

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Franklin, Mr. Sabel, Mr. Herzl, Mr. Rennert, Mr. Isaacson, 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. SD 2144 Chaim Abadi

213 Miller Road & 11 Shady Lane Drive Block 12.01, Lots 7 & 11
Extension of Minor Subdivision to create three lots

A motion was made and seconded to approve the resolution.

2. SD 2321 Yosef Lipschitz

875 Park Avenue Block 230, Lot 1
Minor Subdivision to create four lots

A motion was made and seconded to approve the resolution.

3. SP 2263 Kiddie Care NJ LLC

944 East County Line Road Block 208, Lot 9
Preliminary and Final Major Site Plan for a daycare

A motion was made and seconded to approve the resolution.

4. SP 2279AA Yitzchak Goldman

86 Pawnee Road Block 2.07, Lot 3
Change of Use/Site Plan Exemption to convert a house to a synagogue

A motion was made and seconded to approve the resolution.

Per Correspondence

- **SD 2208 Prospect Street Holdings, LLC** – correction to existing approval termed “major” subdivision where approved lots only constitute a “minor” subdivision

A motion was made and seconded to approve the resolution.

- **SP 2134 3G Corporation** – adjustment to property boundary lines as required by Ocean County

A motion was made and seconded to approve the resolution.

5. ORDINANCES & CORRESPONDENCE

- **SP 2205 New Jersey American Water Company** – removal and replacement of existing building under previously approved site plan for water treatment structures

Ms. Morris said the applicant would like to take down the existing building and replace it with a new one. Their letter details the height increase which she believes is only a few inches.

‘The applicant, New Jersey American Water (NJAW), proposes to construct a single story 70 ft wide x 71 ft long x 25 ft high accessory structure in place of the existing 67 ft wide x by 69 ft long x 18 ft high accessory structure at their Sunset Road Water Treatment Plant. The proposed structure will be utilized for vehicle and equipment storage, including up to four (4) utility vehicles and miscellaneous equipment (i.e. water buffaloes, water compressor, snowplow). The project will result in no change in use of the site nor will this project result in the need for variance approval. The proposed facility will be used for storage only. Vehicle maintenance is not proposed. Increased traffic resulting from this project will be de minimus. Approximately one additional vehicle will be entering and exiting the site 1-2 times per day as a result of this project.’

Mr. Vogt said looking at the plans, it appears to be a de minimis change.

Mr. Jackson said from a use standpoint, they are going to change it a little and instead of it being equipment they are going to park vehicles in there. The board has to decide if that is a significant change.

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

- **R2018-188** – Ordinance Amending and Supplementing Chapter XVIII Article VIII Design Standards Section 815.1.1 Definitions and Section 815.1.9

Mr. Jackson said when there is a residential project with stormwater management, they changed the definition of a residential development as a residential area or subdivision created by a developer where there is a homeowners association. Associated with that there are provisions for repairs for stormwater management. This ordinance provides that there be a one-time fee and any unit created would have to be assessed a fee.

Ms. Morris said they do already collect the one-time fee for any units not to be maintained by a homeowners association. It seems this ordinance is increasing that fee.

Mr. Vogt said it looks like the per unit fees are going up.

Mr. Jackson said the way he is reading this, there is a one time-fee to that owner but when a new certificate of occupancy is issued, it gets charged again.

Ms. Morris pulled up the current code and it does not have definitions for residential community or residential development so she assumes somewhere in the ordinance there is reference to those terms and how they apply to stormwater fees and those definitions are absent from this section. So they are simply adding those definitions as well as increasing the fees and causing them to apply to every issuance of a CO.

Mr. Franklin said the Township started doing this because there is a lot of on-site drainage that you cannot get to without tearing the lawns and vegetation and it costs a fortune to go back and redo it. He hopes the Township is not taking over on-site drainage on projects which were approved years ago.

Mr. Vogt said this is the same ordinance in place already except the definitions are being added and the fees are being increased for the systems the Township accepts.

Mr. Franklin said DPW never sees that money.

Ms. Morris believes that finance is working to put these fees into a specific fund to be used. There was an ordinance that came to this board within the last year defining what those funds could be used for.

A motion was made and seconded recommending the Township Committee adopt the ordinance.

Affirmative: Mr. Sabel, Mr. Herzl, Mr. Rennert, Mr. Isaacson, Mr. Meyer

No: Mr. Franklin

• **SP 2226 Bnos Devorah** – request to add a pool to the previously approved site plan

Ms. Morris said this request would not create any new variances or changing the use of the site. The applicant sent notices to the neighbors out of an abundance of caution.

Mr. Jackson said in his view, a request for a pool associated with a school is almost always something that requires a site plan approval. He thinks it is a pretty substantial element to add to a site plan for a school. If the board agrees, then this should be the last one approved in this manner and then the next time a school wants to add a pool to their site then they would file an amended site plan.

Mr. Vogt said from what he remembers, the pool will be located in the rear of the property. If the board acts favorably, the applicant still has to make application to the engineering and zoning offices so it is going to get reviewed.

Mr. Franklin asked if the kids will be swimming at night and if so, will there be lights.

Mr. Isaacson questioned if there will be a fence with a gate.

Mr. Abe Auerbach was sworn. He confirmed there is going to be an 8 ft high fence around the pool for privacy and security. Lights are not planned at this time and even if there were, they will be focused only on the pool. There will be no spillover onto any other adjacent property.

Mr. Isaacson asked what is to the left of this property.

Mr. Auerbach said it is a school. There is no residential properties adjacent to them.

Mr. Meyer asked if they are adding an entrance on Madeline Avenue.

Mr. Auerbach said none is proposed.

Mr. Jackson said the lighting is one example why there should be an amended site plan showing all of these things. He thinks this type of application is very difficult to hear under correspondence.

Mr. Auerbach agreed there would be no lights and if they decide they want lights, they would come back as an amended site plan.

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

Mr. Herzl agrees that these types of requests should come in as an amended site plan. He understands the school is anxious to open so the board will make an exception.

Mr. Jackson asked if the pool would be strictly used as an accessory use for the school.

Mr. Auerbach said the pool is for the students. It is not meant to be used for the public. They may have the occasional adult use the pool but it is meant to be used for the students of the school.

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

• **SD 2007 Times Square Holdings, LLC** – reduction in approved number of lots as per NJDEP requirements

Mr. Jackson said the applicant applied to the NJDEP and they told him to decrease the number of lots. His initial impulse was that the geometry of the lots are different, the layout is different and it may have an impact on the neighbors. Mr. Pfeffer wrote him a letter explaining that it is a less intense use, it is still a residential subdivision and this change is a result of an outside agency approval. He believed that it was not a material change.

Mr. Brian Flannery, P.E., P.P. was sworn. He displayed the approved and amended maps to the board and explained that if you look at the project from Route 9, it is going to look the same. The change would result in a loss of 8 units. If you're on the cul-de-sac, there would be 3 houses.

Mr. Pfeffer confirmed no new variances are being created.

Mr. Flannery said it is simply two pieces being taken out of the middle of the project.

Mr. Herzl opened to the public.

Mr. Klein was sworn. He doesn't see any marked crosswalks on the plan.
Mr. Flannery said they would be added.

Mr. Klein thought they had to be 200 ft from Route 9.

Mr. Flannery said this was submitted prior to that ordinance.

Ms. Morris confirmed as she had looked into it.

Mr. Pfeffer would argue that in the resolution, it states that any changes would result in the applicant having to come back before the board and their position is they are coming back, not under as an amended application, but as the original application where an outside agency is asking for changes.

Mr. Isaacson asked what the proposed setback is to Route 9.

Mr. Flannery said 108 ft from the center of Route 9 which is still well outside of the desired typical section.

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

6. PUBLIC HEARING

- 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

A review letter prepared by Remington & Vernick Engineers dated April 9, 2018 was entered as an exhibit.

Mr. Rennert stepped down.

Ms. Morris said this is a continuation from the February 6th meeting. The board had concerns about circulation and questioned the use of the neighboring paper street. The Lakewood Industrial Commission did not yet provide a written recommendation for this application. She did speak with Ms. Doyle and she indicated there was a recommendation that if the applicant is required to pave that paper street to provide access, that the board request that they provide curb and sidewalk and the underground utilities which would go underneath the roadway before it is improved as well as a sufficient turnaround be it a cul-de-sac, hammerhead etc.

Mr. Herzl questioned if the board should hear this application before getting an official recommendation from the LIC.

Mr. Jackson said that is the discretion of the board. They may want to make it a condition or they can wait.

Mr. Herzl asked if the LIC's recommendations overrides the board's.

Mr. Jackson is uncertain. He doesn't know if they have any authority to restrict or enforce certain things.

Ms. Morris would think their recommendations are for the board's consideration except in cases where they are requesting a setback variance that requires the approval of the LIC. The LIC just wanted the board to be aware of their objection to the vacation of the road which she also understands the Committee has already denied but in the event it is being paved, they want it paved properly with utilities, curb, sidewalk and a turnaround.

Mr. Vogt believes the board had already acted on submission waivers.

Ms. Morris said that is correct, however, the plans have been revised since the last public hearing so there may be some other concerns to address.

Mr. Vogt doesn't believe their recommendations have changed relative to the submission waivers. He asked if there are any new waivers or variances.

Ms. Miriam Weinstein, Esq. said no.

Mr. Grunberger arrived.

Mr. Jackson said the board could treat the LIC as an outside agency approval and make it a condition of approval.

Ms. Weinstein thinks the LIC has a right to impose their recommendations but she doesn't think that is any reason why the board can't hear this application.

Mr. Jackson will reach out to the LIC and research it further.

Ms. Weinstein questioned if this property is even under the LIC's jurisdiction as it is not in the Industrial Park.

Ms. Morris said that is a good question. They generally send all applications in the M-1 zone to the LIC by default.

Mr. Herzl questioned which board members can sit on this application as it is a continuation.

Ms. Morris said there are only three members from the previous meeting present.

Mr. Jackson said they can hear the case but they cannot vote on it. The members who have not heard the earlier testimony would have to go back and listen to the tape, certify they listened to the tape and then reconvene. Alternatively, the board can hear the application from scratch and the applicant would have to meet all of their proofs from the beginning.

The board agreed to hear the application from scratch.

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 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 needed 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 also supported 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.

Ms. Morris said it is her understanding that the right-of-way vacation was denied by the Committee.

Mr. Vogt said variances are required for minimum lot area, width, minimum front yard setback and maximum building coverage. A design waiver is required from improving Wakefield Avenue, providing street trees and shade tree/utility easements along the project frontage, from meeting the buffering requirements in Section 18-803E and for the size of the proposed parallel parking spaces. The applicant has indicated that sidewalks would be provided along the James Street frontage but it is recommended that the sidewalk be extended to the property lines.

Ms. Miriam Weinstein, Esq. said the applicant is seeking site plan approval to construct a 44,250 sf warehouse with associated offices. In accordance with the recommendations in the board engineer's letter, the applicant made a

request for a right-of-way vacation for a portion of Wakefield Avenue. She pointed out to the board that Wakefield Avenue has already been vacated past this property so this piece of Wakefield Avenue really leads nowhere and doesn't affect anyone else. Nonetheless, a response was received from Thomas Henshaw, Township Manager denying the request as an adjacent property owner was opposed to the vacation. Either way, their testimony will show that this portion of Wakefield Avenue is not necessary for this application.

Ms. Zografos arrived.

Mr. Steven Cattani, P.E. was sworn. He explained which portion of Wakefield Avenue was vacated.

Mr. Herzl asked what is on the other side of Wakefield Avenue.

Mr. Cattani said it is an industrial building.

Mr. Isaacson asked if that is the objecting neighbor.

Ms. Weinstein said no, the objector is Rabbi Spiegel who has a school nearby.

Mr. Cattani believes it is the property to the south. They are proposing to access James Street on the western portion of the property through a driveway up on the western side of the building to a rear loading area located on the south side of the building. They are proposing a full 24 ft wide driveway with trailer parking along the side of the building and a small accessible parking lot in front of the building with additional parking along the eastern side of the building. Per previous discussion concerning circulation for tractor trailers, they will be providing a 130 ft depth from the rear curb line to the building façade which is the industry standard for full loading dock access and parking tractor trailers.

Mr. Herzl asked what size tractor trailers.

Mr. Cattani said they vary anywhere from a 28 ft box to a 53 ft box.

Mr. Herzl asked what size would fit on the site.

Mr. Cattani said a full sized 53 ft box would fit. The loading area they are providing associated with the rear of this building is identical to the 100 or so stalls on the neighbor's property.

Mr. Herzl asked how the trucks would turn around.

Mr. Cattani said the trucks would come in, pull up to the rear of the building and essentially do a very large K turn.

Ms. Morris said board members had questions about the turning template and the size of the truck designed for that K turn procedure. She believes when they had tried to research standard semi-truck sizes that the model used was smaller than you may be seeing on this site.

Mr. Cattani said that is the typical tractor trailer that would come to this site. A larger full sized tractor trailer, which is not anticipated, is going to have to take more care in the movements they make.

Mr. Jackson asked him to explain the length of the tractor trailer used for the template and how large they go up to.

Mr. Cattani said the largest permitted on-road vehicle in New Jersey is 62 ft long which is a 53 ft box and 9 ft of cab to the front of the vehicle.

Mr. Jackson asked what was used for the template.

Mr. Cattani said they used a WB-50 which is a 50 ft tractor trailer because they believe that will be the primary vehicle used.

Mr. Jackson asked why he thinks that.

Mr. Cattani said due to the anticipated use and what the applicant has indicated.

Mr. Isaacson said he was in the warehouse/shipping business for years and there are always tractor trailers coming in at 62 ft even when he anticipated 28 ft box trucks.

Mr. Jackson asked what kind of shipments are expected and why that type of material would be more prone to coming on a 50 ft truck versus a 62 ft truck.

Mr. Cattani said the applicant would have to testify as to the tenants they were speaking with and what they are anticipating. Based on what they see here, whether it is an electrical supply company or a plumbing supply company, they see a predominant reduction of tractor trailer sizes with the state of the industry, people are going to smaller vehicles to save money in their shipping costs. Whether a 50 ft or a 62 ft truck comes to the site, the 62 ft will work on the site as the 130 ft is the standard for the WB-62.

Mr. Herzl asked if all of the parking spaces were being used in the back, would there still be sufficient room for a 62 ft truck to turnaround.

Mr. Cattani confirmed.

Mr. Vogt believes if the board acts favorably, the applicant would provide a revised circulation plan during compliance which will demonstrate the 62 ft truck movements.

Mr. Jackson said the warehouse is 45,000 sf and takes up a large portion of the site. He questioned if they chopped off 10 ft or so, if that would give adequate room for trucks to circulate. He argued that the inability of having full circulation for a 62 ft truck is a consequence of having a building that is too large for the site.

Mr. Cattani said they are representing to the board that based on the dimensions of the building provided that the circulation works. If it doesn't work then they would clearly have to come back before the board.

Mr. Jackson said if a 62 ft truck comes in then it would have to make a series of movements and turns to navigate. Mr. Cattani said under any circumstance, yes.

Ms. Weinstein asked if this is typical of warehouse buildings of this nature that a 62 ft tractor trailer would have to make a K turn in order to maneuver to get itself out.

Mr. Cattani confirmed.

Mr. Herzl said James Street is a single lane and they cannot have trucks parking and blocking traffic.

Mr. Cattani said there will be no trucks queuing or parking on James Street.

Ms. Weinstein asked if it is his testimony that a 62 ft tractor trailer can pull out of any of those loading docks the way it is currently designed.

Mr. Cattani confirmed.

Mr. Herzl asked if any parking variances are being requested.

Mr. Cattani said no. Lot area and width variances are requested as a result of the existing lot being undersized. As a result of not getting the vacation of Wakefield Avenue, they are not able to pick up any additional lot area or width. A minimum front yard setback variance from Wakefield Avenue is also being requested. It is currently a vacant area and there won't be any future building so there will not be any detriment to the public. Lastly, a maximum building coverage variance of 44.6% is requested whereas 40% is permitted.

Mr. Jackson asked what the dimensions of the building would be if that variance was eliminated.

Mr. Cattani said it would be about 15 ft shorter.

Mr. Jackson asked what the positive criteria is for requesting that variance.

Mr. Cattani doesn't believe the public would be negatively served by the building as it is a typical building. They believe there is a strong demand and need for warehouses in the area and based on that need and the additional ratable the large building would provide is a benefit. They do not believe that additional percentage changes the impact, the appearance or affect on this community. There will be private trash pickup on the site, the HVAC units will be on the building and would be screened appropriately.

Mr. Herzl asked if there are any other comments the applicant cannot agree to.

Mr. Cattani said there is currently no signage proposed. Any signage that would come in for future tenants would be submitted under a separate application and would conform to the ordinance as required.

Mr. Herzl asked if the maximum building coverage variance were eliminated, would the circulation be the same or would it make it easier for the trucks to turnaround.

Mr. Cattani said it would be the same.

Mr. Jackson questioned how an additional 15 ft of space would not help trucks circulate better.

Mr. Cattani agreed it would provide additional space.

Mr. Jackson said it would make it a lot easier to maneuver the trucks with that extra space.

Mr. Franklin thinks the proposed circulation plan works.

Mr. Isaacson asked if the space is being rented out.

Ms. Weinstein confirmed, they are unsure who the tenants will be at this time.

Mr. Meyer questioned why they can't propose a one lane driveway around the entire building.

Ms. Weinstein argued that the proposed circulation works.

Mr. Cattani said they are in an era now where they are trying to reduce stormwater runoff and impacts on the environment. They don't want to add additional impervious coverage when they know the current circulation works.

Mr. Herzl feels it dangerous having these trucks backing up.

Mr. Vogt said the applicant's engineer testified that he feels the circulation is satisfactory for a 62 ft truck. It is recommended that is proved during compliance and if not, they would come back to the board.

Mr. Jackson said it is also the applicant's property and if they have issues it is going to be their problem. This isn't out in an intersection.

Mr. Herzl just wants to ensure that no trucks will be sitting on James Street.

Mr. Meyer said if they create a circle around the building then the trucks have a place to sit and wait and cars can still go in and out.

Ms. Weinstein said it would be the applicant's problem. The applicant understands and met with his professional to discuss the design. The design will work and they are comfortable that it will work.

Mr. Herzl opened to the public.

Mr. Klein was sworn. He had spoken with the LIC and they had indicated there is a subcommittee that decides these matters. He questioned who was on the that subcommittee and he was told there were two including Mr. Flancbaum who is also a Planning Board member and he makes decisions without public input or a vote from the LIC.

Mr. Jackson is unaware of any kind of authority the LIC has by way of deed restriction or an internal regulatory power that they may have.

Mr. Klein asked if he could look into whether it is a conflict that Mr. Flancbaum sits on both the LIC and PB. He argued that streets need to be improved and it shouldn't be an argument if Public Works has to maintain the roads. He understands it would be a great expense on the applicant to improve the street but the board recently conditioned a school on Cross Street to improve a street. He argued streets are not only to help circulate traffic but also to provide additional on-street parking. He questioned why the engineer's report doesn't recommend sidewalks along James Street.

Mr. Vogt said the letter does recommend sidewalk on James Street. As a matter of fact, they have sidewalks shown except for a few small areas and their recommendation was to install sidewalks along those areas as well.

Mr. Klein said the LIC should recommend this street have sidewalks as it is in an industrial section of town.

Mr. Herzl closed to the public.

Mr. Meyer asked if there is access to the offices from the rear of the building.

Mr. Cattani confirmed. Most of the parking in the rear will be employee parking and there will be three doors for access. There will be large striped areas so they don't have to walk between trailers.

Mr. Meyer asked if there is sidewalk along the right side of the building.

Mr. Cattani said no, just the paved driveway.

Mr. Jackson questioned why the architectural plans say conceptual. He asked if these are the plans the application is based upon.

Ms. Weinstein said yes.

A motion was made and seconded to approve the application.

All were in favor.

2. 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

Mr. John Doyle, Esq. asked that the application be carried to the May 22, 2018 in order to address any concerns the neighbors may have.

A motion was made and seconded to carry the application to the May 22, 2018 meeting.

All were in favor.

3. 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

A review letter prepared by Remington & Vernick Engineers dated March 26, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for an environmental impact statement and architectural floor plans/elevations. The EIS can be supported since some of the existing properties are developed and a tree protection management plan has been submitted. The applicant's engineers indicates the site would be developed with custom homes and no plans are available at this time. A generic 1,800 sf footprint has been shown on each lot demonstrating that the lots can be developed.

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

Mr. Vogt said bulk relief would be required for the proposed cul-de-sac and for minimum lot area and width. Ms. Miriam Weinstein Esq. said this a revised subdivision approval. The applicant had recently been before the board with a concept plan. The original approval proposed three lots and a cul-de-sac to be created off of Hope Chapel Road upon which single family homes would be constructed. At the time the approval was granted, it was suggested that the applicant acquire the adjacent property along Hope Chapel Road because the cul-de-sac was very narrow and after nearly two years, the applicant was successful in acquiring the adjacent lot. They are here now with a revised application to create five residential lots along what is a greatly improved cul-de-sac and the cul-de-sac would actually be the sixth lot. There are variances requested but she believes once the board hears testimony, they will agree it is a greatly improved plan. There were neighbors who have had some concerns with

the plan and they have come to an agreement with those neighbors which she would read onto the record after testimony is given.

Mr. Glenn Lines, P.E., P.P. was sworn. As indicated, this application was previously approved for three lots. They have since revised the plans and now propose a more traditional cul-de-sac design with a 30 ft wide road width and a 42 ft diameter cul-de-sac which meets RSIS standards. Originally, they proposed three lots with an average of 10,654 sf which were in keeping with other lots in the area. This is an R-12 zone and it was originally zoned that way because there are minimal sewers in the area. Most of the 12,000 sf lots in the area are on septic. They would provide sewer to these lots so the area you would normally need for a septic system is not needed. The new plan proposed average lot sizes of 10,607 sf.

Mr. Herzl prefers this plan as it provides an RSIS compliant cul-de-sac.

Mr. Lines said they had identified the rear of lots 8.03, 8.04 and 8.05 to be the southerly eastern property line abutting adjacent lot 14. The engineer's letter indicates that the outsides of lots 8.03 and 8.05 should also be rears. They had been to the zoning officer recently on another subdivision where they had this type of issue and she indicated that a lot has one front, one rear and everything else is a side.

Mr. Vogt said that input was on a similar application but not this application.

Mr. Lines said that is correct.

Mr. Vogt said if this gets approved, plot plans and building applications would be submitted to the building department and zoning officer so if the zoning officer disagrees at that time, they would be stuck.

Ms. Weinstein said the neighbor who lives on lot 14 would like it in the resolution that what's backing up to him is a rear yard setback because he doesn't want someone putting 10 ft there saying it's a side.

Mr. Vogt said they want it in the resolution which is going to require a more conservative setback.

Ms. Weinstein confirmed, she wants to clarify that they were would be 20 ft setbacks on the southeast side of the property for lots 8.03, 8.04 and 8.05.

Mr. Meyer stepped down.

Mr. Jackson said there must be a 20 ft setback on the rear portion of lot 14. A deed restriction may be required because if the applicant is agreeing to a setback as a condition of the subdivision then now is the time for the neighbors to speak because the only way to make it permanent is to make it a deed restriction as someone could come back and get a variance.

Ms. Miriam Weinstein said the applicant has no issue with a deed restriction.

Mr. Isaacson questioned the side yard setbacks to lots 35, 36 and 37.

Mr. Lines said it is a 10 ft setback from lot 35 and a 15 ft setback to lots 36 and 37.

Ms. Weinstein said in order to get a normal building envelope on the front lots, they will have to be 10 ft setbacks.

Mr. Jackson asked that the applicant provide a proposed neighborhood schematic deed restriction that will have cross covenants indicating the setbacks.

Ms. Weinstein said that is not an issue as the road is private and there will be a homeowners association so they can put it right in the declaration for the HOA.

Mr. Jackson said it would reference that it is a condition of the subdivision approval as well as it going in the master deed that these setbacks are enforceable.

Mr. Lines said lot width variances are being requested. They are providing adequate lot area and setbacks on those lots. As the plan shows, they can fit 1,800 sf homes on these lots so he believes the benefits of granting those variances outweigh any detriments. The benefits for granting the variances for the lot areas is they would provide five new homes on sewer which is better than having three homes on septic.

Mr. Herzl asked if sidewalks are being provided.

Mr. Lines confirmed.

Mr. Herzl asked how many parking spaces are proposed.

Mr. Lines said they shown four but there is room for more, if necessary. It would be based on the number of bedrooms but there will be a minimum of four spaces.

Mr. Herzl asked if there will be private trash pickup.

Mr. Lines said no, it would be public.

Ms. Weinstein said the cul-de-sac is RSIS compliant.

Mr. Herzl questioned where kids will stand waiting for the bus as the bus will not go into the cul-de-sac.

Mr. Lines said it is no different than any of the streets on the other side of the street, Country Club, St. Catherine, Avis etc. All of the kids come out to Hope Chapel Road.

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

Mr. Lines said any of the other issues in the letter they can go over with the engineer. There were some questions about the way they allocated road widening and sidewalk easements as he feels what was provided is RSIS compliant.

Ms. Weinstein read onto record:

The parties agreed with the neighbors as follows: Along the rear of the property, we will put 20 evergreens that are 12- 15 feet in height. We will put a 6 ft vinyl fence in the rear of the property abutting lots 14 and 15. On lot 8.05, on the side facing Mendlowitz, any windows in the attic facing the pool will be blocked with trees. Any other attic windows will be frosted. Applicant will add onto an already existing fence on the side of the tennis court provided that Applicant gets approval from the Township without having to go to the zoning board. In addition, the Applicant agreed to deed restrict lots 8.03, 8.04 and 8.05 such that the rear yard setback abutting Lots 14 and 15.

Mr. Jackson said some of these issues become problematic with what the future homeowners might do. For example, if you put a condition that the windows on the second floor would be frosted, what do you do when someone changes that in the future. It could be a deed restriction but he doesn't know if the board wants to reach

that far. It could be something that the board is satisfied with if it starts out that way but apparently one of the neighbors is concerned with the location and whether somebody would be able to peer into their backyards. The applicant has agreed but the question is how to make it so it would last.

Ms. Weinstein believes the neighbor would be happy if it is in the resolution as the home would be built that way.

Mr. Herzl questioned the zoning comment concerning the cul-de-sac not being RSIS compliant.

Mr. Lines said they are providing accommodation of basically a private right-of-way with a 45 ft cul-de-sac bulb and in addition to that, they are providing an easement on the outside of that for sidewalks, shade trees and utilities. The comment is pointing out that they are 3 ft short of the 48 ft that RSIS requires. The original plan approved by the board also only had a 45 ft radius right-of-way.

Mr. Franklin said the applicant should check with Public Works as the radius is only 45 ft.

Mr. Lines said they would get approval from Public Works and if not, they would agree to private collection.

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.

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

A review letter prepared by Remington & Vernick Engineers dated March 26, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for proof of submission to Ocean County Planning Board which is supported as the project is not on a County road and proposes less than one acre of impervious area. Also waivers from providing topography and contours within 200 ft are supported since more than enough information has been provided for the design and lastly a waiver is requested from providing an environmental impact statement. That waiver is also supported as there are no known environmental constraints per NJDEP GIS mapping.

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

Mr. Vogt said relief is required from providing a 20 ft wide perimeter buffer to the adjoining residential properties, relief may be required for proposing a parking area closer than 5 ft to a side residential property line. If the applicant considers angling the parking, they may be able to increase the buffer width. A setback variance is required for the proposed site identification sign.

Ms. Miriam Weinstein, Esq. said this plan is to construct a new synagogue on Pawnee Road. This synagogue has been located in an existing home for about 15 years. The Pawnee neighborhood is an isolated neighborhood, cut off by Pine Park to the east and County Line Road to the north. There are about 90 homes in this isolated neighborhood and the need for a large state of the art synagogue has been growing. She indicated that many people present are in favor of this application. This application is for a 1,662 sf sanctuary with a Simcha hall and an apartment for the caretaker. The application calls for relocating the existing 2,000 sf house to the rear of the shul building and installing the mikva in the basement of the house. The home will then house the caretaker for the

mikva. They are providing 29 parking spaces whereas 23 spaces were required under the old ordinance at the time this application was submitted.

Mr. Brian Flannery, P.E., P.P. was sworn. Buffer relief is being requested, this is an existing residential lot that is being converted with existing fences on both sides. The neighbors are welcome to come and speak but he believes it meets the intent of the buffer requirements by having the fences along the property line.

Mr. Herzl asked if there are any shrubs or bushes.

Mr. Flannery said it is an existing vegetative lot and they would leave as much as they can. Relief is also required for proposing a parking area closer than 5 ft to the property line. The engineer's report indicates they could angle the parking so they could get a little more space but they would lose parking spaces. It is their opinion that parking is more important than the buffer. A setback variance is requested for the proposed sign. If they went back to the required 15 ft then they would lose a parking space which they don't want. The report indicates the applicant should go back to DPW but they had received a report from DPW on January 9th and the substance of the plan really hasn't changed and it is his testimony that the refuse location works.

Mr. Vogt said it would be made a condition of approval that DPW approval is verified.

Mr. Flannery agreed and referenced sections in the Master Plan and MLUL to justify the variances requested. One of the comments concerned installing landscaping to shield the adjacent properties but they do have existing fencing and they feel it is appropriate. The recommendation from the Shade Tree Commission concerning the height of the plants, they feel is not needed but they would defer to whatever the board requires.

Ms. Weinstein said they are asking for relief from items 16b and 16c under review comments in the engineer's report.

Mr. Flannery said those items are referring to the Shade Tree Commission letter.

Mr. Herzl questioned the existing fencing.

Mr. Flannery said one is a 6 ft high stockade and the other is a 6 ft high white vinyl.

Mr. Grunberger believes 29 spaces isn't sufficient.

Mr. Flannery said it exceeds ordinance requirements and it is more than other shuls in existence.

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.

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

A review letter prepared by Remington & Vernick Engineers dated April 2, 2018 was entered as an exhibit.

Mr. Vogt said a variance is required for minimum lot width. It is unclear whether the existing metal sheds will be removed. If the sheds are to remain, minimum rear yard accessory building setback variances will be required. They

believe the existing driveway for proposed lot 1.01 will be expanded to eliminate the need for off-street parking relief. The plans have been revised to eliminate the need for a rear yard setback variance.

Ms. Miriam Weinstein, Esq. said the applicant is seeking subdivision approval to create two lots. The applicant is proposing to retain the existing single family home on one lot and construct a new single family home on the other lot.

Mr. Brian Flannery, P.E., P.P. said this is a 25,000 sf lot in the R-10 but due to the environmental constraints, they have to get creative as they wanted to save the existing home. As indicated in the report, a variance is required for lot width if you measured it at the required 30 ft setback, they don't have 75 ft but the setback proposed is more than 75 ft, half the width of the property, and at that point they have well more than the required lot width.

Mr. Herzl asked if this was approved by the NJDEP.

Mr. Flannery said not yet. It is an outside agency approval which would be required.

Ms. Zografos said there was a similar application last year where she referred to it as a defacto flag lot due to the wetlands and it actually had more frontage on an unimproved paper street and to her, this application is no different.

Mr. Jackson said a lot of times, a flag lot is surrounded by everybody but this is unique because it adjoins the railroad right-of-way and wetlands.

Ms. Morris said this came up at the plan review meeting and they were all in agreement it was not a flag lot. She thinks the access strip is typically much narrower.

Mr. Jackson said one of the ails that comes from having a flag lot is that you're putting a house behind another house and then it is surrounded by houses on either side as well but this doesn't have that because it is along the railroad tracks.

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

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.

6. SD 2324 Mordechai Finkelstein
138 & 142 North Oakland Street Block 189, Lots 136 & 186
Minor Subdivision to create five lots

Ms. Morris said the applicant's professionals provided legal notice in the paper but forgot to mail them to the neighbors. They are requesting to be carried to the May 8, 2018 meeting.

- 7. APPROVAL OF MINUTES**
- 8. APPROVAL OF BILLS**
- 9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary