

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. Stern, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SD 2394 30 Congress Street Lakewood, LLC**
30 & 34 Congress Street Block 248.03, Lots 56 & 57
Minor Subdivision to realign lot lines

A motion was made and seconded to approve the resolution.

- 2. SP 2323 AEB 2, LLC**
235, 241, 247 River Avenue Block 768, Lots 33, 34.02, & 36
Preliminary and Final Major Site Plan for an office building

A motion was made and seconded to approve the resolution.

- 3. SD 2380 Thomas Rosenberg**
Highgrove Crescent & 403 Ridge Ave Block 223, Lots 83.06 & 90
Minor Subdivision to realign lot lines

A motion was made and seconded to approve the resolution.

- 4. SD 2063 Eli Schwab**
Joe Parker Road Block 189.16, Lot 157
Extension of Minor Subdivision to create three lots

A motion was made and seconded to approve the resolution.

5. CORRESPONDENCE

1. **SD 2055 32 Cross, LLC** – changes to approved landscaping plan

Mr. Vogt said the applicant is requesting to substitute some originally proposed evergreen buffer landscaping and install only a solid 6 ft high privacy fence.

Mr. Jackson believes that is a significant change and that this should not be considered under correspondence.

The board was in agreement.

6. PUBLIC HEARING

1. **SD 2395 Bais Reuven Kamenetz of Lakewood Inc**
Ridge Avenue Block 190.04, Lot 8.01
Preliminary and Final Major Subdivision to create 16 lots
2. **SP 2325 Bais Reuven Kamenetz of Lakewood Inc**
Ridge Avenue Block 190.04, Lot 8.01
Preliminary and Final Major Site Plan for a school

Review letters prepared by Remington & Vernick Engineers dated July 25, 2019 were entered as exhibits.

Mr. Vogt said submission waivers are required for topography, contours and man-made features within 200 ft, an environmental impact statement and architectural drawings of the proposed structures. The B-Site waivers are supported as there is enough information provided for design, the submission of an EIS is supported as long as the site contains no environmental constraints and it is their understanding that custom homes will be proposed to justify the waiver from providing architectural drawings.

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

Mr. Vogt said variance relief is requested for lot width.

Ms. Miriam Weinstein, Esq. said this application is to subdivide the existing tract into 16 new lots to front on a new cul-de-sac which is to be known as Farmers Way. The site plan application is for a boys elementary school which would be on one of the newly created lots. The remaining 15 lots would be developed with single family homes. This property is within the R-12 zone where the minimum required lot width is 90 ft and the applicant proposes varying lot widths that range from 75.04 ft to 83.82 ft, therefore, they are requested a variance for lot width. Those are the only variances being requested in connection with this application.

Mr. Raitzik arrived.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the layout and dimension plan, A-2 is an architectural rendering of the school proposed, A-3 is a copy of the tax map showing where the property is located. As indicated, they are asking for lot width variances on some of the residential lots. Part of the reasoning is to make narrower, deeper lots so the impact on the adjoining existing residential lots would be minimized. The applicant did meet with the neighbors to get their input and to produce a plan they felt would appease the neighbors. There were six conditions which were agreed upon: a fence would be proposed along the easterly property line near

Gefen Drive so there would be a buffer in both directions, there would be landscaping along said fence in the same direction, Ridge Avenue would be widened. Ridge is a County road, so the County is going to require them to widen the road anyway. They would request widening as well as a center turn lane and if the County approves, would be a benefit to the whole area including this project. The neighbors requested that the bulb of the cul-de-sac, which is RSIS compliant, be increased by 3 ft to the extent that the sidewalks would be on the lots so there would be an easement required for the sidewalks. The sidewalks along Ridge Avenue would be 6 ft wide instead of 4 ft which would be consistent with some of the existing sidewalk.

Mr. Herzl asked if any new variances are being created as a result of these conditions.

Mr. Flannery said no. These conditions are something the applicant agrees to if the board and the County are in favor of them.

Mr. Herzl believes increasing the size of the bulb makes it easier for the buses to turnaround.

Mr. Flannery said buses can turnaround in RSIS complaint cul-de-sacs as well but in Lakewood people park along the cul-de-sac, so buses have difficulty turning around. His feeling is if you make the bulb 3 ft wider than more people will park along there and the buses will still have trouble turning around but the applicant is happy to agree to this condition.

Mr. Herzl asked why the neighbors would request a wider cul-de-sac.

Mr. Flannery did not speak to the neighbors, but he believes they do not want buses stopping on Ridge Avenue but to stop in the cul-de-sac. Lot width variances are being requested and vary from 75.04 ft to 83.82 ft whereas 90 ft is required. These are simple C-2 variances were the benefits have to outweigh any detriments and it is his professional testimony that there is no detriment to this. The only people that would be able to perceive that the lots are a little narrower are the people moving into this cul-de-sac and the benefit is those houses are further away from the existing homes and all of the lots are on 12,000 sf, consistent with the R-12 zone.

Mr. Sabel arrived.

Mr. Flannery said a homeowners association is not proposed. It is indicated on the engineers review that a buffer variance would be required from the 20 ft wide buffer. His testimony is that it is really not a variance as the language of the ordinance states if you leave a 20 ft buffer then you do not have to provide a fence or landscaping. They are providing the fence and landscaping so it is his testimony they are compliant with the intent of the ordinance but if the board engineer feels they need a variance then they would request it out of an abundance of caution. The applicant has met with the neighbor to the west who is impacted by that and that neighbor feels the fence and landscaping proposed is appropriate. Off-street parking is not permitted within 5 ft of the adjoining lot and they would be requesting that variance as there are a couple of spaces within 5 ft. The applicant proposed 10 spaces more than required so they could conceivably eliminate those spaces and comply with the ordinance, but the additional parking spaces are certainly a greater benefit. The review letter indicates the parking spaces along the Ridge Avenue frontage conflict with the shade tree and utility easement, but it is his testimony that there is no restriction on drives or parking in a shade tree or utility easement. They feel it is appropriate for the school and provides visibility for the school. The comment was that it could be shifted back but they would rather leave it as is.

Mr. Vogt believes he heard testimony that there would not be an HOA which would mean the ownership and maintenance of the road as well as the drainage under the road would be Township.

Mr. Flannery confirmed.

Mr. Vogt said if the board acts favorably on the subdivision, he recommends that it be conditioned upon DPW approval of the road design with the larger cul-de-sac as well as the underground stormwater within Farmers Drive. Looking at the site plan, there is underground drainage as part of the proposed lot. He assumes that would be privately owned and maintained.

Mr. Flannery said correct, by the school.

Mr. Vogt said then they agree to meet the requirements of NJAC 7:8 relative to a maintenance plan.

Mr. Herzl would like to finish the subdivision application before moving on to the site plan.

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

Mr. Herzl opened to the public for the subdivision application.

Ms. Weinstein wanted to point out that there are many parents whose children attend the school present in support of this application.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the subdivision.

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

Abstain: Mr. Sabel

Mr. Herzl said they would move on to the site plan application.

Mr. Vogt said submission waivers are requested for topography, contours, and man-made features within 200 ft as well as an environmental impact statement. The waivers are supported as indicated.

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

Mr. Vogt said relief is required for a buffer variance. They do recognize that evergreen buffer and fencing are identified remedies, but it is recommended the board act upon the variance. An off-street parking setback variance is also required.

Mr. Flannery said they would request relief from the buffer as well as an off-street parking setback variance. The report indicates 73 off-street parking spaces are requested whereas they would provide 83. The trash would be picked up by DPW, the HVAC would be roof mounted or screened, the sprinkler systems would be provided as required by building code. The applicant agrees to any reasonable recommendations by the Shade Tree Commission. Mr. Flannery referenced sections in the Master Plan and MLUL to justify the variances requested for the site plan application.

Mr. Herzl asked about bus circulation.

Mr. Flannery said the bus drop-off is right in front of the school and there is sufficient capacity to accommodate the buses needed. The traffic report indicates there would be a maximum of 8 buses, arrival and dismissal times would be staggered.

Mr. Herzl said the traffic report indicates it would be a level of service 'F'.

Mr. Flannery said that is an existing situation, but they would be improving Ridge Avenue which would help the situation.

Mr. Herzl asked if the County would be widening the entirety of Ridge Avenue.

Mr. Flannery said they are only proposing to widen across their frontage. The traffic engineer has had conversations with the County engineer concerning improvements to Ridge Avenue if the board would like to hear his testimony.

Mr. Herzl thinks it would be dangerous if they are only widening a small portion.

Mr. Flannery said that is why they propose transitions which would be reviewed by both the traffic engineer and the County engineer.

Mr. Raitzik asked if parking was provided for the proposed Simcha hall in the basement.

Ms. Weinstein said the Simcha hall in the basement would be used for smaller type Simchas, it would not be a wedding hall. It would be used during times of the day when the school is not in use.

Mr. Flannery said parking required for a shul with a Simcha hall would be .75 per square foot but that requirement does not apply to schools. As Miriam indicated, the use would be minimal, and it does not have a parking requirement.

Mr. Sabel asked how many parking spaces would be required if it were a catering/banquet hall.

Mr. Flannery said it would go by seating, some of the uses in the Industrial Park go by 1 per 400 sf which would be similar to the .75 per 100 sf.

Ms. Morris said there is not a parking calculation for a standalone banquet hall to her knowledge.

Mr. Sabel asked how many spaces would be required if it were a restaurant.

Mr. Flannery said restaurants are typically 1 per every 50 sf of seating area. In other towns for a banquet hall, they would have 1 space per every 5 or 6 seats.

Mr. Scott Kennel, traffic expert, was sworn. If they used recommended standards which is typically 1 space per 3 seats, they could accommodate 240 seats or approximately 240 people with 83 spaces.

Mr. Herzl asked how many people could occupy this building if it were a banquet hall.

Mr. Kennel said approximately 225 seats.

Mr. Raitzik asked what would happen if 150 cars need to park there for a vort (engagement party). It happens everywhere in Lakewood and Ridge Avenue is extremely dangerous.

Ms. Weinstein said typically not all of the guests show up at the same time as it lasts for several hours. To clarify, this is not a wedding hall. Bar mitzvahs typically do not have more than the 225 people who can fit in the hall and they are not all coming in separate cars.

Mr. Raitzik asked how many of the spaces are handicapped.

Mr. Kennel said 4 spaces.

Ms. Weinstein said the parking lot would be comparable to the parking lot at Tiferes Bais Yaakov which is a typical bar mitzvah type of hall and you typically do not find cars parked along Oak Street. This hall is also going to be smaller than Tiferes Bais Yaakov.

Mr. Kennel said based on conversations with Ocean County Engineering, their intent is to have Ridge Avenue from Brook to New Hampshire, a 3-lane cross section so there would be 1 lane in each direction with a center left turn lane. The improvements proposed along their frontage, which is a 25 ft half section widening would accommodate the project.

Mr. Herzl asked if a traffic signal is being proposed at the Ridge and Brook intersection.

Mr. Kennel said it is his understanding that it does not meet the warrants for a traffic light. A lot of the issues he has observed has to do with sight distance and based on his investigation, there has already been a large tree removed from that intersection which was limiting sight distance looking to the east from Brook Road. In his opinion, there should be additional trees removed and there is also parking on the west side of the intersection in front the shul that should be pulled back. The County is aware of improvements necessary there and have been in communications with the Township. He cannot convey what the timeframe would be, but they are aware of it and propose a 3-lane cross section at Brook Road as well as across the site frontage.

Mr. Herzl asked where he observed a level of service 'F'.

Mr. Kennel said at Brook Road, the southbound approach and it is based on 2029 traffic volumes. The location would have to be monitored. Traffic lights are just not installed at any time as they have to meet certain traffic volume thresholds. Those thresholds are not achieved today but when you add growth over time, it may meet those warrants established by the NJDOT and the Federal Highway Administrative.

Mr. Herzl asked if buses would all be onsite.

Mr. Kennel said it is a situation where the start time would be staggered starting from 7:30 to 7:45 am through to 9 am as well as staggered afternoon dismissals. If the first bus is on the westerly side, they can accommodate 6 buses there and it is projected they would have 8 buses servicing the site. Given the fact that they would be staggered, it is his opinion the site has been designed to accommodate the anticipated demand.

Mr. Rennert questioned what is behind the school building.

Mr. Kennel believes it would be a play area.

Mr. Rennert asked if they could use that as parking for evening events.

Mr. Kennel said it may be difficult to get vehicles back there the way the site is laid out.

Mr. Stern asked if parking is allowed on Ridge Avenue.

Mr. Kennel said just west of the site, it is a cross section that would not accommodate parking, but they can request when they go to the County to prohibit parking along their frontage. As part of the County's improvements of the 3-

lane cross section, the shoulder width would only be 3 to 5 ft which would not enable people to park, so the County's plan is to prohibit parking along Ridge Avenue.

Mr. Stern understands but this is not in the middle of nowhere. All of these homes are probably going to have basements so there would most likely be parking on the street.

Ms. Weinstein said there will be 4 spaces per unit which would accommodate the basements as well.

Mr. Stern is concerned that if there is not enough parking then people may park in the school lot.

Mr. Sabel pointed out there is a lunch room proposed as well.

Ms. Weinstein said there is parking on Farmers Drive and there would be 4 spaces per unit. She believes there would be ample space to park on Farmers Drive.

Mr. Flannery said if the concern is that 4 spaces is not sufficient, the applicant would agree to have at least 5 spaces for the units closest to the school. His experience has been that if there are 4 spaces per unit, there is enough room in the driveways but they would agree to put in an extra space so there is plenty of room to park in the driveway.

Mr. Herzl said Ridge and Brook is a dangerous corner and he does not want anyone parking along there.

Mr. Flannery said even if they went by restaurant requirements, which is the highest parking standard, that would be 86 spaces and they are providing 83.

Mr. Herzl said the approval should be conditioned that there be no Simchas during school hours.

Ms. Weinstein agreed.

Mr. Sabel said the police department would not enforce that.

Ms. Weinstein said the last dismissal is 4:45 pm and they do not anticipate having parties before that time.

Mr. Sabel said the lunchroom could also potentially be used as a Simcha which is another 2,500 sf.

Ms. Weinstein said a lunchroom is a lunchroom.

Mr. Sabel said there are lunchrooms in Lakewood that are used for Simchas. He believes it should be restricted.

Mr. Herzl opened to the public.

Mr. Avrohom Litmanowitz was sworn. He teaches at this school which his children also attend. The school has been in existence for many years and the building they are renting has extremely limited space. He asked that the board grant approval.

Mr. Isaac Markowitz was sworn. He has no objection to a school on Ridge Avenue, but he feels it should be done correctly and safely. He is concerned as the Brook/Ridge intersection is very dangerous. He understands a tree was removed to help sight distance but there are still accidents there. There is another school being built right across the street on Ridge as well as dormitories on the corner of Brook and Ridge, so this is not the only school being proposed on Ridge. He asked that the entirety of Ridge be widened as well as additional parking be provided even if

it means eliminating one or two homes in the development. He implored the board to make sure this is done right and is safe for everyone.

Mr. Daniel Fayazi was sworn. His children have attended this school for many years. He expressed his concerns as to the limited size of the school's facilities. He asked the board to approve the application.

Mr. Yitzchok Rosengarten was sworn. His children attend the school as well. It is a unique school as there is much devotion by the teachers. He asked that the board approve the application as the school is very cramped.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He understands schools are needed in Lakewood, but it must be done properly. He asked what the board can do to make this a safer application.

Mr. Avrohom Schubert, 18 Gefen Drive, was sworn. He is a neighbor and they have had meetings with the school who share a mutual interest of making sure Ridge Avenue gets widened with a turning lane. He wants to ensure that this board and the County do everything possible to ensure that happens.

Mr. Yossi Straus was sworn. He said this school has not had a proper facility for a number of years, the reason being the parents come from low income families. They have finally found property where the school is able to afford and build as they cannot sustain itself without a Simcha hall in the basement as it will be a much-needed source of income.

Mr. Joseph Korfeld, 7 Gefen Drive, was sworn. He questioned where cars would be parking when it is a carpool day and there is no busing. He said there is not ample parking for Tiferes Bais Yaakov as there are cars parked along Oak every night.

Mr. Herzl closed to the public.

Ms. Weinstein said this school has not had the means to provide a proper facility and there is no developer here. She believes she heard testimony that there is a developer but that is not the case. This is a school and the only way the school can afford to embark on this project is by subdividing and selling these lots.

Mr. Stern asked if there is any way to shift one of the lots, even if it means granting more variances, to allow them to have the same number of lots but at the same time increase parking for the school.

Mr. Flannery said the applicant could make some revisions in order to get some on-street parking. Everyone has been saying this should be done the right way and not cut corners, but the right way is what the governing body decides. This applicant could eliminate 5 parking spaces and it would be a by-right application, but this applicant is trying to work with the board.

Mr. Herzl said it is a dangerous area and there is no on-street parking there.

Mr. Flannery does not remember the last school application he was involved in where the neighbors did not say it was a dangerous place and it was going to cause traffic problems.

Mr. Sabel thinks this is the worst intersection in Lakewood.

Mr. Flannery said the ordinance does not have a parking requirement for Simcha halls in a school, so they are complying with the ordinance. What they are indicating is they would adjust parking on the easterly side of the building where they could pick up 5 or 6 additional spaces. The board should make a recommendation to the governing body to increase parking and the applicant has the right to rely on the ordinance.

Mr. Sabel said adding 5 or 6 spaces is not going to help the situation. There are going to be two Simchas at one time, one in the lunchroom and one in the Simcha hall and it is going to be a mess. There is a lot of extra land where they can add additional parking, either the playground in the back or eliminate a home.

Mr. Flannery said right now they are talking about the school on a lot which was created by a subdivision that was just approved. The applicant has indicated that if the board wants to tweak the lots already approved, the applicant is willing to listen.

Mr. Jackson pointed out that is an interrogatory decision and the board has not adopted a resolution on the subdivision. The board can rescind that approval if it required modifying the lots to allow for more parking.

Mr. Sabel is asking for at least 40 to 50 more parking spaces.

Mr. Jackson said the whole concept that the applicant needs to develop the property in order for the school to have sufficient funds are really not appropriate land use considerations. He is not saying the board should not consider it at all, but it should not weight heavily.

Mr. Flannery said the applicant did not present that as their argument as to why it was done.

Ms. Weinstein believes that was brought up by members of the public. She reminded the board that this is a virtually conforming application.

Mr. Sabel said not for two Simcha halls.

Ms. Weinstein said there are not two Simcha halls. The lunchroom will not be used as Simcha hall and the board can condition the approval upon that. The resolution can indicate that the lunchroom would be restricted, and it cannot be rented out to be used as a Simcha hall.

Mr. Sabel said that would be one of the solutions, but they need to find more parking. Sometimes there is not enough room to work with but they have that here and the applicant should utilize it properly.

Mr. Stern asked if there is a way to achieve the same number of lots by shifting lot 8.17 down.

Mr. Flannery is unsure; they would have to look into it.

Mr. Sabel asked if they can pave the play area and add access in order for cars to access the rear.

Mr. Flannery does not believe so.

Mr. Sabel asked if they can eliminate the pool and move the playground to the west side.

Mr. Flannery said the applicant is willing to shrink the hall to 4,000 sf in order to get 20 additional spaces for overflow parking.

Mr. Vogt said if you shrunk the widths of lots 8.15 through 8.17, there may be enough of an aisle width to extend access to where the dumpsters are shown in the back.

Mr. Herzl would rather grant the additional variance in order to have more parking.

Mr. Raitzik thinks the 4 ft fence around the pool should be higher.

Mr. Flannery said they would provide an 8 ft fence.

Mr. Sabel does not see any access from the street frontages to the school.

Mr. Flannery agreed to provide that as well.

Mr. Herzl asked that the applicant work with the County to petition them to widen the entirety of Ridge and to add a turning lane.

A motion was made and seconded to approve the application.

All were in favor.

3. SP 2134A 3G Corporation

605 East County Line Road Block 172.01, Lot 1

Amended Preliminary and Final Major Site Plan for an additional retail building

A review letter prepared by Remington & Vernick Engineers dated June 6, 2019 was entered as an exhibit.

Mr. Isaacson arrived.

Mr. Vogt said submission waivers have been requested for topography, contours and man-made features within 200 ft, plans/profiles of proposed utility layouts, an environmental impact statement and a tree protection management plan. The B-Site waivers are supported since a recent survey for the site and surrounding topography has been submitted and used for the base map which is updated to current conditions, they recommend that profiles of proposed storm drainage be required as a condition of approval, the submission waiver from providing an EIS was granted with the previous application since the site is already developed. A tree protection management plan may be waived for completeness purposes only.

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

Mr. Vogt said testimony shall be provided as to the types of retail stores proposed to confirm they are permitted uses in this zone, parking relief may be necessary and a minimum setback variance for the site identification sign is required.

Mr. John Doyle, Esq. said they were before this board three years ago to add 6,000 sf, they then went to the County and as a result they have changed the square footage which is now 5,600 as a result of the County changes. They would need a parking variance for two additional spaces which were granted at the last meeting. They believe this is a safer circulation and better access plan. The sign was approved in 2016 and it has not changed.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 shows the existing building, behind is the proposed 5,600 sf addition. Exhibit A-2 displays the same existing building showing the 6,056 sf addition which was already approved, exhibit A-3 is an architectural rendering of the proposed building and A-4 is an aerial view showing the existing site as well as the proposed building in the back.

Mr. Herzl asked what the changes between the two plans are.

Mr. Flannery said instead of the building wrapping around and making difficult spaces, it is going in the back and providing them access between the two of them so they each have safe, easy access for deliveries in the back. The traffic change which was made on the easterly side was changed to one-way after talks with the County. What

happens now is people coming on Squankum who do not want to go up to the light, they pull into this parking lot and come out the easterly entrance and make a left. He visited the site and witnessed probably 10 vehicles within 5 minutes so this would eliminate that. The entrance to the left, closest to the intersection will be right in/right out only and in discussions with the County, the easterly entrance would have a left turn access so that people that want to go that way do not go out the back and to the light.

Mr. Herzl believes that is how it was proposed for the last approval.

Mr. Flannery said yes, and they widened it to accommodate the turning movements.

Mr. Herzl said other than the configurations of the building, there have been no other changes.

Mr. Flannery said correct. They do not know what types of uses would be in the building at this point, but they would be similar and conforming. They are not asking for permission for any non-conforming uses. The plan proposes 92 spaces whereas 100 are required. Scott Kennel would discuss the standards and reasonings that if these were stand alone uses, but these are the types of uses with shared parking and there are offsets for when the parking is needed. The sign variance is being requested but it was part of the previous approval and it occurred as the County keeps taking more property in order to increase the size of the intersection. He referenced sections in the Master Plan and MLUL to justify the variances requested. A shade tree and utility easement waiver is requested along the frontage, signage would be provided as requested in the review letter and there will be private pick up for trash.

Mr. Herzl asked if he agrees with all of the comments in the engineer's review letter.

Mr. Flannery confirmed.

Mr. Raitzik said Wawa only takes deliveries from 18-wheelers and he has seen them get stuck there.

Mr. Flannery said the Wawa has been there for a long time and the 18-wheeler parks on the side which is indicated on the circulation plan and that would continue.

Mr. Scott Kennel, traffic expert, was sworn. The changes include County Line Road on the easterly access where they wanted a two-lane egress. The other positive change is they would have a direct connection into the signalized intersection. This does not require any modifications to the signal equipment, the only modifications exist on the site driveway. They are also creating a loading alley between the two buildings in order to eliminate deliveries in the parking areas.

Mr. Herzl asked if he feels that this plan is safer than the previously approved application.

Mr. Kennel said yes, they have been working with the County for three years and this is what they finally produced.

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

Mr. Sabel asked if they can add sidewalk around the existing building and connect it to the back building, at least on the east side.

Mr. Flannery said yes, they would review it with the board engineer.

It is Mr. Kennel's opinion that it is more important on the easterly side especially with the parking right there.

Mr. Sabel asked if bollards could be provided. *Discussion ensued away from the microphones.* He also requested that medical use be restricted, and a speedbump be provided.

A motion was made and seconded to approve the application.

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

No: Mr. Raitzik

4. SD 2118A Yehoshua Frenkel

River Avenue & Blueberry Court Block 534, Lots 7.02-7.04
Amended Major Subdivision to consolidate three lots

5. SP 2299 Yehoshua Frenkel

River Avenue & Blueberry Court Block 534, Lots 7.02-7.04
Preliminary and Final Major Site Plan for a commercial building

Review letters prepared by Remington & Vernick Engineers dated July 10, 2019 were entered as exhibits.

Mr. Vogt said a previous subdivision application granted minimum area variances for the commercial lots fronting on Route 9.

Mr. Joe Kociuba, P.E., P.P. was sworn. He said they are consolidating the lots and eliminating a duplex and increasing the lot sizes.

Mr. Herzl said they are increasing the size of the commercial lot.

Ms. Miriam Weinstein, Esq. said they were before this board previously for subdivision approval to create a lot upon which an Auto Zone store was to be constructed. A subdivision had been previously filed for residential with a commercial site on the front parcel, however due to an error, there was a residential lot within the required buffer to Route 9. The board had felt that leaving this lot as essentially an unusable lot would lead to problems in the future as potentially an owner would not want to pay taxes and would leave them with an undersized and virtually unusable lot. So, they are back before the board to consolidate that unusable lot into the commercial lot to create a larger commercial lot which would actually decrease the non-conformity of this already approved commercial lot.

Mr. Kociuba said the new commercial lot would be 34,264 sf whereas 1 acre is required. They are increasing the size of the lot and reducing the non-conformities which is a benefit to the general welfare where the board can grant the variance.

Mr. Herzl asked if they are creating any new variances.

Ms. Weinstein said no, they are lessening the non-conformity.

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

Mr. Vogt said variances for the site plan application include minimum front yard setback, side yard setback and rear yard setback. Testimony shall be provided as to whether sign variance relief is necessary. Design waivers include perimeter buffer relief along the southerly boundary line to adjoining lot 8, the westerly boundary line to adjoining lot 7.05, and to permit a 6 ft high fence adjacent to lot 8 to the south.

Mr. Kociuba said the layout is similar to what was previously approved by the board on the smaller lot. Due to the consolidation and increase in lot size, they are now able to push the site back 7.5 ft off of Route 9, so they now

comply with the 65 ft setback at the centerline as required by ordinance. It also provides for a better buffer in the rear. Previously they were approved for a 10 ft rear yard setback and now after combining the lots, they now propose a 32.5 ft setback.

Mr. Herzl asked if there was a landlocked property on the previous application.

Ms. Weinstein said yes, it could not be used for anything.

Mr. Herzl asked if the variances are all existing.

Mr. Kociuba said yes except for one front yard setback of 45.33 ft whereas 50 ft is required. Ample parking and circulation are provided, and the driveway location is actually further from Route 9 now than the original approval.

Mr. Herzl questioned if there is enough parking if the use was changed, for example, to a supermarket.

Mr. Flannery said the zoning officer looks at the change of use and parking requirements. If it doesn't meet the criteria, then it has to go back to the board.

Mr. Herzl opened to the public.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He asked about the parking configuration for the duplexes.

Mr. Kociuba said the duplexes have their own parking off of Blueberry Court.

Mr. Herzl closed to the public.

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

Mr. Isaacson asked that a condition be placed in the resolution that if the use changes from an Auto Zone store, they would need to come back and show ample parking.

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

6. SD 2386 Joseph Ginsberg

922 & 937 East Co Line & Somerset Ave B 174.11, L 34.03-34.05, 37.01, & 37.02

Minor Subdivision to adjust lot lines and Site Plan Exemption for existing synagogue to remain

A review letter prepared by Remington & Vernick Engineers dated July 15, 2019 was entered as an exhibit.

Mr. Sabel and Mr. Flancbaum left the meeting.

Mr. Vogt said variances appear necessary for minimum rear yard accessory structure setback as well as the buffer requirements for the synagogue and a variance is required for off-street parking. There is an issue with respect to the off-street parking spaces and it is recommended they be reconfigured. Lastly, a design waiver is required from providing street trees and utility easements along the Kennedy Boulevard and County Line Road frontages.

Ms. Miriam Weinstein, Esq. said this is a simple lot realignment application where no new lots are being created as a result of this application. The five lots on the cul-de-sac were created by a subdivision about 15 years ago and

these vacant lots were only recently sold to end users. As a result of the recent sale and the fact that there is an existing shul on lot 37.01, pedestrian access is needed to East Kennedy Boulevard as that is where the congregants come from and to walk on East County Line Road is quite dangerous. The parties got together along with the owner of lot 37.02, which has an existing home, to realign the lot lines on 3 of the lots on Venezia Court as well as the home fronting on East Kennedy Boulevard and the shul on East County Line Road. Being that the shul lot is being changed, a new site plan exemption for the shul lot is also being requested. The only variance relief being sought is setback relief for an existing shed, buffer relief for the shul and relief for parking in the setback. No other variances or new lots are being created as a result of this application.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is the existing improvement plan showing the proposed changes. No one driving down the road would notice the difference as the changes are occurring in the backyard. Exhibit A-2 is a copy of the tax map and exhibit A-3 is the site plan exemption map which shows a path out to East Kennedy as Miriam indicated.

Mr. Herzl asked if any new variances are being created.

Mr. Flannery said no new variances with respect to the shul except that there would be a path in the shul property right-of-way so that the congregants can walk from Kennedy Boulevard through the back.

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

Mr. Flannery said it indicates that a shade tree and utility easement may be required. A site plan exemption is being requested so they are requesting that they do not add these easements. The only one who would have easements on Kennedy Boulevard is the existing house and nothing is changing on that house. Similarly, with street trees, it is an existing lot which was developed in accordance with the ordinance and they do not see a need to go that route. He 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.

7. SP 2320 Cong Kehillas Raintree Inc
1371 & 1373 Alvarado Avenue Block 187, Lots 62 & 63
Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington & Vernick Engineers dated July 17, 2019 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for topography, contours, and man-made features within 200 ft, plans and profiles of proposed utility layouts and an environmental impact statement. The B-Site waivers can be granted provided enough adjoining topography is shown for the design, the plans and profiles shall be submitted as a condition of approval and the EIS waiver may be granted since the properties are already developed and/or disturbed.

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

Mr. Vogt said variances required include minimum front yard setback, maximum building coverage, relief for the number of off-street parking spaces, the 20 ft perimeter buffer and off-street parking is proposed within 5 ft. A design waiver is required from providing street trees along the project frontages.

Ms. Miriam Weinstein, Esq. said this application is to construct a two-story addition to an existing synagogue. The synagogue with the proposed addition will contain a 3,175 sf sanctuary. There will be no Simcha hall but only a room to host Shabbos or a Kiddush.

Mr. Herzl said there will be no outside Simchas.

Ms. Weinstein said correct.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 shows the proposed two-story addition, exhibit A-2 is a copy of the tax map. A front yard setback variance of 30 ft is being requested from Lanes Mill Road which is occurring due to the substantial right-of-way dedication to the County.

Mr. Herzl said that is to the existing building.

Mr. Flannery said yes, the proposed addition is in the rear. A variance for maximum building coverage is requested. A building coverage of 32.11% whereas 25% is the maximum allowed. Off-street parking relief is being requested, 32 spaces are proposed whereas 48 are required per the ordinance. The ordinance as interpreted now is they are over 3,000 sf so it is 1.5 times the number of square feet.

Mr. Herzl said the zoning table indicates 40 spaces are required and they are providing 33.

Mr. Flannery said that was the old calculation. This is an existing congregation and there are not additional people coming. Currently they have 2 spaces and now they would have 32 spaces.

Ms. Weinstein said that is correct. This addition is to accommodate the existing congregation base.

Mr. Flannery said relief is necessary from the 20 ft buffer, but they have provided landscaping and fences. Relief is required as parking is within 5 ft of the property line which was done in order to maximize the parking. He referenced sections in the Master Plan and MLUL to justify the variances requested. He agrees to all of the comments in the engineer's report. They do feel the shade tree and utility easements are not needed but they would do whatever the board engineer requires.

Mr. Herzl asked about trash pickup.

Mr. Flannery said they would need DPW approval, if not, it would be private.

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.

8. SD 2396 Mordechai Eichorn

326 & 332 River Avenue & 12 Birch Street Block 417, Lots 20, 21, & 23
Minor Subdivision to create six lots

A motion was made and seconded to carry this application to the August 6, 2019 meeting.

9. SP 2339AA Khal Bnei Torah

828 Ridge Avenue Block 189, Lot 26

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

A motion was made and seconded to carry this application to the August 6, 2019 meeting.

10. SP 2343 Congregation Torah Utefilah

141 Miller Road Block 12.02, Lots 8 & 18.02

Minor Site Plan for a parking lot addition

A motion was made and seconded to carry this application to the August 6, 2019 meeting.

11. SD 2299 Jonathan Rubin

Ocean Avenue & Pearl Street Block 246, Lots 40, 41, 42.01, & 67

Extension of Minor Subdivision to create seven lots

A motion was made and seconded to carry this application to the August 6, 2019 meeting.

7. APPROVAL OF MINUTES

8. APPROVAL OF BILLS

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary