

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. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

Mr. David Magno, P.E., P.P. 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

Mr. Jackson had a conference with the chairman and Mr. Doyle. Mr. Sabel had questions concerning sidewalks, therefore, this resolution will be carried to the next meeting.

2. SD 2067 Mark Moskovitz

123 Central Avenue Block 83, Lot 7

Extension of Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

3. SD 2255 Accurate Builders

601 Prospect Street Block 402, Lot 3

Extension of Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

4. 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

A motion was made and seconded to approve the resolution.

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

Ms. Weinstein said there were other changes including the entrances and the meandering path.

Mr. Sabel said there wasn't a width specified for the asphalt path as it wasn't on the plan.

Mr. Magno said it was clear in the testimony that it would be a meandering 5 ft wide asphalt path.

Mr. Jackson read the conditions listed in the latest resolution into the record.

A motion was made and seconded to approve the resolution.

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

A motion was made and seconded to approve the resolution.

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

A motion was made and seconded to approve the resolution.

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 motion was made and seconded to approve the resolution.

5. CORRESPONDENCE

SD 1997 Block 472 Lots 1, 4, & 7

SD 1998 Block 461 Lots 1, 4, & 5

Mr. Rennert stepped down for this correspondence item.

Mr. Adam Pfeffer, Esq. said the resolution states that the applicant had agreed to acquire a nearby parcel in order to construct a 10,000 sf community center for use by nearby residents and the applicant shall place \$10,000 per lot as each lot is sold in an attorney trust account to serve as a guarantee that the clubhouse shall be built. The escrow may be used for the sole purpose of constructing a clubhouse to serve the nearby community. There was another resolution which states that no COs would be issued until the recreation and community center have been constructed. The builder has started construction of the community center and the foundation is in. The request tonight is to allow COs to be issued so the funds can be used in that escrow account to continue construction of the community center.

Ms. Weinstein said under SD 1997, the 20 lots have been sold so \$200,000 is sitting in the escrow account from those 20 closings. Now under SD 1998, the next 20 lots have been built but all of the COs are being held up because the community center has not been built. The builder has commenced construction so that \$200,000 sitting in the escrow account should be accessed to be pay bills towards the construction of that clubhouse which is what that money has been put there for. The applicant is requesting tonight that COs be issued for the other 20 lots as well as the permission to use the escrow account which was put in place for the clubhouse which is under construction.

Mr. Jackson asked if a guarantee will be put in place for the community center.

Mr. Pfeffer said yes, if the board acts favorably a bond would be posted with the Township.

Mr. Jackson had emailed Jeff Staiger concerning this. The money in the escrow account is like a guarantee so they would not get off the bond until the clubhouse is completed. The applicant has proposed replacing the money in the escrow account with a performance guarantee.

Mr. Pfeffer did provide a cost estimate from a bonding company which needs to be reviewed by Jeff Staiger.

Ms. Morris said the bond estimate includes 20% contingencies.

Mr. Flancbaum said bonds do not cover the actual building.

Mr. Pfeffer said the applicant would agree to provide a bond which would cover the structure as well.

Mr. Jackson asked what the estimated overall cost would be for the building.

Mr. Pfeffer said about \$700,000. The foundation is already in.

Mr. Jackson said then the bond would be in that amount.

Ms. Weinstein agreed and that \$200,000 sitting in the escrow account would go right towards the building.

Mr. Jackson said it some ways this may be a better alternative because the Township would be bonded for the full amount. The Township Engineer would review the cost takeoffs.

Mr. Brian Flannery, P.E., P.P. agreed, the Township Engineer will ensure it is the correct amount.

Mr. Stern said there should be a timeframe set for this.

Ms. Morris believes that was the intent with the second resolution which states no COs shall be issued.

Mr. Jackson said COs will be released until the bond is in place.

Mr. Stern said it could five years to build it, they want it to be moved along.

Mr. Pfeffer said the applicant would agree to a condition that it be no more than two years before the community center is built.

Mr. Stern made a motion to approve the request conditioned upon that a bond be posted to the satisfaction of the Township Engineer and that the community center shall be built within one year.

Mr. Pfeffer said the money sitting in escrow will be released.

Mr. Stern agreed.

Mr. Sabel said COs can also be issued.

Mr. Flancbaum seconded the motion.

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

Abstain: Mr. Sabel

- **SP 2306 1650 Massachusetts Ave, LLC** Block 524.27, Lot 126 – parking layout changes

Mr. Adam Pfeffer, Esq. said this project is located on the boundary line with Toms River. The Toms River Planning board required the elimination of some parking spaces but even with the removal of those space, they still have sufficient parking.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is the plan Toms River approved, A-2 is the plan Lakewood approved and he highlighted in yellow the 15 parking spaces that Toms River wanted removed. The applicant proposed 71 spaces whereas 45 are required but Toms River asked that the 15 spaces close to the border be eliminated. The revised plan now proposes 56 spaces whereas 45 spaces are required.

A motion was made and seconded to approve.

All were in favor.

6. PUBLIC HEARING

1. 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. Jackson had the opportunity to discuss this with the chairman and the applicant's attorney. He thinks there was a question whether there was sufficient parking. The applicant's attorney has indicated that they are not going to be expanding their personnel as the expansion is for storage/warehouse use. He believes the applicant will be focusing their testimony on whether the present facility has ample parking.

Mr. Michael Gross, Esq. said they do estimate some increase in personnel but that will be offset by the number of parking spaces being added. At the last meeting when his associate was here, he explained the application but there were questions concerning the parking variance when this application was originally approved. The facility has sufficient parking now and they will continue to have sufficient parking once the expansion is complete.

Mr. David Grunhut, President of Astor Chocolate, was sworn. The current building is 112,000 sf and there are approximately 322 employees. A lot of the employees come by car pool, some get dropped off and some drive their own cars. There are two shifts, the day shift there is approximately 300 employees and the night shift there is approximately 20 employees. The proposed expansion is approximately 120,000 sf which will be used for storage, larger machinery, and an additional office.

Mr. Gross said the primary use will be warehouse.

Mr. Grunhut said that is correct.

Mr. Gross asked what the increase of employees would be per shift.

Mr. Grunhut said between 25% and 50%.

Mr. Gross asked him to explain why the increase in employees is so low as they are doubling the side of the building.

Mr. Grunhut said the type of use being proposed is going to need less people than we have now.

Mr. Gross asked about parking.

Mr. Grunhut said they are proposing an additional 137 spaces. They had been monitoring the number of spaces being used in the morning and the maximum used was 130. Based on the conditions now, he believes they would only need an additional 20 spaces or the expansion.

Mr. Herzl opened to the public. He asked if sidewalks are being provided.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn.

Mr. Jackson has never seen a condition for construction added on for an extension.

Mr. Zeines said the board must regrant waivers and variances and in their original request was a sidewalk waiver.

A motion was made and seconded to approve the time extension of four years and eleven months.
All were in favor.

- 2. SD 2371 Simcha Nathan Birnbaum**
217 Jamescrest Court Block 411, Lot 48
Minor Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated February 7, 2019 was entered as an exhibit.

Mr. Sabel stepped down for this application.

Ms. Morris said the waiver from providing curb and sidewalk is no longer being requested.

Mr. Magno said this is an application for a two-lot minor subdivision with two frontages. There is a 10 ft wide strip for utilities which NJAW has an easement which is the need for double frontage. Variances are requested for minimum lot area, lot width, and rear yard setback. Off-street parking relief will be required for proposed lot 48.02, testimony shall be provided for the existing shed. Design waivers are requested from providing sidewalk and street trees.

Mr. Glenn Lines, P.E., P.P. was sworn. He said the rear setback is not for the existing house, it is for the proposed house so the proposed lot line between the two lots gives the existing house the required 20 ft rear yard setback.

This is an odd shaped lot between Jamescrest Court and Railroad Street. Railroad Street has been a dirt road for years and now that the development is coming in to the west, Railroad Street is being constructed. Variances are requested for lot area. NJAW does not allow sewer and water lines within easements so they are requesting a 10 ft strip of land between the Railroad Street lot and the Jamescrest lot.

Mr. Herzl said it will not be used as a driveway.

Mr. Lines confirmed, it is not meant for access. It will not be used as a driveway. The lot will have full frontage with curb and sidewalk on Railroad Street. These lots are zoned R-12 where everything surrounding, except for the M-1 zone, is R-10. If these lots were zoned R-10, they would most likely be here for a duplex as it is more than the lot size requirements for a duplex. The comments in the engineer's review letter will be addressed.

Mr. Magno questioned the existing house fronting on Jamescrest.

Mr. Lines said it is an existing four-bedroom houses built on a slab so there is no basement, so the parking requirement will be two spaces.

Mr. Magno said therefore an off-street parking variance is not required.

Mr. Lines confirmed.

Mr. Magno asked if the existing shed will be relocated.

Mr. Lines said it will be moved so that no variances will be required.

Mr. Magno asked if a design waiver from providing street trees is being requested.

Mr. Lines said there are existing trees on the Jamescrest side and the street trees would be shown on the plot plan on the Railroad side.

Mr. Magno said therefore a design waiver is not required.

Mr. Lines confirmed.

Mr. Magno said due to that 10 ft strip being proposed, the one lot line will be non-radial as it will be parallel to the side line.

Mr. Lines said that is correct.

Mr. Flancbaum asked if sidewalks are being provided on Railroad Street.

Mr. Lines confirmed, there are existing sidewalks on Jamescrest.

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.

3. SP 2313AA Avraham Lieber

1238 Hermosa Drive Block 186.06, Lot 3

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

A review letter prepared by Remington & Vernick Engineers dated January 28, 2019 was entered as an exhibit.

Mr. Magno said submission waivers are requested from providing a plan design by an engineer or architect, a signature block, minimum building setback lines, a general note indicating method of water/sewer service, parking areas, landscape/lighting, topography, proposed grading, and location of dumpsters. Design waivers are requested from providing a shade tree/utility easement, providing lighting/landscaping, trash/recyclables storage and proposed grading. An accessory side and rear yard setback variance is required for the existing shed and permit buffer relief is necessary.

Mr. Brian Flannery, P.E., P.P. said this is an application to convert an existing two-story dwelling to a shul with a 732 sf sanctuary. Exhibit A-1 is the plan submitted which shows the existing structure and the shed in the back, exhibit A-2 is a copy of the tax map of the area. This lot is in the northeasterly part of the town and to the back is a JCP&L easement, therefore, there would be little to no impact on the shed. This is an area in need of a shul and it would be walking distance for a lot of people. The design waivers relate to something that is being designed and built and they are not proposing to build anything. Parking is not required for a sanctuary less than 800 sf. The setback for the shed is a classic C-2 variance whereas the benefits outweigh the detriments. Perimeter buffer relief is required but this is an existing house and the separation on both sides of the house is sufficient. There will be no other ancillary uses to the shul and there will be no Simcha hall in the basement. There will be some availability for on-street parking. The trash and recyclables will be rollout containers subject to DPW approval. He referenced sections in the Master Plan and MLUL to justify the variances requested.

Mr. Sabel asked if there is sidewalk.

Mr. Flannery confirmed.

Mr. Herzl opened to the public.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He said this is a suitable place for a shul as a lot of people in this area do not have one which is within walking distance.

Mr. Avraham Lieber was sworn. He said there is available on-street parking.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.

All were in favor.

4. SP 2226A Bnos Devorah

Oak Street Block 1154 Lot 1.02

Amended Preliminary and Final Major Site Plan for a school gym

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

Mr. Magno said a submission waiver is required from providing architectural plans.

Mr. Brain Flannery, P.E., P.P. was sworn. The gym will be a simple one-story building on a slab. He does not believe it makes much of a difference if the plans are presented to the board. The architectural plans would be provided during resolution compliance.

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

Mr. Magno said no variances are being requested. Design waivers are requested from completing road improvements across the remainder of the Vermont Avenue and Lambert Avenue project frontages. The previous approval was completing road improvements across the remainder of the Vermont and Lambert Avenue frontages.

Mr. Flannery said they are not adding any activity on the site. This application is simply to build a gymnasium for existing students. The applicant would like to leave access as is and not improve the roadways. They are not proposing any new parking or driving access.

Mr. Herzl asked about the daycare which was previously approved.

Ms. Miriam Weinstein, Esq. said the daycare center was going to be in the same location and would have been a bit larger. A daycare would have brought in a lot of new traffic with parents dropping off and picking up their children. At that point, it was a condition of approval to improve Lambert and Vermont Avenues. The daycare is now off the table and they are building a gym which would service the same girl's elementary school. No new girls will be attending the school as a result of this gym. A gym does not change traffic requirements, therefore, there is no reason to put a tremendous financial burden on the school to improve these roads.

Mr. Rennert asked if there is a change of use for the gym then the applicant has to come back before the board.

Ms. Weinstein agreed.

Mr. Abe Auerbach was sworn.

Mr. Sabel asked what portion of Vermont was to be improved.

Mr. Auerbach said a half width of the property frontage.

Ms. Weinstein said a design waiver is being requested and they are providing justification for same.

Mr. Flannery said they are asking for the same waiver when the school was built as they are not changing the activity. There will be other schools coming in the area and at that point, it would be done appropriately.

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

Mr. Sabel believes Vermont Avenue should be improved.

Ms. Morris asked if the future school application will have frontage on Vermont.

Mr. Auerbach said yes, and they would come back and improve the full width with curb and sidewalk.

Mr. Sabel made a motion to approve the application conditioned upon Vermont Avenue being improved along the project frontage. Motion died.

Mr. Flancbaum made a motion, seconded by Mr. _____ to approve the application as presented.
Affirmative: Mr. Stern, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer
No: Mr. Sabel

5. SP 2309 Congregation Chayei Yisroel
11 Gudz Road Block 11.04, Lots 4 & 18
Preliminary & Final Major Site Plan for a shul

A review letter prepared by Remington & Vernick Engineers dated March 12, 2019 was entered as an exhibit.

Mr. Meyer stepped down for this application.

Mr. Magno said submission waivers are required for topography, contours and man-made features within 200 ft, location of existing and proposed wells/septic systems, plans/profiles of proposed utility layouts and a tree protection management plan. The offsite features waivers are supported since there is more than enough offsite information provided to review the proposed design. Ocean County Board of Health approval will be required for the abandonment of any existing well and septic design, the waiver from providing profiles of proposed utility layout and a tree protection management plan is supported for completeness purposes only.

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

Mr. Magno said relief is required for the number of off-street parking spaces and from buffer requirements.

Mr. _____ said the plans show 42 parking spaces are required.

Mr. Magno said that is not correct. The ordinance states 1.5 spaces per 100 sf once you go over 3,000 sf of sanctuary. That is how they calculated 55. The original plans showed a catering hall in the basement but that has since been removed.

Ms. Miriam Weinstein, Esq. said this application is for a two-story synagogue. This neighborhood has been cropping up with many new homes and is a very fast-growing area, hence, the need for a new shul. The applicant worked very hard to make this a virtually variance-free application. The applicant has come up with an additional 13 parking spaces for a total of 55 spaces to comply with the board engineer's calculation. The basement was never meant to be a catering hall as that was a mistake and it will only be a kiddush hall like every shul of this size would have.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is an aerial rendering, A-2 is a copy of the site plan. On the northerly side they would add 9 parallel parking spaces and on the southerly side where they had 1 space shown, they would provide 4 spaces which would total 55 spaces as required by ordinance. Exhibit A-3 is a rendered version of the building and A-4 is a copy of the tax map. This is a variance free application which is an inherently beneficial use. The applicant would provide a fence on the side which would meet the intent of the buffer requirement and in the rear of the property there is plenty of buffer as it is a wooded area with a wetlands corridor. An NJDEP permit is required and has been applied for. Any identification signs would be in conformance with the ordinance.

Mr. Stern asked how many parking spaces would be required if there were a catering hall.

Mr. _____ said 85 spaces.

Mr. Stern asked if there will be any gas appliances.

Mr. Flannery believes it would be typical of any kiddush hall in a shul of this size.

Mr. Stern questioned the size of the kiddush room.

Ms. Weinstein said it would be used for a kiddush, to host meals for someone's party on Shabbos. It is for Shabbos use only. It is not being used for outside catering or weekday use.

Mr. Yitzchok Gross was sworn. He testified that the shul does not want a catering hall. It is to be used on Shabbos for kiddush.

Mr. Sabel questioned what their insurance would be that this would not be used as a catering hall.

Mr. Gross assured the board that they just want a nice shul to come and pray and they do not want to use it as a catering hall.

Ms. Weinstein said this applicant really went above and beyond and really wanted to make sure there was sufficient parking.

Mr. Sabel asked if the applicant would agree to not have a gas line in the kitchen.

Mr. Herzl opened to the public.

Mr. Walter Kovacofsky, 9 Gudz Road, was sworn. He is concerned about traffic and safety. He would like to ensure there is a sufficient buffer.

Mr. Flannery said they would propose a solid vinyl fence along the property line. The ordinance allows them to go 8 ft high up until the front setback. If the board were to grant relief, they would go beyond the setback until it gets to a point where the sight distance would be affected. The applicant already intended to provide a 6 ft fence.

Mr. Kovacofsky would prefer a 6 ft fence, but he asked if it was possible to provide a wooded fence with trees and shrubs.

Mr. Flannery said the ordinance requires a 20 ft undisturbed buffer. A 6 ft high fence certainly provides more separation and buffer than that. They could plant 6 to 8 ft arborvitaes along the property line to provide a contiguous buffer.

Mr. Jackson said one of the criteria for the relief requested is that it has to be non-detrimental to the zone plan or neighborhood. There is a neighbor next door who wants a full buffer, he questioned how the applicant can justify asking for relief and how is that not a negative impact on the neighbor.

Ms. Weinstein said the applicant would agree to provide trees along his property line. They do not want to put trees all around the property.

Ms. Morris asked for clarification as to where the trees and fence would be located.

Mr. Jackson said this type of use is permitted in every zone but there are design criteria to make the uses compatible and to blunt the impact that it has to a residential property. It may be appropriate to come back with a landscaping plan showing the types of trees, spaces, size etc.

Ms. Weinstein said the applicant agrees to plant 75 trees along that side of the property.
Mr. Flannery said that would be a tree every 4 ft which would certainly create a visual barrier.

Mr. Jackson said a waiver was requested from providing a tree protection management plan.

Mr. Flannery said a submission waiver is requested but it would be provided during resolution compliance.

Mr. Magno asked if it would be wiser to work something out with the neighbor, submit a revised plan and come back to the board.

Mr. Flannery said if the neighbor is acceptable with a fence and a continuous row of arborvitaes then that solves the problem and that is far superior than just leaving a 20 ft separation. They would provide irrigation to them and it would be reviewed by the board's professionals.

Mr. Kovacofsky would like to see a revised plan showing the fence and landscaping. He is concerned about cars parking on the street as there will not be enough parking.

Mr. Herzl said the applicant is not requesting a parking variance.

Mr. Stern asked if it is possible for the applicant to sit down with the neighbor and work something out.

Mr. Flannery agreed to provide a revised plan. He requested that the board carry the application and that the resolution be drafted for adoption at the same meeting, so the applicant does not lose any time.

Mr. Scott Kennel, traffic expert, was sworn. His office submitted a traffic report. Traffic counts were conducted on February 27, 2019 at Route 528 and Gudz Road. There were approximately 1,200 vehicles during the morning peak hour with approximately 200 vehicles on Gudz Road both northbound and southbound. In the afternoon, there were just over 1100 vehicles and on Gudz Road there were approximately 180 vehicles. So, from a traffic volume perspective, the traffic volumes on Gudz Road are low volume. There is a level of service 'B' at the site driveway. At the intersection there is approximately a level of service 'C' but what helps at that location is on 528, there are center left turn lanes. Based on the size of the shul, they projected approximately 50 peak hour trips in the morning and 60 in the afternoon and the level of service at the site driveway is a 'B' for exiting movements.

Mr. Flannery said they could move the building 10 ft south in order to keep the existing buffer.

Mr. Flancbaum said a 6 ft high vinyl fence with approximately 75 trees with an irrigation system shall be proposed along the neighbor's property line.

Mr. Jackson believes the applicant should discuss with his engineer and the neighbor and come back with a plan. This cannot be worked out tonight.

A motion as made and seconded to carry the application to the April 2, 2019 meeting.

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