

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. Garfield, Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

- 1. 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

Ms. Miriam Weinstein, Esq. explained that this was the application where they had started as a public hearing but there wasn't enough members present from the prior meeting to be heard so they had to start from scratch. The draft resolution contained paragraphs which referenced the earlier hearing and since the application was started from scratch at a later date, she asked that those paragraphs be stricken.

Mr. Jackson made the necessary revisions and read the resolution to the board.

A motion was made and seconded to approve the resolution.

- 2. SD 2135A Congregation Kol Aryeh of Lakewood, Inc.**
631 & 635 Hope Chapel Road Block 26, Lots 7, 8, & 8.01
Preliminary & Final Major Subdivision to create five lots and a cul-de-sac

Ms. Miriam Weinstein, Esq. said the resolution states that all of the setbacks and issues with the neighbors were going to be listed both as a deed restriction and in the HOA documents but if she recalls, they had gone back and forth and she had said the applicant preferred not to have a deed restriction as they are very difficult to have them removed so there was an agreement to put the necessary language in the HOA documents which is effectively a deed restriction in and of itself and would suffice.

Mr. Jackson agreed.

A motion was made and seconded to approve the resolution.

- 3. SP 2275 Congregation Bais Shabsi**
61 Pawnee Road Block 2, Lot 45
Preliminary & Final Major Site Plan for a synagogue

A motion was made and seconded to approve the resolution.

- 4. SD 2319 Rivka Mansour**
40 Manetta Place Block 414, Lot 1
Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

5. CORRESPONDENCE & OAK STREET CORE RESIDENTIAL DEVELOPMENT SUBDIVISIONS

- **SD 2277 SES Cross, LLC** – request for clarification of design waivers listed in Resolution

Mr. Adam Pfeffer, Esq. said this application was for a minor subdivision where they were not creating any new lots but were simply moving lot lines. In section C of the resolution, it talks about the variance relief being sought which were existing variances as well as design and submission waivers. In that section, at the end of that paragraph, it states ‘the board supported and granted submission waiver relief’. He should’ve caught it during the review of the resolution as it should have said ‘submission waivers as well as the design waivers’. This is just a clarification which was brought up during resolution compliance. Nothing is being constructed at this time, but they agree that when someone comes in with a building permit, they would put in curb and sidewalk.

Mr. Flancbaum remembers this application. He confirmed the board approved the design waivers as the application was only for a lot line realignment.

A motion was made and seconded to approve the correspondence item.

Affirmative: Mr. Garfield, Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert

Abstain: Mr. Rennert

- **SD 2336AO Wadsworth Properties, LLC**, Block 1025, Lot 6

Mr. Brian Flannery, P.E., P.P. confirmed the applicant is not requesting any relief.

A motion was made and seconded to approve.

All were in favor.

6. PUBLIC HEARING

- 1. SP 2190AA Bais Medrash of Medina Road Inc**
1213 Medina Road Block 189.07, Lot 4
Change of Use/Site Plan Exemption

Ms. Morris said this is a reconsideration of an approval which was granted back in 2016. The board had approved this application contingent upon the testimony indicating that this was to be a weekend shul only. The applicant is now coming back before the board to request full time use.

Mr. Herzl questioned whether the board can even restrict the use.

Mr. Jackson said the applicant should provide testimony and present their case first.

Mr. Vogt said there are no changes to the property itself, only the use.

Mr. Mordechai Tolchinsky, a board member of the shul, was sworn. He said the shul was restricted to weekend and holiday use only.

Mr. Herzl asked why it was restricted originally.

Mr. Tolchinsky believes the neighbors asked that it be restricted but they have since spoken with the neighbors.

Mr. Jackson asked how many people can occupy the shul and how many parking spaces are on the site.

Mr. Tolchinsky said about 60 people, there is a driveway which fits two cars.

Mr. Jackson asked if the congregants live within walking distance.

Mr. Tolchinsky confirmed, it is a secluded neighborhood.

Ms. Morris said per the minutes from 2016, there was reference by the applicant's attorney that the sanctuary is less than 800 sf which means that no parking is required and he is the one who stated that the shul was to be used only on the weekends to serve the small, immediate neighborhood.

Mr. Herzl asked if anyone drives to the shul.

Mr. Tolchinsky said everyone lives on the block.

Ms. Morris said notice was provided for this application. The 2016 minutes do reference a number of neighbors who came up and complained about the parking even before this shul was approved.

Mr. Tolchinsky said he did speak with the neighbors.

Mr. Jackson asked how he thinks the shul would work on a full time basis with insufficient parking.

Mr. Tolchinsky said everybody who attends the shul lives on the block.

Mr. Jackson asked when the shul would be open during the week.

Mr. Tolchinsky said they would start opening at night and eventually in the mornings.

Mr. Herzl said they cannot rent out the shul for any functions as there is not enough parking. It would strictly be used for a shul.

Mr. Rennert asked if there are sidewalks.

Mr. Tolchinsky confirmed.

Mr. Herzl opened to the public.

Mr. Shlomo Orlansky, 1285 Medina Court, was sworn. He is an active member of the community and there was a lot of uncertainty in the beginning when they were initiating the shul and rightfully so as there were concerns from the neighbors about parking. You can see on the aerial map, this property is surrounded by a County park and a golf range which makes it a very secluded area and the only people who use this shul live on this block. There are no extra rooms for any functions, only the sanctuary, bathrooms and the office. They do not anticipate having any parties and it is actually easier to walk to shul than to drive. They have spoken with the neighbors and they are happy to accommodate whatever the board requires.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert

No: Mr. Garfield

2. SP 2167 Congregation Lutzk

520 New Egypt Road Block 251, Lot 16.01

Preliminary and Final Major Site Plan for a synagogue

Mr. Adam Pfeffer, Esq. said a certificate of occupancy was not recommended by the Township Engineer as a trailer was shown on the as-built but it was not shown on the original site plan as well as two 40 ft sea containers which are used for storage only. All of this has been existing from day one and they have noticed for this request.

Mr. Herzl asked if the trailers are in the setback.

Ms. Morris said the trailer is right up against the property line.

Mr. Pfeffer said the trailer was there even before the applicant owned the property. The congregation is continuing to grow and they would be coming in eventually for a new building.

Mr. Herzl said it looks like there is a lot of vegetation between the trailer and the adjacent property owner.

Mr. Pfeffer confirmed and believes that homeowner attends this synagogue as well.

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. SD 2326 121 Somerset, LLC

11, 25, 33, 45, 79, 87, 86, 72, 9, 13, 15, 29 Cherry St and 147, 159 N Oakland St

Block 189, Lots 118-123, 125, 126, 164-167, 182, & 185

Preliminary and Final Major Subdivision to create forty-four lots

A review letter prepared by Remington & Vernick Engineers dated May 7, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for topography, contours and man-made features within 200 ft, an environmental impact statement and architectural drawings of the proposed structures. The B-Site feature waivers

are supported provided topography is extended at least 25 ft from the site boundaries, such that grading can be properly reviewed subsequent to resolution compliance. The proposed project areas are currently occupied by older single family homes, therefore, submission waiver from providing an environmental impact statement is supported as long as the site contains no environmental constraints. A partial waiver is requested from providing architectural drawings. No single-family designs have been submitted since only one new dwelling is proposed. Two basic duplex designs for developments consisting of between 16 and 25 structures. The applicant's engineer previously indicated that additional required variation of facades, roofs, window layout, and porches so there are no duplications within 500 ft as required by ordinance, therefore, the waiver can be supported from providing additional architectural drawings.

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

(SD 2326A)

Mr. Vogt said the revised plans indicate that proposed Lots 118.01 through 118.14 have no public road frontage. Proposed Lots 118.01 through 118.14 would access a clockwise one-way looped private roadway which intersects Cherry Street through new Lots 119.01 and 119.10. The proposed private roadway would border the rear yards of new Lots 119.01 through 119.10, thereby creating thru-lots. As required by Section 18-805F., of the UDO, a landscaped buffer shall be provided along all newly created thru-lots. The width and depth of the buffer shall be determined by the Board based upon the characteristics of the existing neighborhood. In no case shall the buffer be less than 5 ft wide. It should be noted the rear yards of proposed Lots 119.01 through 119.10 would actually be 15 ft, not the labeled 20 ft shown on the plans. No landscaped buffer has been proposed. However, a 6 ft high vinyl fence has been proposed 5 ft from the private driveway which effectively reduces the useable rear yard depth to 10 ft for new Lots 119.01 through 119.10. Furthermore, the proposed private roadway effectively reduces by at least 817 sf of the useable areas of new Lots 118.01 through 118.14, most of which would be at the minimum 5,000 sf areas for zero lot line properties. Right-of-way has not been dedicated for the proposed turnaround at the end of Cherry Street. Any subdivision approval shall be conditioned upon acceptance of a proposed turnaround at the end of Cherry Street by the Department of Public Works. A design waiver is required from providing 8 ft wide right-of-way dedications along Cherry Street. The revised plans propose 8 ft wide right-of-way easements. It should be noted the proposed pavement widening of Cherry Street to 32 ft would fit within the existing right-of-way.

(SD 2326B)

Mr. Vogt stated a variance has been requested for minimum lot area. New single-family Lot 121.05 proposes a 5,361.6 square foot lot area, whereas a minimum lot area of 7,500 sf is required. The applicant's engineer previously indicated that the existing homeowner intends to remain on the property. A variance is required for minimum front yard setback. The existing dwelling to remain on proposed Lot 121.05 is only 15.18 ft from the existing right-of-way line, whereas 25 ft is required - existing condition. The applicant's engineer previously indicated that the existing homeowner intends to remain on the property. The Board may consider action on the required minimum front yard setback variance. Right-of-way has not been dedicated for the proposed turnaround at the end of Cherry Street. Therefore, it is not clear whether a variance will be required for minimum lot area on the combination of proposed Lots 121.01/121.02. Testimony shall be provided such that the Board may consider action if necessary. A design waiver is required from providing 8 ft wide right-of-way dedications along Cherry Street. The revised plans propose 8 ft wide right-of-way easements. It should be noted the proposed pavement widening of Cherry Street to 32 ft would fit within the existing right-of-way.

Ms. Miriam Weinstein, Esq. said this application is for the construction of a total of 42 duplex units and 2 single family lots along Cherry and North Oakland Streets. One of the single families is an existing home which will remain. The only variances associated with the projects for both applications A and B, relates to this one lot since the owner of this home would like to remain in her existing home. Some of the units front on a one-way private roadway that

comes off of Cherry Street and will be owned by a HOA to be formed. The applicant is combining what is really two separate projects on each side of Cherry Street. These projects would improve the neighborhood as the developer intends to extend water and sewer as well as widening Cherry Street and providing a drainage system for the area.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a colored rendering of the site, A-2 is the 3-D rendering of the site, A-3 is a copy of the tax map showing SD 2326A and A-4 is a tax map showing SD 2326B, A-5 is the plan submitted showing the 44 units to be developed. Since the 2007 Master Plan, the Planning Board has not seen many applications in this neighborhood because the Master Plan indicates it should be an R-7.5 in order to redevelop the neighborhood. The Zoning Board has been working diligently to redevelop the neighborhood and all of the lots highlighted in yellow are the duplex approvals and what is highlighted in blue are undersized lots which were granted in this area as well, below the R-7.5 criteria. This is a unique application where a lot of property owners got together on both sides of the street and Cherry Street is a road which is in disrepair, needs sewer and water.

Mr. Herzl said this would be the last piece to finish the neighborhood.

Mr. Flannery confirmed, it is a beautiful piece which fronts up to the park and these would be premium lots in the back and it is going to take Cherry Street from being one of the worst streets in Lakewood to one of the nicer streets in Lakewood. The application was broken into two pieces, one is on the east side of Cherry Street and the other is on the west side of Cherry Street. Aerial photos of the area were entered as exhibit A-6 and starting with SD 2326A, which is the east side of Cherry Street, zoning item #2 talks about a required landscape buffer as these are technically thru-lots and thru-lots need at least a 5 ft buffer. There is a fence shown along the back 5 ft off the property line and there will be a 5 ft buffer along there so it does comply with the ordinance. It was pointed out that the plans call out a 20 ft rear yard setback which is a mistake as the ordinance requires 15 ft and that would be provided. What this means is 5 ft would come out but there is 10 ft to the deck which, in his opinion, complies with the ordinance and the revision on the label for the rear yard setback of 20 ft would be corrected. Item #3 references the turnaround at the end of Cherry Street. The plans show a turnaround at the end which he believes won't work, the turnaround should be in between the two parking areas so the truck has the availability to back in and back out. The plans would be revised showing that and there would be an easement provided as well. This would be an improvement as the garbage trucks are currently backing out of Cherry Street. The private driveway would be 24 ft wide and one-way only.

Mr. Herzl argued that is more of a roadway as 24 ft is very wide for a driveway.

Mr. Flannery agrees, RSIS would allow you to do something like this with only 18 ft but that wouldn't be right for Lakewood. A design waiver is also requested for not dedicating the extra 8 ft. As you can see from the tax maps, it is an existing right-of-way and each person that came into the Zoning Board gave a road widening easement and this applicant would provide the same so they would have a 32 ft wide cartway with curb and sidewalk along the project frontages. There are a couple of pieces missing which this group of applicants who own property in the neighborhood have spoken with and they have agreed to provide curb and sidewalks as well. It is a neighborhood that is completely redeveloping. For SD 2326B, variances for minimum lot area and minimum front yard setback are required for the existing home so instead of putting a duplex on these lots, which would require no variances, they are keeping the existing homes which he feels is better. If anybody wanted to do anything different in the future, they would have to comply with the ordinance. Item #4 references the turnaround which as indicated earlier, would be revised and subject to DPW and the board engineer's approval. A design waiver is required from providing the 8 ft right-of-way dedication as the applicant proposes an easement.

Mr. Herzl asked about garbage pickup.

Mr. Flannery said it would be picked up by DPW. The containers would be rolled out to the curb.

Ms. Morris asked if DPW would access the one-way road.

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

Mr. Franklin said DPW would have to go in the wrong way on that one-way road in order to pick up the garbage.

Mr. Flannery said unless the garbage cans are put on the other side of the street. It is up to DPW which they would meet with again.

Mr. Garfield asked if a retention basin is proposed.

Mr. Flannery said no, recharge systems are proposed.

Ms. Weinstein said the HOA is going to own that private roadway and the only unit owners that are going to be members of that HOA are going to be those units that actually front on the private roadway. The street lights and drainage on that road would be privately owned by the HOA as well. Cherry and North Oakland Streets are both public right-of-ways and therefore would be owned and maintained by the Township.

Mr. Sabel said they could restrict the school buses from entering that private roadway.

Ms. Weinstein said they could but she doesn't think school buses will be going down there anyway.

Mr. Sabel said they will if they are able to make the turn.

Mr. Flannery said the Board of Education would make that decision.

Mr. Herzl thinks it would be easier for the bus to go down the private road, to the hammerhead and turnaround.

Mr. Flannery said the applicant would be happy to get permission from the Board of Education to have the buses go in on the private road as it is designed to accommodate them.

Mr. Herzl asked that a condition be put in the resolution that the HOA cannot restrict any buses from going in on the private road.

Ms. Weinstein agreed. It was not her intention to restrict that roadway.

Mr. Jackson asked if parking will be permitted on the private road.

Mr. Flannery said no, each unit will have four spaces so there is no reason to park along there.

Ms. Morris asked if they are proposing anything to prohibit parking.

Mr. Flannery said it wasn't designed for on-street parking but if the board wants the applicant to provide 'No Parking' signs, they would do that.

Mr. Herzl would prefer that.

Mr. Flannery said the HOA documents would clearly indicate that there is an easement to the Township so that buses and garbage trucks can drive through.

Mr. Jackson said he would include that is enforceable through Title 39 and they would make that a condition of the site plan.

Mr. Flannery agreed.

Mr. Herzl said it is safety issue, he doesn't want buses and trucks backing out.

Mr. Grunberger asked if there are only sidewalks on one side of the private road.

Mr. Flannery confirmed.

Ms. Weinstein said there are no houses on the other side.

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. Garfield, Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl

Abstain: Mr. Grunberger

4. SP 2277 Yeshiva Toras Yisroel

1357 & 1367 Lanes Mill Road Block 187.16, Lots 50 & 53.03
Preliminary and Final Major Site Plan for a school and dormitory

A review letter prepared by Remington & Vernick Engineers dated May 14, 2018 was entered as an exhibit.

Mr. Vogt said a submission waiver is requested from providing an environmental impact statement. The waiver can be supported as no known environmental constraints exist per NJDEP GIS mapping. In addition, a tree protection management plan has been submitted.

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

Mr. Vogt said the revised plans have eliminated the variances previously required. A design waiver is required from providing a driveway more than 30 ft wide.

Mr. John Doyle, Esq. said the application is for a school and dormitory building. No variances are associated with this application.

Mr. Brian Flannery, P.E., P.P. was sworn. The only relief requested is for a wider driveway so that the school buses work. Other than that, it is a fully conforming application.

Mr. Herzl asked if they agree with everything in the engineer's report.

Mr. Flannery said there was one comment in the report from the Shade Tree Commission. The applicant would provide landscaping in accordance with the ordinance and whatever the board and board engineer feels appropriate. The applicant would comply with comment A but not with comments B, C and D.

Mr. Herzl asked if students would be driving to school.

Mr. Flannery said no, the proposed high school will have 75 students and the post-high school will utilize the dormitory with 80 students. Parents driving and parking at the school will be minimal, students being dropped off and picked up by car will be minimal, and three daily buses are proposed.

Mr. Herzl asked about garbage pickup.

Mr. Flannery said there would be a dumpster located in the front for DPW to pick up.

Mr. Garfield asked if sidewalks are being provided.

Mr. Flannery confirmed that curb and sidewalk would be providing along the entire property frontage. They would meet all building code requirements and the HVAC units will either be roof mounted or screened.

Mr. Herzl asked about lighting.

Mr. Flannery said they would comply with the ordinance and would provide a lighting plan for review.

Mr. Herzl asked if this property will be fenced.

Mr. Flannery said fencing would be provided as needed.

Mr. Herzl doesn't want students wandering onto private properties.

Mr. Vogt asked if the fencing would be 6 ft vinyl/solid.

Mr. Flannery confirmed.

Mr. Abe Auerbach was sworn. They have been working with the neighbors but there are some places where neighbors have an existing fence and for them to provide a 6 ft vinyl fence would entail taking down trees. If the neighbors want a fence, then they would provide it but they would like to limit the removal of any existing vegetation.

Mr. Herzl opened to the public.

Mr. Jeremy Greenberg, 1172 County Line Road East, was sworn. He said the applicant went out of their way to accommodate any concerns they may have had. He is in favor of the application as they have been good neighbors.

Mr. Rafael Gordian, 1382 Red Oak Drive, was sworn. He is concerned with the amount of traffic this application would generate but after hearing testimony, he does feel more comfortable with this proposal.

Mr. Herzl said there was testimony that the students would not drive and there would only be three buses.

Mr. Sabel asked if sidewalks can be provided going from the building to Lanes Mill Road in case kids want to walk home or wait for their parents.

Mr. Flannery said the sidewalks can be added on the west side. It would be within the buffer but he doesn't believe there is any restriction from providing sidewalks in the buffer. It is his opinion it is not a variance.

Mr. Herzl believes it is a safety issue and sidewalks should be provided.

Mr. Herzl closed to the public.

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

5. **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 motion was made and seconded to carry the application to the June 5, 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