applicant in terms of modifying the terms and length of the lease.

Mr. Herzl would like the school to try and get more property from them in order to add more parking.

Mr. Flannery said according to the ordinance, 283 spaces are required and 298 are proposed which is a conservative number as they calculated the hall as 1 space per 200 sf as opposed to 400 sf which is required for restaurants. He believes the number of spaces proposed would be sufficient.

Mr. Herzl asked if the applicant is amendable to obtaining more land from the Industrial Commission if possible.

Ms. Weinstein said it would cost them more money, but yes. She does request that the approval not be conditioned upon getting that additional land from the Industrial Commission.

Ms. Morris said the Industrial Commission's letter also references concerns about parking on the street and a recommendation to fence the property at the curb to protect students and discourage on-street parking as well as during the operation of the banquet hall, to put cones along the curb line to prevent parking by visitors.

Mr. Flannery said the applicant will work with the Industrial Commission but putting cones out in the street is problematic as it is a public road and they do not have the authority to do that.

Mr. Sabel said this is situated on a curve and it is extremely dangerous. They must try and limit cars parking on the road.

Mr. Flannery said if the Township restricted parking on that road and no parking signs are put up then they can work on enforcing that. In his opinion, sidewalk within the Industrial Park is inappropriate but if the board wants sidewalk, they would propose a 5 ft wide meandering asphalt path which the Township Committee is in favor of. As far as fencing, certainly they would fence the side property lines, so no one comes on or off the property where they are supposed to be but he believes fencing in the front is inappropriate.

Mr. Herzl personally believes schools should be fenced for safety reasons.

Mr. Flannery said the applicant is amendable to additional fencing, but he does request that he be allowed to open and operate the school for a maximum of 2 years in order to get funding so that the fencing can be provided with grant money rather than out of parent's pockets.

Mr. Herzl asked if the applicant agrees to provided fencing after 2 years even if the grant money is not received.

Mr. Flannery agreed. The plan shows 6 driveways, 3 of which are one-way in and 3 are one-way out.

Mr. Herzl questioned if having so many entrances coming out on a curve would be dangerous.

Mr. Flannery said in his opinion, it is a benefit because it would slow people down. Design waivers are required for driveway widths greater than 30 ft which the traffic engineer would testify is a benefit.

Discussion ensued as to the parking requirements of a wedding hall for a school.

Mr. Flannery referenced sections in the Master Plan and MLUL to justify the variances requested.

Mr. Herzl asked about trash pickup.

Mr. Flannery said the applicant would need DPW approval, if not then private trash pickup would be required.

Mr. Scott Kennel, traffic expert, was sworn. His office prepared a traffic report dated February 4, 2019 which dealt with the school expansion. In summary, traffic counts were conducted in December of 2018 and January of 2019 along Swarthmore Avenue including the site access at Lehigh and Cedarbridge Avenue. They projected traffic generation for the school based on double the enrollment, roughly 495 students, which results in approximately 140 trips in the morning and 140 trips in the afternoon. Students are dismissed throughout the course of the day so there is no defined peak in the afternoon, the critical period would be in the morning peak hour. Taking that into

consideration and taking into consideration a 2029 design year pursuant to Ocean County protocol, the intersection of Cedarbridge and Swarthmore will continue to operate at level of service 'B' in the morning and a level of service 'C' in the afternoon, with or without the additional traffic from this school. Swarthmore and Lehigh will continue to operate at a level of service 'B' with or without the additional traffic from this school and the site driveways would operate at a level of service 'B' or better during the peak hours analyzed. As far as site access, in his opinion, the access design is proposed with 6 one-way driveways which will help segregate traffic to and from the site as there is a tremendous amount of frontage. Two defined bus drop offs will be provided which will be an enhancement given today which it is unorganized. Defined parking areas are also being provided to the west closer to Lehigh with their own exit/entry driveways. There was a question concerning sight distance and that would be more of a concern for the easterly driveway exiting which will have 300 ft of stopping sight distance which complies with the recommended standards and the way the site is laid out, he sees that as one of the lower movement driveways. As far as parking, it is his understanding that there could be more than 400 attendees at a wedding. The industry standard when you are determining parking for a banquet hall or wedding facility is 1 space per 3 attendees which would work out to be 120 to 130 vehicles so in his opinion, there is more than adequate parking to support events that would take place here.

Mr. Herzl asked if school would be dismissed before any events occur.

Ms. Weinstein said yes, it is an elementary school. The latest classes will get dismissed is at 4:45 pm.

Mr. Vogt said sheet 15 of the plans shows the bus circulation pattern and as indicated, there are 3 one-way out and 3 one-way in access driveways. The circulation plan shows several one-way signs along each of the parking stops in each parking aisle. He can see the intent of the different one-way patterns and how it would function with buses, but he has questions as to how the overall site circulation functions, not just buses but also cars. He asked if these driveways would all be right turn out for cars only or for buses and cars.

Mr. Flannery said the bus company would schedule the routes. They did not intend to do right in/right out but they are perfectly happy to agree to that if that is what the board desires. They could put up signs to number the entrances so that anyone coming to a wedding would know which entrance to come through.

Mr. Vogt said per his review of the circulation plan, he does not see how a bus could make a left turn. There is also a lot of parking along these same access points for vehicular drivers. He asked if they are going to be making left turns or will they be right turn in and out.

Mr. Kennel said it is a two-lane roadway which have volumes that are on the low end compared to a lot of other roadways, so he would expect it would be full movements. They could try to put up signage, but it would be an enforcement issue. Based on the current patterns, most of the traffic is going westward towards Lehigh and Cedarbridge.

Mr. Vogt said based on his review of the site geometry, the exit accesses would function for vehicular lefts and rights.

Mr. Kennel agreed.

Mr. Vogt said if the board acts favorably, they would look at signage in more detail during compliance to ensure that the movements are at least regulated.

Mr. Kennel would work with the applicant's engineer to generate a plan that is satisfactory. There was discussion concerning putting fence in the frontage, but they would need to make sure it is set back far enough so that there is no impact on sight lines for vehicles entering and exiting the site.

Mr. Rennert asked if it is his testimony if the circulation works better if it is right in/right out.

Mr. Kennel said no, his testimony is from his observations, the character of the roadway and the traffic volumes, that there could be full movement. There are certain driveways where buses will make right turns because of the nature of the geometry and that would be self-regulated. If the board would like to see right turns out only then that is additional signage, they would provide but as far as passenger vehicles, it is his opinion that the site would function better if full movements are allowed in each driveway.

Mr. Sabel questioned why they cannot have drop offs/pickups at the driveway.

Mr. Kennel said that is an operational issue.

Rabbi Moshe Mandel, 1 New York Avenue, was sworn. He said they are very concerned about the safety of the children, so they would prefer them to get dropped off at the front of the building and since the buses are staggered, they do not need such a large area for drop offs as opposed to dismissal where you have four or five classes leaving at once.

Mr. Sabel does not think it is a good idea to have so many access points. He questioned if the middle entrance can be eliminated.

Mr. Vogt said there was testimony by the traffic expert indicating that per his review of the area, the final design can be made to function. If the board were to act favorably on this concept, they would be looking at final changes at each of the access points to make sure there is adequate geometry and signage.

Mr. Flannery said they can make that middle entrance right in/right out only, so it eliminates any of the left turn conflicts.

Mr. Vogt said if you look at the circulation template, that is what it shows.

Rabbi Mandel said it may also be needed for deliveries which would not come to the front of the building.

Mr. Sabel thinks the building is situated at such a curve that having those extra access points does not really serve a purpose for the school and believes they should be eliminated.

Rabbi Mandel said there is a loading dock and a school drop off there.

Mr. Herzl suggested to only use those middle access driveways for deliveries only, not to drop off or pick up students.

Rabbi Mandel agreed.

Mr. Vogt asked if deliveries would be made during bus hours.

Rabbi Mandel said usually not.

Mr. Vogt questioned if that should be made a condition of approval.

Mr. Flannery said they are not allowing any buses in those access points anyway, so it wouldn't be a conflict.

Mr. Herzl said the parking spaces in the center entrance would be used for staff only and for delivery trucks.

Mr. Flannery agreed.

Mr. Stern arrived.

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

Mr. Herzl would like to see the Industrial Commission give this school a long-term lease which hopefully is acted upon tomorrow.

Ms. Weinstein understands but she does not want the approval conditioned on the length of the lease.

Mr. Herzl said if the lease terminates for any reason then the school should no longer be allowed to operate the hall unless additional parking is obtained.

Ms. Weinstein agrees, the approval would be conditioned upon the existence of the lease.

Mr. Herzl said a meandering asphalt path would be provided.

The board was in general agreement that a fence shall be provided around the entire perimeter of the school as long as it does not violate any sight distances.

Mr. Herzl said the specifics of the location and type of fence shall be worked out with the board engineer.

Mr. Sabel asked if a walking path can be added from the school to the playground/pool.

Ms. Weinstein agreed.

A motion was made and seconded to approve the application with the condition that there would be no parking on both sides of the street within 200 ft, all of the access driveways shall be right in/right out only, a meandering path and fence shall be added as previously discussed as well as the existence of a lease from the Lakewood Industrial Commission.

Mr. Kennel said approximately 80% of the site traffic is coming from the west or from Cedarbridge so they are making left turns into the site. So, to prohibit left turns in would force people to go down Lehigh and out to Swarthmore which is a more circuitous route.

Mr. Sabel argued that this road is on a curve and you cannot see cars from that side. He thinks it is going to be very scary allowing lefts.

Mr. Kennel said there are good sight lines for left turns in as well as left turns out but if the board should prohibit any movement, it should be left turns out not left turns in.

Mr. Herzl agrees with that.

Mr. Meyer works in the area and a left turn in/left turn out is not a difficult maneuver in that area. It makes sense to prohibit only the two middle driveways.

Mr. Kennel said the applicant agrees to those driveways being right in/right out only.

Mr. Sabel said access #1 shall be full movement, access #2 shall be right out only, access #3 and #4 shall be right in/route out only, and #5 and #6 shall be full movement.

Rabbi Mandel said if they make access #2 right out only then there will be a problem with the buses.

Ms. Weinstein said it would force the buses to drive around in a big loop to get back to the bus depot.

Ms. Morris said entrances #2, #3 and #4 shall be right movements only.

Mr. Herzl said that is correct.

Mr. Rennert asked if the approval is contingent upon the Township approving no parking on the road.

Mr. Flannery said no, but they would make a request to the Township Committee.

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

- 6. SD 2363 James and Williams LLC**
19 & 21 James Street Block 415, Lots 19 & 25
Minor Subdivision to create four lots

A review letter prepared by Remington & Vernick Engineers dated February 5, 2019 was entered as an exhibit.

Mr. Joe Kociuba, P.E., P.P. was sworn. This is a fully conforming application. There are some wetlands on the property of which they have obtained approval from the NJDEP for transition area waivers.

Mr. Herzl asked if sidewalks are being provided.

Mr. Kociuba confirmed, the only waiver being requested is for compliance with the Shade Tree Commission comments.

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.

- 7. SD 2359 Vermont Equities, LLC**
Locust Street Block 1083, Lots 2-7
Preliminary and Final Major Subdivision to create twelve lots

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

Mr. Rennert stepped down.

Mr. Vogt said submission waivers are requested for topography, contours and man-made features within 200 ft, an environmental impact statement and architectural drawings. The B-Site waivers are supported for hearing purposes only, however, if the board acts favorably they would need additional topography to include the half right-of-way width of Locust Street in front of the site, and the full right-of-way width of Evergreen Boulevard between Locust Street and Farry Street.

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

Mr. Vogt said at the time of review, there was a concern as to density but per review with the applicant's planner, it turns out that the appropriate density is higher than the 8 units listed in the letter. As a result, there is not an issue with density as the B-5 zone allows up to 17 units. A 7 ft front yard setback is proposed to the unimproved right-of-way of Evergreen Boulevard, whereas a 25 ft minimum front yard setback is required. Design waivers are sought from improving a portion of Evergreen Boulevard and from providing street trees along all project frontages.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is copy of sheet 143 of the tax map, A-2 is a map showing the proposed 12 duplex units and the approved development to the east. One variance is being requested which is a front yard setback to the unimproved right-of-way of Evergreen Boulevard. Evergreen is a 65 ft wide right-of-way and if the board recalls from the last meeting, being this is on a County road, the County requires 250 ft between intersections, so the County is not going to allow for that to be developed and the question as to whether it should be vacated or not is up to the Township Committee.

Mr. Stern asked if it was part of the approval for the previous application that it cannot even be opened up.

Mr. Flannery said it was and it is his testimony this evening that it cannot be opened because it would be less than 250 ft apart and it would be dangerous. Harrogate's main entrance is on Locust and Harrogate gave up a piece up a piece of property to that last applicant in order to keep a nice buffer along the road and part of their application tonight is that same 40 ft buffer would be extended across the front of this property as this applicant also worked with Harrogate.

Mr. Meyer asked if the applicant next door is going to improve June all the way to Vermont.

Mr. Flannery said the previous applicant will not get any COs until June is developed out to Vermont. In the agreement with Harrogate, they would show the limits of disturbance along the buffer limit in the area of the vegetative swale, locate the tree protection fence, show locations of existing trees, which their professional have surveyed, and there would be a table identifying all of the trees and their sizes. They are going to make that 40 ft buffer in accordance with the agreement with Harrogate so that would be enhanced beyond putting in a couple of street trees along Locust. Curb and sidewalk would be provided along all frontages. He referenced sections in the Master Plan and MLUL to justify the variances requested.

Ms. Susan DiMaria, Esq. representing Harrogate. She said that Harrogate is donating a lot to this project and have worked long and hard with this applicant.

Mr. Charles Benjamin, executive director of Harrogate, was sworn. Harrogate has enjoyed a nice pristine buffer along the corner of Vermont and Locust for about 27 years. There is a community already built on Vermont that has had little to no impact on Harrogate and when we saw this application and the application next door come in, they had some concerns obviously as it is near the front entrance. Harrogate has been pleased with these applicants and have worked together to produce a mutually beneficial plan for all involved.

Mr. Herzl opened to the public.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He asked if a crosswalk can be provided.

Mr. Flannery agreed.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.

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

No: Mr. Sabel

8. SD 2345 Mark Properties, LLC

Broadway Avenue Block 1044, 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 January 30, 2019 was entered as an exhibit.

Ms. Morris said this application would be an administrative subdivision except for the fact that they are dedicating a portion of a right-of-way which was vacated back to the town.

Mr. Brian Flannery, P.E., P.P. was sworn. He said this is a completely conforming application in the Oak Street Corridor. A 5 ft strip of land is being dedicated back to the Township which would leave a 30 ft pocket park.

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. Fuentes, Mr. Stern, Mr. Herzl, Mr. Isaacson, Mr. Meyer

Abstain: Mr. Sabel

9. SD 2384AO SGKL, LLC

Havens Avenue Block 1037, Lot 3

Oak Street Core Administrative Subdivision to create six lots

A review letter prepared by Remington & Vernick Engineers dated January 23, 2019 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn. He said this is a completely conforming application in the Oak Street Corridor.

A motion was made and seconded to approve the application.

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

Abstain: Mr. Sabel

10. 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 announced that revised plans were not submitted, therefore this project will not be heard. New notice shall be provided.

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