

## 1. CERTIFICATION OF COMPLIANCE

Vice Chairman Stan Banas 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. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt, P.E., P.P. was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

### 1. SD 2070 Adil Homes LLC

East County Line Road                      Block 190, Lots 72, 73, & 81  
Preliminary and Final Major Subdivision to create thirty-eight lots

A motion was made by Mr. Franklin, seconded by Mr. Flancbaum to approve the resolution.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

### 2. SD 2053 Ahuva Eisen

New Central Avenue                      Block 11.10, Lot 75  
Preliminary & Final Major Subdivision to create 3 lots

A motion was made by Mr. Franklin, seconded by Mr. Flancbaum to approve the resolution.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

### 3. SD 2074 Shimon Grinberger

Drake Road and Serenity Way      Block 251.01, Lots 32.01 & 32.02  
Minor Subdivision to realign lot lines

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to approve the resolution.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert



**2. SD 2071 Esther Weiser**  
South Street Block 855.05, Lot 29  
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated August 20, 2015 was entered as an exhibit.

Mrs. Morris stated that the applicant did not provide notice for this meeting. She deferred to John Jackson as to whether or not this item can be heard.

Mr. Jackson said they can be heard tonight and then notice for the public hearing. Plan review is not a formal action as you are only taking recommendations from the board engineer.

Mr. Vogt stated a variance is requested for minimum lot width.

Mr. Glenn Lines, P.E., P.P. stated they have no issues with the engineer's review letter. This is a typical Albert Avenue minor subdivision.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the October 27, 2015.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**3. SD 2075 Gefen Construction**  
East Seventh Street Block 223, Lot 3  
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated August 19, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, minimum lot width, minimum side yard and aggregate side yard setbacks. A design waiver appears to be necessary from providing street trees as well as a shade tree and utility easement.

Mrs. Miriam Weinstein, Esq. stated that this is a rather simple application. She asked if this could be heard as a public hearing item tonight.

Mr. Banas denied her request.

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to advance this application to the October 27, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**4. SD 2076 Joan Hertz**  
Miller Road Block 11.01, Lots 3.01 & 4.08  
Minor Subdivision to realign lot lines

A review letter prepared by Remington, Vernick & Vena Engineers dated August 19, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated they have noticed this to the neighbors as both a plan review and public hearing item. This is a very simple lot realignment. She asked that this be heard as a public hearing item tonight. There is only a tiny minimum lot width variance of 89.5 ft whereas 90 ft is required.

Mr. Vogt said this is not a complicated subdivision but it is up to the Board as to whether they want to hear this as a public hearing item tonight.

The Board was in agreement that this could be heard as a public hearing item tonight.

Mrs. Weinstein said this application calls for the realignment of two lots so as to enlarge the backyard of existing lot 4.08 which is to be renamed lot 3.03. The lot to be enlarged fronts on Primrose Drive at the bulb of the cul-de-sac. An area of 8,409 sf would be added to lot 4.08 leaving two lots of 20,410 sf and 13,985 sf in the R-12 zone. The only variance required is a lot width of 89.5 ft whereas 90 ft is required which is necessitated by a road widening dedication to the County.

Mr. Charles Surmonte, P.E. was sworn in. He said they are taking a portion of the rear lot that fronts on Miller Road and conveying it to the lot that fronts on Primrose Drive. Because of the angles of the lot lines and when they give up the dedication to the County, a lot width variance of .5 ft is created.

Mr. Banas asked if they had approved the waivers.

Mr. Vogt said they had recommended that at least a partial topographic survey be provided for the proposed improvements to be designed and constructed.

Mrs. Weinstein agrees to provide the survey. She asked for a waiver from provided sidewalks along Miller Road. There is no new constructing proposed at this time.

Mr. Follman asked if a response was received from the Committee regarding establishing a safety pedestrian fund, so applicants could post money in lieu of providing sidewalks.

Mrs. Morris said she had emailed the township manager and attorney. They were going to discuss the legality of this and the possibility of proposing the fund at the next committee meeting. She has not heard back yet but it seems to be a promising idea

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

Mr. Rennert asked when they are proposing to put in the sidewalks.

Mrs. Weinstein said no construction is being proposed at this time. The house on Primrose Drive is a relatively brand new house. The owner of this property is basically selling the lot on Miller Road and subdividing a piece off to keep it as their own property.



Mr. Glenn Lines, P.E., P.P. stated that this is an oversized lot at the end of a cul-de-sac. A lot width variance is requested because of the odd shape of the lot. He will be ready to address any comments at the public hearing.

Mr. Rennert asked if they would need any setback variances for the house.

Mr. Lines said no because as you go back, the lot gets wider. The house will fit within the setbacks.

A motion was made by Mr. Flancbaum, seconded by Mr. Rennert to advance this application to the October 27, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**7. SD 2079 Joseph Gutterman**

St. Nicholas Ave                      Block 278, Lot 2  
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated August 19, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area and lot width.

Mrs. Miriam Weinstein, Esq. said this is a very simple minor subdivision. They will be ready to testify at the public hearing.

Mr. Jackson said there is an objector on this application. The objector provided a letter to the Board and Mr. Jackson recommended he attend the public hearing as well.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the October 27, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**8. SP 1947A Congregation Pri Aharon**

East County Line Road                      Block 208, Lot 163  
Amended Preliminary and Final Major Site Plan for a school (existing) and dormitory

A review letter prepared by Remington, Vernick & Vena Engineers dated August 27, 2015 was entered as an exhibit.

Mrs. Morris stated that the applicant is requesting a combined plan review and public hearing at this meeting.

Mr. Vogt stated that submission waivers are requested for topography and contours within 200 ft of the site. The waivers are supported.

Submission waivers were approved as supported by the Board Engineer and Planner.  
All were in favor.

Mr. Vogt stated that no new relief is requested. This is an amended plan where the Board had previously granted buffer relief as well as from providing a shade tree and utility easement.

Mrs. Morris said the applicant had come back before under correspondence. During phase two they were proposing to build an addition to the phase one school and demolish the existing house on the property. The applicant then came back to seek relief to not demolish the existing house and are now here to amend phase two to demolish the house and replace it with a dormitory.

Mrs. Miriam Weinstein, Esq. said at the time the applicant came back for correspondence in June, the chairman had indicated that when they come back they could be heard at one meeting.

The Board is in agreement that this can be heard in full tonight.

Mrs. Weinstein said this is a boy's high school on East County Line Road. They had received site plan approval several years ago. The approval calls for the construction in two phases. Phase one was for the construction of the first floor of the yeshiva building, phase two was for the construction of the second story of same. The resolution also provided that the existing home on the front of the lot could remain in place for the caretaker to reside in until such time as the applicant commences construction on phase two. In June 2015, the applicant appeared before this Board and made a request that construction on phase two and the second floor of the yeshiva building be permitted to commence even though the house in front had not yet been demolished. This Board granted the request on the condition that they reappear before this Board as soon as possible for an amended site plan approval for construction of the dormitory in place of the existing house and stating that a CO would not be issued for phase two until an amended site plan approval was obtained. This is a fully conforming amended application for the dormitory. A rendering of the existing house was entered as exhibit A-1 and the proposed dormitory as exhibit A-2. The first floor of the school has been constructed and a CO has been issued. A building permit was recently obtained for the second story and construction is underway.

Mr. Vogt stated that if the Board acts favorably, the comments in the review letter that have been addressed as a part of the prior approval, they would work with the applicant during compliance.

Mr. Charles Surmonte, P.E. was sworn in. He stated that the circulation for the site is not proposed to change. It is a clockwise circulation coming in on the east side driveway and existing on the west side driveway. The drop off area will also remain as it is now. The only change is the proposed building will be larger than the existing building but it does still comply with all setback and coverage requirements.

Mr. Rennert asked if there would be a rented hall.

Mrs. Weinstein said no. There was a question as to whether or not there would be a sprinkler system, she said there would be.

Mr. Flancbaum said there is a comment that after phase two, the total number of classrooms and offices shall not exceed eight.

Mrs. Weinstein said there are no new parking needs generated by the dormitory. The boys are not allowed to have cars.

Mr. Follman asked how many boys will attend the school.

Mrs. Weinstein said there are 90 boys in the school. There will be 20 boys living in the dormitory. The dormitory is only for the post high school aged boys.

Mr. Follman said they are providing eight parking spaces which is the requirement. Now that they are adding a dormitory, the parking is not adequate.

Mr. Franklin asked if they could add more parking in the rear.

Mr. Surmonte said they could add two more spaces adjacent to the entrance.

Mrs. Weinstein said the dormitory is not creating any additional need for parking.

Mr. Follman said the parking requirements in the UDO are not accurate and they must be changed. Neighborhoods are being damaged due to the lack of parking.

Mr. Banas suggested that this be held off.

Mrs. Weinstein said this application is fully conforming. They are willing to provide two more parking spaces which would exceed ordinance requirements.

Mr. Follman said he understands. The Board needs to reach out to the Township Committee to look into this further.

Mr. Banas opened to the public.

Mr. Israel Dreyfuss was sworn in. He is fine with the dormitory being built but he wants to make sure the boys are supervised. The boys currently play baseball, listen to music late at night.

Mr. Follman asked about existing buffer conditions.

Mr. Dreyfuss said there is a six foot fence which is insufficient to limit the noise. He said it is fine as long as the boys are well supervised.

Mr. Jackson said noise ordinances are tricky. The Planning Board can put conditions in the resolution about limiting hours for offices/retail but it is tough in a case like this where it is speaking or listening to music.

Mr. Flancbaum asked if they can limit the use of the ballfield.

Mr. Jackson said they could put a condition that the field cannot be used after a certain time. He does not see how that would ever get enforced. The Board could require additional buffering to the site in order to minimize the noise.

Mr. Dreyfuss would like an eight foot fence installed.

Mrs. Weinstein said the applicant installed the six foot fence. The reason they did not install the eight foot fence is because they would have had to take down all the trees. They had met with Rabbi Dreyfuss before the meeting and the applicant has agreed to provide an eight foot fence which would be on his property so that it does not necessitate cutting down any trees.

Mr. Dreyfuss said he had added a lattice to the fence and it should not be a problem putting up an eight foot fence.

Mrs. Weinstein said the applicant agrees to take down the six foot fence and provide an eight foot fence along his property line only.

Mr. Banas said this would not help in terms of noise control.

Mr. Flancbaum said this would help privacy wise.

Mrs. Weinstein said she does not believe the extra two feet is worth the cost of tearing down the existing fence and installing a new one but the applicant is willing to do it along his property line.

Mr. Vogt asked if it would be a vinyl fence.

Mrs. Weinstein said yes.

Mr. Rennert said there is a basketball court and swimming pool on the neighboring property.

Mrs. Weinstein said that is correct. They have spoken to that neighbor and they are fine. The applicant will make sure that there are no windows to see into that swimming pool from the upstairs of the dormitory.

Mrs. Morris asked which lot is owned by the Rabbi.

Mrs. Weinstein said it is lot 199 which is directly behind this property.

Mr. Banas closed to the public.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**9. SP 2137 Masoras Avos**  
Congress Street Block                      536, Lot 10 & 17  
Preliminary & Final Major Site Plan for an addition to an existing school

A review letter prepared by Remington, Vernick & Vena Engineers dated August 27, 2015 was entered as an exhibit.

Mr. Vogt stated that waivers are requested for topography, contours, man-made features within 200 feet, plans and profiles, locations, names and widths of all existing and proposed streets, environmental impact statement, tree protection management plan, landscaping plan, soil erosion and sediment control plan. The site feature waivers can be supported provided at least a partial topographic survey is provided for the areas of improvement, utility layouts, locations, names and widths of all adjoining streets shall be provided prior to public hearing or at least testimony shall be provided. An environmental impact statement can be waived if the applicant's professionals address freshwater wetlands. The applicant would agree to any landscaping, lighting recommendations.

Variations are requested for minimum front and side yard setback as well as relief from the buffer requirements as well as the width of nonresidential driveways exceeding 30 ft.

Mrs. Miriam Weinstein, Esq. said the variances are existing. They are prepared to provide testimony at the next meeting and comply with everything in the engineer's report. They will be removing a garage that is currently attached to the building as well as a house on the corner of Congress Street and Route 88. There are currently two schools on this site which will remain. An addition will be added to the school facing Congress Street.

A motion was made by Mr. Rennert, seconded by Mr. Follman to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**10. SP 2138 Flea Market Developers, LLC**  
Route 70 Block 1077, Lot 22 & 23  
Preliminary & Final Major Site Plan for a mixed use development

A review letter prepared by Remington, Vernick & Vena Engineers dated August 18, 2015 was entered as an exhibit.

Mr. Vogt stated that several bulk variances are requested including minimum distance between buildings, minimum area of recreational facilities and a parking variance is required for the community center.

Mr. Brian Flannery, P.E, P.P. said a conditional use ordinance was passed by the Township Committee specifically relating to this property where a mixed used development is proposed. Relief will be addressed at the public hearing.

Mr. Banas stated there is only one entrance for this project.

Mr. Flannery said yes. Once they receive Planning Board approval, they would need CAFRA and DOT approvals. The entrance is designed so as they could get their DOT approval and the facilities are designed so they can get their CAFRA approval.

Mr. Banas asked about traffic flow.

Mr. Flannery said that is why the boulevard is there. The boulevard allows the traffic to flow in freely and filter off in each direction. It complies with all the traffic engineering standards.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the October 27, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

**11. SP 2060B Toms River Torah Center**  
Seminole Drive Block 2, Lot 38  
Preliminary and Final Major Site Plan for an addition to the existing school

A review letter prepared by Remington, Vernick & Vena Engineers dated August 27, 2015 was entered as an exhibit.

Mr. Gasiorowski, Esq. stated he has never attended a plan review meeting before but it is his understanding that the Board can grant an applicant to be heard as a plan review item and public hearing. He asked when the Board would make that decision.

The Board will only hear this as a tech item tonight.

Mr. Jackson said he has been approached by members of the public. One person would like to speak tonight on behalf of the people who are in opposition to this. He was informed that this is a plan review matter and that public comment is not accepted and as a general rule, if someone wants to speak on behalf of a group of people, that requires a law license. The Board would certainly hear from all of the objectors at the public hearing.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft, environmental impact statement, tree protection management plan and design calculations showing proposed drainage facilities. The waivers are supported with the understanding that if approved, the applicant will comply with the tree protection ordinance. Design calculations under drainage is listed as a waiver but there are drainage facilities on the plans and they would be reviewed during compliance.

Submission waivers were approved as supported by the Board Engineer and Planner.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman  
Abstain: Mr. Rennert

Mr. Follman suggested that one person speak so the Board can get an idea of what the objections are.

Mrs. Weinstein said the objecting attorney, Mr. Gasiorowski, has left and it would not be fair to him.

Mr. Vogt stated there is a pre-existing front yard setback and a proposed rear yard setback. Perimeter landscape buffer relief is necessary, a design waiver from providing a shade tree and utility easement and a partial design waiver is required from providing curb along the entire property frontage.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the October 27, 2015 meeting.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman  
Abstain: Mr. Rennert

## **6. CORRESPONDENCE**

### **• SP 1922 – Block 430, Lot 9.01, River Ave – expansion of gravel parking area**

Mrs. Morris stated the applicant is still working out details with the neighbors. Mr. Liston is representing the neighbors and had asked this be carried until the October 13, 2015 meeting.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to carry this item to the October 13, 2015 meeting.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

### **• SD 1607 – Block 548, Lot 170.49 / 170.66, Cedarbridge Avenue – pursuance of resolution compliance for approved site plan**

Mr. Brian Flannery, P.E., P.P. said they received approval for housing in the back and a 10,000 sf commercial building in the front. They were back several months ago to subdivide the open, undeveloped piece and put housing. At that time, they were granted a variance for the less than 2 acre lot. Since then, there have been minor tweaks to the building and parking but it is practically the same 10,000 sf building and 50 parking spaces

but before they proceeded further, they wanted to put it on the record so no one comes out and says it looks a little bit different. One of the commercial buildings is already under construction. This is the other retail building which they had no tenant for. The building now has a tenant and they would like to tweak it a bit.

Mr. Vogt said this is a conceptual change at this point.

Mr. Flannery said yes but they wanted to go forward with resolution compliance. The review letter submitted stated that the Board should consider voiding the site plan approval as part of it. When they came to the public hearing, no one said that. It would be silly to do that as everything is practically the same. The building is just a little different.

Mr. Follman asked if the change creates any new variances.

Mr. Flannery said no.

A motion was made by Mr. Flancbaum, seconded by Mr. Rennert to approve the change.  
Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert

## **7. PUBLIC PORTION**

Mr. Follman recommended that the Board write a letter to the Township Committee that the parking requirements in the UDO is not acceptable.

Mr. Banas said that is just the start of it. There is a lot more that needs to be done and it is something that the Planning Board is authorized to do.

Mr. Follman is also concerned about the trailer permits.

Mrs. Morris believes a permit is good for two years and then they can get an unlimited number of one year extensions.

Mr. Follman said that is not fair to the neighborhoods.

Mr. Rennert said most new single family houses have two basement apartments.

Mrs. Morris said there are no provisions for permitting or allowing it. None of them would be legal.

Mr. Rennert said they are not legal but the Board requires four parking spaces because they are assuming there is one basement apartment. The Board should add standard language in the resolution stating that only one basement apartment shall be permitted.

Mrs. Morris said you may not be able to legally restrict the number, only the legally permitted amount. If they do change the ordinance in the future, and two basement apartments are then permitted then you would be restricting them from what they are legally allowed to do.

Mr. Jackson said when an applicant comes in and asks for variances, the Board has a lot of powers. One of those powers is imposing a deed restriction and that would be enforceable by anybody. The deed restriction could only be lifted by the court.

Mr. Follman said a developer recently built four or five houses on McKinley Avenue and now the Township is repaving that street. He wants to know how his bond was released without the requirement of him paving that street and why the Township is now paving the road.

Mr. Vogt said they are currently in year one of potentially three years. The list of roads were provided to the Township by the Public Works Department.

Mr. Follman said something is not right here because it is a new development.

Mr. Vogt said they could look into it further. If they find there are roads that should or shouldn't be on there they could certainly address it.

Mr. Rennert asked what the Board can do about the two basement apartments.

Mr. Vogt said it is not permitted.

Mr. Rennert said before he joined the Board, basement apartments were not legal and people were still putting in basement apartments. Therefore, the Board always required more parking. Now it is going a step further where one basement is permitted but they are putting in two basements.

Mr. Franklin said that would be a building department/code enforcement issue.

Mr. Banas is concerned about the safety concerns of this. If there were a fire, they wouldn't be able to get out.

Mr. Franklin said they would need larger windows.

**8. APPROVAL OF MINUTES**

**9. APPROVAL OF BILLS**

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth, Planning Board Recording Secretary