

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. Flancbaum, Mr. Herzl, Ms. Zografos, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

1. Resolution of Appointment

A motion was made and seconded to approve the resolution.

2. SP 2233 Zichron Chaim Inc.

712 New Hampshire Ave & 1474 Oak St Block 1159.03, Lots 13 & 17
Minor Subdivision and Preliminary and Final Major Site Plan for a school

Ms. Weinstein said the applicant decided to switch what was supposed to go in the attic to the basement. Basically there are no other major changes for this school other than to switch that. There are no changes to the resolution, use or footprint of the building.

Ms. Morris said there does need to be changes to the resolution as it specifies the second floor attic was for storage only and they now wish to switch that.

Ms. Weinstein confirmed, the basement is now going to be used for storage.

Mr. Vogt said it is his understanding there are no material changes to the design.

Mr. Joe Kociuba, P.E., P.P. confirmed.

Mr. Franklin asked where the heating, boiler is located.

Mr. Kociuba said the intent is that most of the mechanical is going to be in the basement.

Mr. Franklin said the plans don't show that.

Mr. Kociuba said it is a large basement so there certainly is room.

Mr. Franklin said the plans are not complete. The board needs to know what they are voting on.

A motion was made and seconded to carry the resolution to the next meeting.

5. CORRESPONDENCE

- **SP 2181 River 1161, LLC** – request to remove conditional of approval requiring NJDOT application submission

Mr. Flannery, P.E., P.P. said the applicant is in receipt of a letter and plan from the NJDOT indicating improvements along Route 9. One of the conditions for this project was that they make application to the NJDOT for sidewalks but they haven't done it yet as they couldn't get direction from them as to where they should put the sidewalk. NJDOT has sent them a plan indicating they are going to do the work. The applicant would bond for the sidewalk so either way, there will be sidewalk. He asked that condition #14 be modified to state they do not need to apply for a NJDOT permit. If the board feels more comfortable, they can install sidewalks on their property now but that means there would be two sidewalks and the NJDOT would come in later and remove those sidewalks.

Mr. Franklin said the governor signed a bill that private improvements will no longer be required to be bonded.

Mr. Vogt said changes have been adopted as to what is bonded. It has more of an impact on private improvements. Something like this is a public improvement and would not be impacted.

Ms. Morris said in the past, the applicant has bonded for all of the improvements whether on their private property or within the public right-of-way. The new legislation provides that the private and public improvements can be separated. Public improvements will still need to be bonded but private improvements are not required to be bonded and are only factored into the inspection fees. She believes the applicant would still need to be required to post a maintenance bond for the entire site.

Mr. Franklin said that is an important change as far as the Planning Board is concerned. He asked that they look into what exactly is going to be bonded and what isn't going to be bonded so when COs are issued, they know who will have to pay for the improvements.

Mr. Vogt said one of the items in the legislation, as people ask for TCOs all the time, is if people come in with a new project today that is not bonded in terms of on-site, and they request a TCO, there is a regulation requirement that they actually need to have financial guarantee for those incomplete, non-bonded on-site improvements. They are working with the Township Manager on how they process TCO requests and they are going to take this into account as well.

A motion was made by Mr. Franklin, seconded by Mr. Flancbaum to approve with the condition that the applicant shall post a bond in an amount sufficient for the Township of Lakewood to construct curbing and sidewalks. If the NJDOT does not install said curbing and sidewalks within one year, the applicant shall be responsible for the installation of the same.

All were in favor.

6. PUBLIC HEARING

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

Ms. Morris said she just received word that the applicant is meeting with the neighbors as they speak. The applicant asked that this be carried to the March 6th meeting.

A motion was made and seconded to carry the application to the March 6, 2018 meeting.

2. **SD 2286 Esther Dalia Kahan**
10 Omni Court, 9, 11, & 13 Sylvan Court Block 411, Lots 3.22, 6, 7, & 70
Minor Subdivision to create 5 lots

A review letter prepared by Remington & Vernick Engineers dated January 22, 2018 was entered as an exhibit.

Mr. Vogt said there is potential for side yard setback variances. The revised plans show unidentified rectangles on the sides of the proposed duplex buildings.

Mr. Joe Kociuba, P.E., P.P. said those are slab entry porches.

Mr. Vogt said therefore, they are not part of the structure. He asked if side yard variances are being sought.

Mr. Kociuba confirmed.

Mr. Vogt said it appears the accessory shed is going to remain, therefore, a pre-existing side yard setback variance is required. Testimony will be required concerning parking.

Mr. Kociuba was sworn. He said they are seeking parking relief as they are proposing 3 parking spaces whereas 4 are required specifically at the existing house. It is all working now and it is on an existing cul-de-sac so they do have additional on-street parking available. This application consists of 5 lots totaling 42,000 sf where they are creating two duplex properties on Sylvan Court and giving the remainder of the area to lot 3.22, a single family home fronting on Omni Court.

Mr. Herzl asked if the only existing house is on Omni Court.

Mr. Kociuba confirmed. The variances requested are for side yard setback variances for both duplexes, a side yard setback for the shed which is an existing condition. The only change on the existing lot is they are gaining a bit more land. They are not proposing any improvements on that lot. Lastly, parking relief is required as the driveway is only 31 ft deep so it doesn't count as 4 spaces but it has been operating as such for a number of years.

Mr. Herzl asked if they would have to comply with parking if a new home is built on that property.

Mr. Kociuba said that is correct, if a new home is built then they would have to conform with parking requirements or ask for a variance.

Mr. Herzl asked if any parking variances are being requested for the duplexes.

Mr. Kociuba said no.

Mr. Vogt said they incorporated landscape recommendations from the Shade Tree Commission. He asked if they have an issue with those recommendations.

Mr. Kociuba said no, they have no objections.

Mr. Rennert asked if they are asking for a combined side yard setback variance.

Mr. Kociuba said typically on a duplex lot, that doesn't apply. The combined applies on a single family, on a duplex you are permitted a zero setback on one side and typically only the 10 ft requirement applies. They are requesting 7 ft and he has prepared an exhibit, labeled A-1, demonstrating other duplex projects in the area with similar setbacks.

Mr. Rennert asked what the setbacks are on Sylvan Court.

Mr. Kociuba does not know.

Mr. Rennert thinks that is important to look at when you are going from 25 ft to 14 ft.

Mr. Herzl asked how lot 3.22 was created.

Mr. Kociuba said Omni Court was created as part of a previous subdivision and that lot was created as a result which backs up to the three lots on Sylvan Court. The intent is to give lot 3.22 additional land in the rear for a bigger backyard. The duplexes are fully conforming in lot size, lot area and width.

Mr. Rennert said if the block doesn't have any existing side yard setback variances then he doesn't think they should start now. It is a pretty significant side yard setback.

Mr. Herzl asked if the applicant agrees to everything in the engineer's report.

Mr. Kociuba confirmed, the variances can be granted under both the C-1 and C-2 criteria. It is a unique piece of property with an existing non-conformity.

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. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Ms. Zografos, Mr. Meyer

No: Mr. Rennert

3. SP 2264 Congregation Ohr Elchonon
187 East 4th Street Block 241, Lot 10
Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington & Vernick Engineers dated January 22, 2018 was entered as an exhibit.

Mr. Joe Kociuba, P.E., P.P. was sworn.

Mr. Vogt said submission waivers are required including proof of submission to the Ocean County Planning Board. They agree with the applicant that due to the nature and size of the property, it would be except from approval. B-site waivers including topography, contours and man-made features within 200 ft can be granted on the basis that they have enough design information on the existing plans. He asked if there are any proposed or existing easements.

Mr. Kociuba said no.

Mr. Vogt said then a waiver is not required as there are none on this project. Landscaping, design calculations and shade tree easements are supported for hearing purposes only. The applicant shall comply with any landscaping required by the board or the Shade Tree Commission.

The board granted the B-Site waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said variances requested include minimum side yard setback, combined side yard setback. Testimony is required as to the adequacy of the parking. Relief is required from providing a perimeter buffer of 20 ft from a residential use. A design waiver is requested for the required right-of-way dedication. The applicant agrees to provide landscaping and the shade tree easement.

Mr. Franklin said there is a porch coming out to the side going right to the property. There is ramp coming up to it but there has to be something coming down on the back side in case someone is trying to go around that building, you would have access.

Mr. Kociuba agrees, they can provide a staircase on the back side for further access.

Ms. Miriam Weinstein, Esq. said this application is to demolish an existing dilapidated home and to build a new two-story synagogue. This synagogue is currently in existence in the basement of the rabbi's home located directly behind the subject property on East Fifth Street. The area has grown so much in recent years that the current quarters are filled to capacity and hence the need to construct a brand new edifice to house a congregation. The basement will have a mikvah and a Kiddush room, there will be no Simcha hall and there would only be a room to host a Kiddush on Shabbos and there would be no Simchas during the week. The applicant is seeking a variance for side yard setbacks. The property is located in the downtown B-2 zone which actually doesn't require side yard setbacks for commercial uses. For other uses, such as a shul, there is a side yard setback requirement of 7 ft on one side and a combined side yard setback of 15 ft. The actual side yard setback to the building is about 5 ft on either side. Their testimony will show that there is a ramp and landscaping in the side yard setback which is why the review letter is calling those side yard setbacks much less than just indicated. Had the applicant stuck to the required side yard setbacks, he would have had to make up for the lack of width in the depth and they would have lost parking spaces in addition to the fact that the shul is nicer with a wider layout. The houses on either side of the shul are newly constructed homes so there is no property that the shul could acquire to make the lot larger. The owner of those homes are present this evening and can present their feelings to the board. There is a large crowd

here for this application. This area is rather congested but almost all of the congregants live within close proximity and would have no need to drive.

Mr. Kociuba said the variances requested for side yard setback are .17 on the west side and 3.5 ft on the east side. It should be noted that the .17 ft is measured to the landing so they currently have a ramp and landing on that west side. Ramps are not considered part of the side yard setback or structure, however, by virtue of having a landing there that is. To be clear, the building itself is not within the setback and is 5.16 ft off the property line. The majority of the building on the east side is at 5.16 ft save for the small 10.4 ft bump out at the back of the sanctuary and that is at 3.5 ft from the property line. In this particular case, they have a few things unique to the property. First, these two properties are not your typical side properties as they front on Negba Street so there is more separation between the buildings than you would typically see if the houses were side to side. On the opposite side it is just the landing in that area and in the B-2 zone, zero setbacks are permitted so it is not unique to have a setback less than 7 ft. Based on that, under the C-2 criteria, they can provide a better planning alternative by widening the building, therefore shortening the building, allowing them to provide more parking. If they were to comply with the side yard setbacks then they would have to make up for approximately 700 sf which would push the building about 22 ft forward therefore eliminating at least 2 or 3 parking spaces. Obviously parking is at a premium and they are trying to maximize the amount of parking available on the lot so doing so they are able to provide 5 parking spaces on the west side of the property with an aisle down the center. There were some numbers on the architectural which were in correct as far as how they calculated the sanctuary space.

Mr. Herzl said this is strictly a synagogue.

Ms. Weinstein confirmed. The plans seem to notate that there is an apartment on the second floor but that is a mistake. This is strictly a synagogue with a Mikvah and Kiddush in the basement. There will not be an apartment.

Mr. Vogt said the architectural plans show the main sanctuary being 1,785 sf.

Mr. Kociuba said that is correct but that area includes areas which are not counted towards the usable sanctuary space. The plans call out 994 sf as the sanctuary space but that is incorrect.

Ms. Weinstein said the architect took out all the areas where there were tables and chairs. The architect took out the aron kodesh, the bima, the book cases, tables and chairs but the tables and chairs really should be part of the usable space at which point the calculations were redone.

Mr. Kociuba said he has calculated the sanctuary space to be 1,397 sf which excludes the book cases.

Mr. Vogt read from the UDO 'the main sanctuary area shall not include secondary sanctuary space, mikvah, hallway, bathroom, kitchen or other ancillary and/or support rooms'. He questioned where book cases fit in here.

Mr. Herzl always thought that anything stationary is not counted towards usable space.

Mr. Jackson asked if it is a major consequence if they are off by 100 or 200 sf in terms of parking.

Mr. Vogt said at the end of the day, the board will have to be satisfied as to the adequacy of off-street parking.

Mr. Rennert questioned why the second floor is not being counted.

Mr. Kociuba said by definition in the ordinance, the secondary sanctuary is not counted. Just the main sanctuary is counted.

Ms. Weinstein said it is mainly for the ladies who come on Shabbos and other holidays.

Mr. Rennert questioned the amount of parking.

Mr. Vogt said the first 800 sf of sanctuary space does not require any parking. Every 100 sf thereafter requires one parking space.

Mr. Rennert thought they asked for that requirement to be changed.

Mr. Jackson said the board could ask for revised architectural plans before making a decision.

Mr. Rennert wants to ensure they have all of the correct information.

Mr. Franklin said there was testimony that there will be a basement but they don't have a plan showing that.

Mr. Flancbaum doesn't think they should be deleting bima or book shelf space when calculating square footage.

Ms. Weinstein said they actually did include a request for a parking variance in the legal notice.

Mr. Herzl asked how many parking spaces they need.

Ms. Weinstein said they need 10 spaces and are providing 5.

Mr. Kociuba said 5 spaces are proposed perpendicular to the main aisle across the west property line. They do show a 31 ft aisle across that parking lot. They had previously removed it but they did prepare an exhibit showing that with a 24 ft aisle, they could provide 2 additional spaces. Those spaces do not meet ordinance requirements but they do meet RSIS requirements. In addition, the rabbi does own the property behind which requires 3 parking spaces but has room for 4 cars so there is one additional space there if needed. Lastly, across the street is a vacant piece of property that is noted on the NJDEP website as a known contaminated site which means it would be very difficult to improve and therefore there would be additional on-street parking available.

Mr. Herzl asked if parking is allowed on Fourth Street.

Mr. Kociuba said parking is permitted on one side.

Ms. Weinstein said it is on the side where the contaminated site is located.

Mr. Herzl asked how many cars can park there.

Mr. Kociuba said probably about 4 to 5 cars.

Mr. Herzl asked if there is anything in the engineer's report they cannot agree to.

Mr. Kociuba said concerning the buffer relief, they would provide a fence to surround the property. A design waiver is required from providing a right-of-way dedication as well as the street tree requirement. An easement would be provided in lieu of a right-of-way dedication and that easement would cover to their curb line so they could put some landscaping across the front but if the Township ever widens that road in the future, that landscaping would come out. A trash enclosure is proposed on-site in compliance with DPW's recent general requirements.

Mr. Herzl asked if they met with DPW.

Mr. Kociuba said they have not.

Mr. Herzl requested that in the future, they meet with DPW before coming to the board.

Mr. Kociuba said DPW does a review now automatically.

Mr. Herzl asked how they would pick up the trash.

Mr. Kociuba said they would use a front loader. They are providing a very wide aisle and they would be able to drive straight back to the dumpster.

Mr. Franklin said it would work. They have to be careful not to lose a parking space when placing the dumpster.

Mr. Kociuba said they do have some room as all they have there is a handicapped aisle. All other comments can be met.

Mr. Franklin thinks this application should be tabled until the board sees a basement plan.

Mr. Herzl opened to the public.

Mr. Abe Halberstam, 1220 Monmouth Avenue, was sworn. He has known the rabbi for 35 years and is in support of this application. He understands there is a parking variance but many of the congregants walk to shul anyway.

Mr. Baruch Spiegel was sworn. He is the rabbi of the shul and attested that many people walk and there is also available parking in front of his home. There has been no issues in the past years with parking.

Mr. Yanky Braunstein, Ridge Avenue, was sworn. He said the area is very built up but within three blocks there isn't a shul. Now many families will have a place to pray that is within walking distance. He has lived in the area for seven years and he has never driven to the shul. He has three boys who attend shul with him but there is never enough seating. He asked that the board approve this application.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.

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

Abstain: Mr. Franklin

- 4. SP 2266 Nine Holdings, LLC**
1328 River Avenue Block 534, Lot 4
Preliminary and Final Major Site Plan for a retail building

A review letter prepared by Remington & Vernick Engineers dated January 16, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers include proof of submission to Ocean County Planning Board and providing an environmental impact statement. They can support both waivers.

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

Mr. Vogt said variances are needed to permit the existing off-street parking to remain in the front yard which is less than 65 ft from the centerline of a state highway and from relief for the number of off-street parking spaces. He asked if any sign variances are being requested.

Mr. Adam Pfeffer, Esq. said they are not seeking sign variances.

Mr. Vogt said design waivers requested include landscape buffer, providing curb, sidewalk, street trees as well as a shade tree and utility easement along the River Avenue frontage and finally a design waiver is required from providing shopping cart corrals, since existing building #1 is a grocery store.

Mr. Pfeffer said this is the Seagull Square Shopping Center on Route 9. Since the applicant acquired this property, they have done many upgrades to the shopping center. There is excess land on the property as the site is approximately 11.5 acres. Before the board this evening is an application for an additional building approximately 13,223 sf for additional retail space. They would be utilizing an existing section of the parking, however, they are still going to be compliant with the required parking standards. They are required to have 500 parking spaces with the new building which they have. There is one existing variance required to permit the existing off-street parking to remain in the front yard which is less than 65 ft from Route 9.

Mr. Herzl would like to hear testimony concerning any impacts that may have if Route 9 is widened in the future.

Mr. Pfeffer said at most times the parking lot is half empty and if you don't have the parking then you won't have tenants so they are not going to shoot themselves in a foot and build a new building without being able to get tenants. The benefit of having another ratable for the Township's tax roll much more outweighs the negative of an existing variance.

Mr. Brian Flannery, P.E., P.P. was sworn. The desired typical section the NJDOT would need if Route 9 was ever widened would impact 20 parking spaces. It is his opinion though, the NJDOT can widen Route 9 without impacting those spaces. They ask for a desired typical section which they take some beyond the actual pavement but it is his testimony they can widen without impacting those but if they do, the most they would take is 20 spaces. Currently the parking is a nice comfortable layout. There are open areas in different places where an additional 20 parking spaces could be put in. The improvements the NJDOT are proposing now do not impact the parking. He disagrees with the board engineer's interpretation of the ordinance as to the parking variance needed. The parking spaces were lawfully constructed and there has been applications on this site since the ordinance was changed where it hasn't been determined a variance was required. The parking requirement for a shopping center is 1 per 225 sf which calculates to 491 spaces. The board engineer's report breaks it down differently as they take the restaurant out separate. His opinion is they have a shopping center and the uses in a shopping center are offices, retail and restaurants.

Mr. Herzl asked how many spaces they need if the restaurant is calculated separately.

Mr. Pfeffer said they have noticed and asked for the existing variance for the parking spaces within the front setback.

Mr. Flannery said by the board engineer's calculation, fifty percent of the Burger King floor area of 2,900 sf is devoted to patron use but he measured it today and it's less than half and figured it would be about 1,000 sf. But if they go with the board engineer's calculation then they would need 510 spaces where they have 499. His testimony is that 491 is what's required by ordinance.

Mr. Vogt wants to point out that their numbers are more conservative in nature. They have spoken with the applicant and what the board will hear testimony on is that the numbers they are using are basically aggregate. What the board is looking at here is really a shared parking scenario. A study was submitted by the applicant's traffic consultant that functionally what has been observed out there, in respect of the ordinance aggregate amount, is actually functioning with much less.

Mr. Flannery said no variances are being requested. A design waiver is request from providing a landscape buffer. This is an existing shopping center that has been in Lakewood a long time so it is an existing situation and the neighbors are all accustomed to the landscape buffer that's there. The applicant is not asking for a design waiver from providing curb and sidewalk. This applicant received a letter from the NJDOT concerning future improvements so they would bond the sidewalk and if the state doesn't install the curb and sidewalks within a year then they would provide them. This project is also going to require a CAFRA approval. A design waiver is also requested from providing street trees and a shade tree/utility easement. Again, it is an existing situation but they can certainly add a shade tree/utility easement and if the board engineer wants trees then they would provide that as well. Lastly, a design waiver is required from providing shopping cart corrals. They do not feel they need them as it is an existing situation and are not adding stores that are going to have shopping carts. There will be private pick up for the trash. The board engineer questioned the parking and how it works because if you go out there now there are a lot of temporary trailers but those would be removed long before this building is occupied.

Mr. Herzl asked them to restripe all of the parking spaces.

Mr. Flannery confirmed, as part of any CO request, the engineer's office would certainly make sure it is striped and the parking shown on the plan is correct. He read through the Master Plan and MLUL to support the variances and design waivers requested.

Mr. Sabel believes they should add one or two shopping corrals as there is an existing supermarket.

Mr. Flannery argued it is not needed. By his calculation they have the 499 spaces and they only need 491. If the board feels the benefits of having a shopping corral outweigh the extra parking then they would provide them.

Mr. Herzl believes they do. There are going to be shopping carts all over the lot and they'll lose spaces anyway.

Mr. Pfeffer said they would add the shopping cart corrals.

Mr. Scott Kennel, traffic expert, was sworn. The site is a level service 'C'. As far as the expansion to the retail area, the NJDOT has criteria to determine whether or not a new access permit has to be filed. You need to generate in excess of 100 peak hour trips and per their calculations, this additional retail area will generate 53 additional spaces so the site qualifies for a letter of no interest and have submitted that determination to the NJDOT for approval. As far as the parking, there was a supplemental report submitted on January 15, 2018 and as the applicant's engineer testified earlier, there is more than adequate parking on-site. With the proposed building and existing parking, there will be approximately a parking ratio of 4.5 per 1,000 sf. The industry standards through the Urban Land Institute recommends 4 spaces per 1,000 sf for developments such of this size and use and that also includes restaurant uses. Based on their findings, the parking demand was no more than 2 at a parking rate of 2.0 so a parking demand for a shopping center which is 98.5% leased and occupied, it's parking generation is half of what the nationally recommended rates are. Even if you consider the loss of 20 spaces along Route 9 and a few additional spaces for cart corrals, there will still be more than adequate parking.

Mr. Herzl said there was testimony that there is additional room on the site to add 20 spaces if needed. He wants to ensure that is the case because this shopping center could get much busier in the future depending on the tenants.

Mr. Kennel confirmed there is additional area to make up that loss. Even without those spaces, he is still confident based on the parking trends on site, the proposed building and the fact that there's in excess of 250 spaces available that it will not be an issue.

Mr. Vogt said in his report it is indicated parking counts were completed and the counts range from 150 to 180 parked cars. He asked if he considers those times peak or near peak.

Mr. Kennel confirmed and one of the collection dates was the Sunday before Hanukah which he expects to be a bit higher.

Mr. Vogt said based on his calculations, they have over twice the parking on the site the way it is now even if they took away what is along Route 9 and in worse case, they could restripe under the Township minimum and actually gain spaces if need be.

Mr. Kennel said that is correct and the other positive of this plan is where the new building is proposed, it is underutilized and there is no parking demand so it will not compete with the existing uses on site.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He commented that the shopping carts at the existing supermarket or always strewn around the lot. He is unsure whether corrals will help but he is glad a board member brought it up. He said there is not enough parking and is concerned about the safety of the patrons as he lives across from a shopping center which this developer built and it is very dangerous. He questioned how they are going to add another 20 spaces.

Mr. Flannery said they would provide a sketch of how that could be done during resolution compliance.

Mr. Klein said the applicant is trying to get away with not providing sidewalks. There should be sidewalks there now for the safety of the people walking over there. They shouldn't have to force an applicant to provide them only if he submits an application.

Mr. Herzl said they are installing sidewalks if the NJDOT does not.

Mr. Flannery said the applicant would agree that before he gets a CO on any of the new buildings, the sidewalks will be in.

Mr. Klein said that is the standard for every application when a waiver isn't being requested.

Mr. Flannery said they don't need a waiver as they are agreeing to do it before getting a CO. They would follow the standard procedure of posting a bond so they can get started.

Mr. Klein asked if it is possible to put in sidewalks before construction begins due to the danger of this area and for the safety of the people shopping there now.

Mr. Flannery said it is possible but he thinks it is an inappropriate request because it is an existing site.

Mr. Herzl closed to the public.

Mr. Pfeffer said the only variance requested is for the existing parking within the front setback to Route 9. They are able to add another ratable to the Township without taking down any more trees, a parking variance or squeezing it

in as this is a nice site for it. The traffic study confirms they are operating at basically 50% parking. They believe they are compliant today and even if they lose the spaces, they would provide a plan to show they can add those spots if needed.

Mr. Herzl urged them to make sure they can make up those spaces if Route 9 gets widened as this shopping center may get very busy in the future and they may not have sufficient parking.

Mr. Flannery said they would show that plan before the board memorializes the resolution.

Mr. Sabel said the shopping corrals should be on opposite sides of the lot.

A motion was made and seconded to approve the application.

All were in favor.

5. SD 2310 BMW Homes, LLC

East 5th Street Block 242, Lots 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, & 19
Minor Subdivision to create ten lots

A review letter prepared by Remington & Vernick Engineers dated January 10, 2018 was entered as an exhibit.

Mr. Vogt said testimony is required for the proposed right-of-way dedication as it could result in the need for a minimum lot area variance. Other variances are required for minimum lot width and maximum building coverage. The application is proposing an 8.5 ft road widening easement along East Fourth Street and a 6 ft road widening easement along Negba Street. Lastly, it appears a design waiver is required from planting street trees along Negba Street and East Fourth Street.

Ms. Miriam Weinstein, Esq. said the applicant is proposing to create 10 ten lots from 7 lots. This odd shaped tract currently consists of 6 zero lot line lots fronting on East Fifth Street upon which 3 duplex buildings are currently under construction. These units are within the R-7.5 zone and the variance being sought for lot width for 50 ft where 60 ft is required is for these 6 lots and is therefore an existing condition. The site then contains one additional lot that has frontage on East Fourth Street and Negba Street. This lot is currently the site of a grocery store. That store will be demolished and in its place, 4 new zero lot line lots are being created upon which 2 new duplex buildings will be constructed. The board engineer's letter points out that some of the lots are oddly shaped but this was done in order for the lots to be conforming. However, if the board prefers them to straighten out the lot lines and to grant the appropriate lot area variances, the applicant would have no objection. These lots were designed with these odd lot shapes in order to make sure that they will be conforming.

Mr. Herzl doesn't want to do that as they may be able to squeeze one more house in.

Mr. Brian Flannery, P.E., P.P. was sworn. A tax map was entered as an exhibit showing properties between Fourth Street and East Fifth Street and fronting on Negba Street. The lots are oddly shaped but they all conform as they have over 10,000 sf. There are duplexes under construction on 50 ft wide lots and they are taking a bit of property off the back and adding it to the lots on East Fifth and Negba where the grocery store is located. There will be one duplex facing East Fourth and one on Negba. A right-of-way easement is proposed as opposed to a dedication which is consistent with other approvals and serves the same purpose. The board engineer's letter points out a variance is needed for minimum lot width but those lots are already approved and being constructed so it is his testimony they don't need that variance but would ask for it out of abundance of caution. A maximum building coverage variance is also requested in order to provide duplexes that are typical. He read through the Master Plan and MLUL to support the variances and design waivers requested.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He asked why architectural plans were not provided.

Ms. Morris said there is a checklist requirement for architectural plans for major subdivisions and this is a minor.

Mr. Klein asked if there will be decks.

Mr. Flannery confirmed, they would conform with the setbacks.

Mr. Klein said a lot of applicants are going to the Zoning Board for deck variances.

Mr. Herzl asked if the decks can be built without seeking any new variances.

Mr. Flannery confirmed.

Mr. Klein asked if the basements will be finished. If so, more parking will be required.

Mr. Flannery understands. They are not asking for any relief. The ordinance states if you have a basement, whether it is finished or not, it is counted as 2 bedrooms.

Mr. Vogt said it will be reviewed at time of plot plan submission along with the architectural plans.

Mr. Herzl asked how they calculate 4 spaces.

Mr. Flannery said it is in the ordinance. For 8 bedrooms, you need 4 spaces.

Mr. Klein asked if there are going to be separate entrances to the basement.

Mr. Flannery said in all probability it will be the same as any other duplex, there will be one entrance for the family and one for the renter. There is only one basement apartment permitted and the applicant agrees to that.

Mr. Klein asked if sprinklers are being provided.

Mr. Flannery said this is a minor subdivision to create new lots. When the applicant files for a permit, they will have to comply with all building codes.

Mr. Klein asked if there is going to be an attic and if so, will there be steps.

Ms. Weinstein reiterated that this is only a minor subdivision approval. Most likely it will be like all of the other duplexes which do typically have the ability to finish the attic. There will be no exterior steps to the attic. The law only permits one apartment in the basement.

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

6. SP 2267 640 James Street, LLC
640 James Street Block 385, Lot 4
Preliminary and Final Major Site Plan for an office and warehouse building

A review letter prepared by Remington & Vernick Engineers dated January 16, 2018 was entered as an exhibit.

Mr. Vogt said B-Site submission waivers are requested including topography, contours and man-made features within 200 ft as well as the C3 waiver are supported. Ocean County Health Dept. approval will be provided for C4 and C5, locations of existing and proposed wells/septic systems. The waiver can be granted since that information will be need for regulatory approvals. Plans and profiles of proposed utility layouts has been provided so that is no longer required. The plans are also sufficient for C8, the EIS is supported based on previous development and the tree protection management waiver is for hearing purposes only. If the board grants approval, the applicant will have to comply with the tree protection ordinance.

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

Mr. Vogt said at the plan review meeting, the applicant's professionals indicated that a right-of-way vacation request is pending for Wakefield Avenue. Variances are required for minimum lot area, width, minimum front yard setback and maximum building coverage. Design waivers include improving Wakefield Avenue, sidewalks along James Street frontage, street trees and shade tree/utility easements along the project frontage and lastly a design waiver is required from meeting the buffering requirements in Section 18-803E.

Ms. Miriam Weinstein, Esq. said the applicant is seeking major site plan approval to construct a 44,250 sf warehouse with associated offices on the subject property. There are variances associated with the application which will be justified. The Township is always looking for commercial ratables and this is one which also replaces some dilapidated commercial structures currently on the property.

Mr. Steven Cattani, P.E. was sworn. An aerial view of the proposed property and a colored rendering of the site plan were entered as exhibits. They have submitted to the County and have received conditional approval. The County is looking to do a 30 ft half width so they are dedicating an additional 5 ft to them. The building is approximately 43,000 sf with a driveway up the left side adjacent to the paper right-of-way. The proposed loading is in the rear with some parking and an access aisle along the front of the building. They are asking for setback variances as it relates to the paper street of Wakefield Avenue. Currently the existing building is approximately 26 ft from the property line adjacent to Wakefield and they are proposing to maintain that same setback for the new building. The existing building currently has a front yard setback variance to James Street of about 35 ft and they are proposing to pull the building back and it will be conforming. The rear and side yard variances to the south and west will also be conforming. The parking and loading area conform with the ordinance. A building coverage variance of 43.6% is requested whereas 40% is permitted. The variances can be granted under the C-1/C-2 criteria as the existing property is very narrow and deep. They believe the proposed building is more marketable and the variances would not be detrimental to the public good and would advance zoning and master plan.

Mr. Herzl asked how many spaces are proposed.

Mr. Cattani said 33 spaces whereas 30 are required.

Mr. Herzl asked how many offices are being proposed.

Mr. Cattani said there are about 3,400 sf of office space located at the front of the building. Typically, warehousing has a requirement and then there is an executive parking requirement which is typical if you are not providing

office space in the building but as they are providing 3,400 sf of office, they believe that executive space is included in the office space.

Mr. Sabel asked if this is going to be only office/warehouse or will it be flex space.

Mr. Cattani said it is anticipated to be 4 individual units within the building. They anticipate about 4 individuals in the warehouse space and then the office space is per ordinance.

Mr. Herzl asked how the circulation would work on the site.

Mr. Cattani said the trucks would come off James Street, turn in, come down the driveway along the side of the building and load on the rear of the building.

Mr. Herzl asked if a tractor trailer can access this site.

Mr. Cattani said they haven't specified to a certain size. They aren't going to get a full 53 ft box here and would assign it to maximum allowable truck size that would fit.

Mr. Herzl asked what they would do if a larger truck comes.

Mr. Cattani said they are providing signage that states large tractor trailers are not permitted.

Mr. Sabel asked if the trucks can circulate around the building.

Mr. Cattani said one of the things that has recently come up with a neighbor is the possibility of mirroring the driveway to that side of the building and having access that may potentially work better in the future. They could provide a full circular motion but because they are currently in a septic area and cannot obtain sewer at this time, a septic system is proposed on the side of the building. Unfortunately, due to that septic system they wouldn't be able to pave over that.

Mr. Franklin is fine with it as long as there is proper signage.

Mr. Flancbaum suggested using a portion of Wakefield Avenue for truck traffic instead of vacating the entire right-of-way. He understands it is not going to be a through street as it goes from James Street to the train tracks but it could be utilized for additional traffic flow for large trucks. There are going to be large trucks and they are going to be staged on James Street until somebody unloads everything.

Mr. Cattani believes they can provide the adequate circulation. If they do the improvements on Wakefield then all they would be doing is shifting that driveway over.

Mr. Flancbaum said it would allow a spot for the trucks to stage instead of being on James Street.

Mr. Cattani said if a truck comes in inadvertently, they are going to have to back out anyway. The general operation of this facility is intended for smaller tractor trailer type trucks.

Mr. Herzl argued then James Street is going to be stopped.

Mr. Flancbaum said if a portion of Wakefield Avenue was improved then the truck can make a K-turn as opposed to backing out onto James Street.

Mr. Cattani said that would be a very rare instance.

Mr. Flancbaum said if a truck is trying to get into the site and there are signs not permitted large trucks then they are going to hang out on James Street and that is a heavily trafficked intersection. He is not saying to improve the entire right-of-way but just a section so there is somewhere for the trucks to stage themselves in order to turn around.

Ms. Zografos asked if the employees are parking in the back and walking through the warehouse.

Ms. Weinstein said it depends which employees. The employees for the warehouse are going to park in the back but the employees for the offices will park in the front.

Ms. Zografos said visitors would also park in the front.

Mr. Cattani confirmed, separate from the truck traffic. They have a 24 ft aisle and if a tractor trailer does come in and parks against the side of the building, there is still a 15 ft aisle for vehicles to come in. The truck wouldn't come in and block the driveway. This isn't a heavily trafficked area so there aren't going to be opposing traffic patterns.

Mr. Flancbaum said he lives down the street and argued it is a heavily trafficked area.

Mr. Cattani meant on the site, not on James Street.

Mr. Flancbaum said James and Cross is a very busy intersection and they have an existing right-of-way to do something with and if a 53 ft truck can't get on the site then it is going to stay on James Street.

Mr. Cattani said on the occasion that occurs, the truck will come into the site and he will have a more difficult maneuver to get out. As these tenants start to operate, they will start to realize what they should or should not be bringing in and out of this site. There may be a couple of instances initially and the site can handle them but it is just not a desirable situation.

Mr. Flancbaum said 24 ft is a narrow driveway and these big trucks are going to have nowhere to go.

Mr. Cattani said the other concern is Wakefield is a public right-of-way. So if they are encouraging an interval site of this site within a public right-of-way there is a big question mark if anything happens.

Mr. Flancbaum thought that right-of-way was going to be vacated.

Ms. Weinstein said they have made a request and if it is approved then half of the property would go to the applicant.

Mr. Cattani said if the right-of-way is vacated then they can make improvements and adjustments. They are just looking to move forward on the assumption the vacation doesn't occur.

Mr. Flancbaum suggested to hold off on this to see if the road is vacated. He doesn't like this idea of a 24 ft wide driveway on James Street.

Ms. Weinstein said this road doesn't lead anywhere so the board's recommendation to vacate this road would help.

Mr. Flancbaum is personally for vacating this road in order to make the proper improvements.

Mr. Herzl said every single business in town gets deliveries from both large and small trucks. If they have the area then they need to accommodate that.

Mr. Flancbaum believes this is a very nice project but he doesn't like the 24 ft wide driveway.

Mr. Herzl asked who owns the property on the other side of Wakefield.

Mr. Cattani said that property is developed but it slopes down and it would be unusable if the right-of-way is vacated. Their portion of the vacation would be usable. The intent of the design is for the high probability vehicle.

Mr. Herzl asked if that road gets vacated, would a tractor trailer have enough room to turn around in the back.

Mr. Cattani said instead of it being a difficult maneuver it would be an average maneuver.

Mr. Herzl asked if it can come around the building.

Mr. Cattani said no as there is a septic system on that side.

Mr. Herzl personally thinks that if the Township doesn't vacate Wakefield Avenue then the driveway needs to be widened so that the trucks can get in and turnaround.

Mr. Yehuda Perlstein was sworn. He personally spoke with the Mayor and he was told there is no reason not to vacate this road and it's just a matter of when it will be approved. There are other sites with smaller driveways that function perfect fine.

Mr. Herzl said he constantly sees on Clifton Avenue, County Line Road, Route 9 etc. trucks can't make it in and block all of the traffic.

Mr. Flancbaum believes they should wait to see what happens with the vacation. The Planning Board would encourage the Township to vacate it.

Mr. Franklin said if they still have that 24 ft wide driveway they can jockey the truck around and get it back but it would stop traffic.

Mr. Cattani thinks in the industrial zone and especially on this side of the roadway, sidewalks are probably not a good idea. He doesn't think you would want to introduce foot traffic along driveways and crossing with tractor trailers. It certainly makes sense to keep the foot traffic on the north side of James Street. There is no issue maneuvering a truck onto the site as there is ample room. Trucks are not going to stop on James Street, they are going to pull into the site.

Mr. Franklin would like sidewalks installed.

The board was in agreement.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He suggested moving the septic system to the other side of the building and once the road is vacated, they would have a 50 ft wide driveway.

Mr. Flancbaum thinks it is a very good idea.

Ms. Weinstein said if the road is vacated then they wouldn't have to comply with Township standards as it would be their property.

Mr. Klein believes it makes more sense to improve the roadway.

Mr. Cattani said they know this roadway doesn't go anywhere. From a standpoint of improvements, they can create a one-way clockwise circulation on the site instead of adding all that impervious coverage. They aren't creating a roadway here that people are going to use. They would provide a one-way 15 ft drive island in the back of the site and would come out through the one-way 15 ft drive aisle. The trucks are going to maneuver until they get to the main paving area. The 24 ft was for two-way passing so if they go with a one-way circulation around the site they can go with a single lane of travel.

Mr. Herzl questioned if a tractor trailer can make that turn on a 15 ft driveway.

Mr. Cattani said they would provide a larger radii for the truck to make the turn. It would serve the same purpose and would cut down on the amount of impervious coverage.

Mr. Vogt is ok with that but they would need a circulation plan that shows the geometry works. He asked if they could make it an 18 ft one-way aisle.

Mr. Cattani thinks it can be done. If the main concern is trucks getting off the street, they can make a hammerhead improvement in the back for additional truck maneuvering.

Mr. Flancbaum thinks they should come back with a circulation plan.

Mr. Klein said the benefit of having that right-of-way improved is there would be more available on-street parking for overflow not only for this property but for others in the area.

Mr. Herzl said a letter should be written to the Township Committee stating they are in favor of vacating Wakefield Avenue to allow for better vehicular site circulation.

Mr. Meyer asked if any commercial vehicles will be parking overnight.

Mr. Cattani said there will be no overnight parking permitted.

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

7. 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

The applicant has requested to carry this to a future meeting date.

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

- 8. SD 2129A Miriam Klein**
11 Forest Drive Block 12, Lot 201
Amended Minor Subdivision to create two lots

The applicant has requested to carry this to a future meeting date. This application will not be heard and new notices will be required.

- 9. SP 2265 Talmud Torah Bais Avrohom**
915 New Hampshire Avenue Block 1160.03, Lot 47.01
Preliminary and Final Major Site Plan for a building addition

Ms. Morris said the Asbury Park Press failed to publish the notice in time, therefore, this application will not be heard.

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

- 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