

*Please note: The audio recording failed and an alternate source was used to transcribe these minutes. It is difficult to hear certain individuals so please excuse any errors or omissions.*

## **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. Sabel, Mr. Herzl, Mr. Isaacson, Mr. Meyer

## **3. SWEARING IN OF PROFESSIONALS**

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

## **4. PUBLIC HEARING**

- 1. SP 2273 Congregation Anshei Ridge**  
322 & 328 Ridge Avenue Block 236.02, Lots 3 & 4  
Preliminary and Final Major Site Plan for an addition to an existing synagogue

*A review letter prepared by Remington & Vernick Engineers dated February 27, 2018 was entered as an exhibit.*

Mr. Vogt said submission waivers are requested including a traffic study, topography, contours and man-made features within 200 ft and an environmental impact statement. At direction of the board, any waiver of traffic studies will only be considered in cases of extreme hardship and testimony should be provided. Topography, contours and man-made features are supported as there is enough information on the plans and lastly the EIS waiver is supported since the properties are already developed.

Mr. Herzl knows the board usually asks for a traffic study but this is an existing synagogue and they are proposing a small addition. He is fine waiving the traffic study.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said there is a slight deviation in size between the architectural plans and site plans. Variances include minimum front yard setback, rear yard setback and maximum building coverage. Relief is also required for the number of proposed off-street parking spaces, providing a 20 ft wide perimeter buffer to the adjoining residential properties and the new architectural plans show proposed building mounted signage which the new site plans do not address.

Mr. Moshe Klein, Esq. said this is an existing synagogue on land which was obtained from the Township and is deed restricted for synagogue use only. The synagogue has been in existence for 14 years and over the years the

community has grown, therefore, they would like to expand the existing structure in order to accommodate the growing community.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a tax map of the area, exhibit A-2 is the plan submitted, exhibit A-3 is the plan approved for a three-story building but the applicant decided to go with a smaller building in order to be better neighbors. The sanctuary area is 1,640 sf with 9 parking spaces. With the proposed addition, the sanctuary area would be 2,911 sf along with 22 spaces.

Mr. Herzl said there would be more parking with this addition than there was with the old plan.

Mr. Flannery confirmed. Exhibit A-5 is a colored rendering of the building. This is certainly a beneficial use to the neighborhood and he thinks they will hear from the neighbors shortly that they feel the same way. A rear yard setback variance of 9.69 ft is requested whereas 15 ft is required. As the board can see on exhibit A-2, they are extending the back and the front of the building and they are going within 25 ft of Shoshana Drive which is the front setback. The architectural plans show a second story overhang which is allowed to hang 2 ft into the front setback per ordinance.

Mr. Vogt said then it is the second story only going into the front setback.

Mr. Flannery said yes, they would comply with the ordinance with respect to the front yard setback. A maximum building coverage variance of 37.58% is requested whereas 30% is required. Per the ordinance, 24 parking spaces are required but he feels they are improving the current situation. This is a neighborhood shul and they understand the situation and there will be people that would walk. Relief is required from the 20 ft buffer but again, this is an existing shul.

Mr. Herzl asked what the lot coverage was for the original application.

Mr. Flannery said 38%. Usually a little more is requested with shuls so there is more room to fit the facilities in order to serve the needs of the congregants. He went through the Master Plan to justify the variances requested. With respect to the sight triangle, they would propose an AASHTO sight triangle and it is his opinion that would work and it is a recognized standard.

Mr. Herzl asked what is provided within the buffer.

Mr. Flannery said there is a fence. A design waiver for the buffer was previously granted by the Zoning Board.

Mr. Jackson said when you are amending a site plan, you are looking at the whole site.

Mr. Herzl opened to the public.

Mr. Dovid Harriar, 346 Ridge Avenue, was sworn. He is a member of the shul along with his three sons. It is very difficult to find seats and this is a much needed addition to this synagogue. He is in favor of this application.

Mr. Motienselel \_\_\_\_\_ was sworn. He has attended the shul for many years and the neighborhood and families have grown. He is in favor of this application.

Mr. Shmaya Friedman was sworn. He attends this shul along with his sons and does not drive to shul. He is in favor of this application.

Mr. Herzl closed to the public.

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

- 2. SD 2101 Meyer Wainbrand**  
3 Cory Court Block 251, Lot 1.09  
Minor Subdivision to create two lots

A motion was made and seconded to carry the application to the March 20, 2018 meeting.  
All were in favor.

- 3. SP 2274 Yeshiva Ohr Yissocher Academy Inc**  
300 Cross Street Block 529 & 530, Lots 1 & 1  
Preliminary and Final Major Site Plan for a school

*A review letter prepared by Remington & Vernick Engineers dated December 20, 2017 was entered as an exhibit.*

Mr. Vogt said a submission waiver is requested from providing an environmental impact statement. The waiver is recommended as there are no known environmental constraints on the property. For the record, this application was in front of the Zoning Board and they waived the EIS as well.

The board granted the submission waiver as recommended by the Board Engineer and Planner.

Mr. Vogt said no variances have been requested. A design waiver is required from improving the adjoining property frontages along Baker and Weber Avenues.

Mr. Harvey York, Esq. said this is this is an as of right application as no variances are being sought. A design waiver is requested as they do not want to take down trees and natural buffer for roads that would never be built so this is an instance where the design waiver benefits the environment.

Mr. Herzl questioned where the roads lead to.

Mr. York said they merely go around the property and everything else around it is already built up. It would actually impose a hardship on all of the residences around the property to put a road through their back yard. They would be willing to join the homeowners to have those streets vacated because they should never be built.

Mr. Glenn Lines, P.E., P.P. was sworn. He said Baker Avenue is along the back of 5 or 6 houses in Lake Ridge. Rudd Street, which is along the rear of their property, butts up to 4 or 5 houses and the other paper street, Weber Avenue, runs down the westerly side of their site and the properties next door have access to Cross Street. Block 528 lot 1 has access to a paved entranceway onto Rudd Street and then it goes out to Spartan Avenue.

Mr. Herzl asked if there are any other vacant properties back there.

Mr. Lines said not on any of those three paper streets.

Mr. Jackson asked if a request has been made to the governing body as to vacating these roads.

Mr. Lines said not yet.

Mr. Meyer asked what is further south.

Mr. Lines said it is Lake Ridge which is a private, gated community.

Mr. Jackson said the governing body has sent the board a very clear message that they don't want them doing anything which would encourage vacating streets. It is the applicant's testimony that these are roads that wouldn't have any utility in providing cross streets or easing traffic congestion.

Mr. Lines said all these roads would do is provide a paved roads around their site. They don't connect to anything else.

Mr. Jackson said they are not proposing that these roads need to be vacated as part of the approval, they just don't want to improve the roads. If for some reason the governing body did want to improve those roads, there is nothing they are doing that would stop that.

Mr. York said that is correct but one of the requests from the homeowner's was to join with them in vacating these roads but it is not essential to their project.

Mr. Herzl said technically if the governing body wants those roads to be paved then it is the applicant's responsibility. Perhaps the applicant should go to the Township first to see if they want to vacate the roads.

Mr. York said they are only asking for a design waiver. If the Township wants the roads improved, they would make the approval subject to that but it shouldn't stop them from proceeding.

Mr. Herzl said this board hasn't been giving any design waivers for sidewalks or roadway improvements if the roads could be used in the future.

Mr. Franklin said the way it is being presented, it doesn't seem like there is any immediate need for these roads. He doesn't see any need for Baker Avenue as all of the homes front on Ivy Hill Road.

Mr. Jackson said it is also a gated community.

Mr. Franklin questioned if Weber Avenue should be improved.

Mr. York said the house on lot 3 has access to Cross Street and lot 1 has access to Rudd Street.

Mr. Lines said the house on lot 1 also has full access to Cross Street and that's how they access it now.

Mr. Herzl asked if any lots have frontage on Weber Avenue.

Mr. Lines said the only lot that fronts on Weber is lot 1. They have access to Spartan on the West side, Rudd which is partially paved and they have a driveway that extends all the way to Cross Street on their own lot.

Mr. Herzl asked if lot 1 could be subdivided.

Mr. Lines said yes and they would improve Weber but if he were developing lot 1, he wouldn't spend thousands of dollars to improve Weber. He would go out to Spartan which is already paved.

Mr. Franklin said Spartan is shown as a stone drive.

Mr. Jackson questioned how large lot 1 is and how many homes they could build there.

Mr. Lines said it is an R-40 zone so they would need a variance to build two homes.

Mr. Sabel said it is much more likely a school will be built there.

Mr. Herzl would like to know what the governing body's opinion is on this.

Mr. Lines said they are proposing a school with a gymnasium in the rear. The parking is located at the front of the building and they are proposing 42 spaces whereas 15 are required. There are also two existing buildings on the property, one would be used as a tutor area and the other for a study library. There will be two access driveways off of Cross Street. One of the conditions of approval from the Zoning Board was to provide a white vinyl fence around the property and a detention basin is now being proposed at the rear of the site.

Mr. York said the trailers would be removed within 30 days of the issuance of the CO, the existing building on the Cross Street side will be upgraded and landscaped and sidewalk will be provided along Cross Street.

Mr. Lines confirmed.

Mr. York said a double row of arborvitae will be placed along the rear of the property, the lighting for the basketball court will be \_\_\_\_\_ once the \_\_\_\_\_ is completed (very hard to hear)

Mr. Isaacson asked if the applicant owns lot 1 and if he plans to develop that land.

Mr. York said not at this time.

Mr. Herzl opened to the public.

Mr. Rob Robison, 79 Eagle Ridge Circle, was sworn. He said the future use of this land should be clarified. In discussions with the applicant, they talked about the possibility of turning Weber into a tree save area rather than a standard vacation as it would be a preserved buffer for the neighborhood. There is also concern as to sanitary sewer on the land. Years ago, there was a plan to bring sewer down Cross Street and all of the property owners would pay their fair share but that arrangement fell apart and the sewer line then had to be built through the Fairways onto the paper street. While it could possibly support this Yeshiva, there are other Yeshivas along there which was paid for by the age restricted community in the fees they paid when they bought their homes. He does not believe it would support all of the properties along Cross.

Mr. Herzl said septic is subject to the health department.

Mr. Robison believes the board is entitled to stop this approval if they feel sewer is necessary.

Mr. Jackson doesn't agree with that as it is an outside agency approval. It is not a planning issue.

Mr. Robison is also concerned about the future expansion of this school.

Mr. York asked if he wants these paper streets vacated, left natural or additional trees to be added. He doesn't want curbs or sidewalks.

Mr. Robison said that is correct.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn. He said sewer was extended to Augusta Boulevard and the developers in the triangle tied into it but from Massachusetts Avenue to August Boulevard there is no sewer. It is a high water area and there is a stream which cascades into the back of this property. The residents were unwilling to pay for the regular public sewer on Cross Street and cut corners and put it up Rudd Street so they didn't have to dig up a County highway. There are going to be approximately 80 students and 15 staff which is going to add a lot of people to that system. There are other schools on Cross Street so once they allow this school, how will they refuse the rest. Ocean County has completed a study to widen Cross Street but he urged the Township to get public sewer in that area first. A letter was sent from the Fairways HOA to NJAW asking them to consider installing public sewer.

Mr. George Forrer, 78 Rosewood Drive, was sworn. He is in favor of paving the streets. He asked how high the gymnasium building will be.

Mr. Lines said 18 ft high.

Mr. Forrer asked if the fence could be extended on block 528 lot 1. He understands there is no construction going on there but it is the same owner. He said headlights shine into his windows as there is a lot of traffic.

Mr. York said they would agree to provide a berm in the back of lot 1.

Ms. Connie Fossa, 86 Rosewood Drive, was sworn. She would prefer to have a tree save area as opposed to improve those roads. She further expressed her concerns about the rapid growth of Lakewood.

Mr. Shlomo Klein was sworn. He is against vacating these streets and believes they should be improved with curb and sidewalk. All roads should be improved for two reasons, to allow for more through streets and for additional on-street parking. He understands it is costly to the school but they purchased property near a paper street and he believes at least Weber should be improved for the parking. He asked if there is a basement and if so, will there be a Simcha Hall.

Mr. Lines said there is a basement for the cafeteria and recreation space.

Mr. Klein said they technically could make it into a Simcha Hall.

Mr. Lines said one is not proposed.

Mr. Klein urged the board to condition the applicant to improve Weber to help with parking.

Mr. Hobday said architectural plans were not submitted for the gymnasium. He believes all applications should be complete before they come before this board.

Mr. Herzl said the architectural plans should be submitted and he would like to hear feedback from the Township Committee concerning vacating the roads.

Mr. York said as a condition of approval, they would agree to submit architectural plans for the gymnasium. Concerning vacation of the streets, that could take a very long time and all they are asking for is a design waiver at this point.

Mr. Herzl asked if they would agree to pave Weber Avenue.

Mr. York said the applicant agrees to post a bond for Weber and if the Township does not vacate it then they would be liable to improve the road.

Mr. Herzl said they would give them a year to obtain approval from the Township to vacate the road.

Mr. Jackson said the board is comfortable approving this application subject to Weber Avenue being bonded and the applicant would get relief from that if they can get the Township to vacate the road within one year.

Mr. Herzl said they would also extend the gate to help with privacy as lot 1 is being used as a parking lot.

Mr. Jackson said the applicant agreed to provide a berm. He is confused why there is parking there as it looks like there is a single family house on that property.

Mr. Franklin said if Weber is improved then headlights would be in his windows anyway.

Mr. Robison understands the governing body's position on not approving road vacations in order to improve traffic flow but if you look at this, none of these are through streets.

Mr. Jackson said the conditions of approval include a berm being constructed on the adjoining property in a way to prevent the neighbor from being disturbed by the parking, the plans would be submitted to the satisfaction of the board engineer to show the gymnasium which would be 18 ft high, the applicant would agree to improve Weber Avenue, a bond would be posted and they would be required to start those improvements in a year unless the governing body vacates that road. If Weber Avenue does get vacated then the bond may be released and the applicant would not be required to improve the road.

Mr. Vogt said they also agree to bond for street trees, curb and sidewalks.

Mr. Jackson said Weber Avenue would be fully improved according to municipal standards and a bond would be put in place as a condition of approval. The applicant would also provide street trees as required by ordinance and the plans would be amended during resolution compliance to show those improvements.

Mr. Jackson asked what the 3,000 sf unfinished area in the basement is going to be used for.

Mr. York said it would be used for recreation. They would submit revised plans with the words 'recreation'.

Mr. Jackson said there would be no outside catering, no renting of a hall, it would be internal and would be recreation for the students.

Mr. York agrees, it can be made a condition of approval.

A motion was made and seconded to approve the application.

All were in favor.

- 4. SP 2279AA Yitzchak Goldman**  
Block 2.07, Lot 2  
Change of Use/Site Plan Exemption to convert a house to a synagogue

A motion was made and seconded to carry the application to the March 20, 2018 meeting.

All were in favor.

5. **SD 2314 David Herzog**  
1052 West County Line Road Block 25, Lot 62  
Preliminary and Final Major Subdivision to create eight lots

Applicant has requested to carry this project to the March 20th public hearing.  
All were in favor.

6. **SP 2263 Kiddie Care NJ LLC**  
944 East County Line Road Block 208, Lot 9  
Preliminary and Final Major Site Plan for a daycare

Applicant has requested to carry this project to the March 20th public hearing.  
All were in favor.

5. **APPROVAL OF MINUTES**
6. **APPROVAL OF BILLS**
7. **ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary