

**LAKWOOD PLANNING BOARD
MINUTES
JULY 19, 2005 • 6:00 P.M.**

I. CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order at 6:00 P.M. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the Ocean County Observer and the Asbury Park Press and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and a copy of this Agenda has been mailed, faxed or delivered to at least two of the following newspapers: The Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

II. ROLL CALL: Mr. Herzl, Mr. Franklin (arrived late), Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Dolobowsky, Mr. Ackerman (arrived late).

Also present were Attorney Charles Hutchinson, Engineer Maxwell Peters and Planner Martin Truscott.

Mr. Banas asked if there were any changes to the agenda. Mr. Kielt replied that item 7, SD #1487, would be carried to the August 16, 2005 meeting per the request of the attorney. Mr. Hutchinson stated that SD #1487 would be carried to the August 16, 2005 meeting at 6:00 p.m. No further notice was required of the applicant.

Mr. Franklin arrived at the meeting.

III. NEW BUSINESS

Mr. Banas carried the presentation to later in the meeting.

2. SP #1817 (Variance requested)

Applicant: Bais Pinchos

Location: Central Avenue, west of Hillside Boulevard
Block 11 Lot 117

Preliminary & final site plan for proposed temporary trailer, classrooms and permanent school building

Mr. Truscott read Mr. Peters report stated the applicant is seeking preliminary and final site plan approval for the two phase school construction project. The first phase is the installation of a 30 foot by 40 foot temporary trailer. The second phase will consist of the removal of the existing trailer and building and the construction of 9,000 square foot

school/synagogue and associated site improvements. The property is located at 1951 New Central Avenue within the R-15 zone. A variance will be required for the front yard set back where 30 feet is required and 9.32 feet has been provided.

Mr. Peters arrived at the meeting.

Mr. Peters stated in accordance with N.J.A.C. 13:40-7.2(a)1 a signed and sealed copy of the survey depicting the existing conditions shall be submitted. The applicant will be required to obtain all outside agency approvals. The applicant shall provide testimony describing the type of school proposed including the age of the students, the number of students and staff, the number of students and staff driving to school, the anticipated number of vehicles entering and leaving the site per day and the number of buses per day. The applicant shall provide testimony as to how buses will access the site and where students will be dropped off. The applicant shall provide testimony as to how deliveries to the site will be handled. The applicant shall provide testimony providing details on the phasing of the project. Particular attention should be paid to how students attending school in the temporary trailer will be separated from the construction area during Phase II of the project. The applicant has provided for a shade tree easement. The applicant shall submit a legal description of the easement area for review by the Planning Board engineer. The applicant shall provide testimony as to how parking will be handled during phase one of the project. The applicant has added a proposed play area in the rear of the property that will be cleared of trees and paved. The proposed sidewalk leading to the play area apparently will be installed at a 3 to 1 slope. This is too steep. Stairs and a handrail shall be provided in place of the paved 5' wide walk way. The balance of the comments were minor in nature.

Mr. Truscott stated the applicant seeks preliminary and final site plan approval to construct a two story school/synagogue in an R-15 zone. This revised proposal includes a 5,000+ square foot play area of impervious paved cover, to be located toward the rear of the property, in an area of steep slope that is experiencing significant drainage issues. The property is 88,427 square feet in area and is located on New Central Avenue. A variance is needed for the front yard setback of 30 feet where 9.32 feet is proposed. The applicant should provide revised elevations in accordance with our letter of July 1, 2005. Board on board fencing or similar solid fencing would be appropriate on the side. Limitations should be provided to mitigate lighting to the adjoining properties. The applicant should provide details for the proposed trash enclosure. The site plan should show any wetlands or wetland buffers on the property. There is an 18 foot drop in the elevation from the rear of the property to the play area. It does not appear that there is a proposed drainage system. The applicant should investigate this matter.

Mr. Ackerman arrived at the meeting.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they agreed to most of the items and can do. He stated the fire report was an issue. A new fire report was submitted and the fire district no longer has an objection and agree that 12 feet is more than adequate. He read the report dated July 18, 2005 into the record. Mr. Banas stated the letter indicates there were no objections. Mr. Penzer marked the fire report marked as Exhibit A-1. He stated they took the board's concerns very seriously. In

reviewing the engineer's report, the first two items are information. They will provide a survey. They will get outside agency approvals from the Ocean County Planning Board and Soil Erosion and Sediment Control. This is a school for ages 13 to 19. They anticipate 175 students, but to max out they would say 200. The staff is no more than two to three. At this age, they study in study halls. No student is allowed to have a car. Most of the post high schools do not permit students to drive. They will not have a place to park. The only people permitted to drive is the staff. They have more than enough parking for the staff. The number of vehicles leaving and entering the site per day would be the few cars and the buses. These are responsible students. The program is strenuous. It starts at 7:00 a.m. and goes to 9 or 10 at night. The intent and logic is to minimize the traffic. The maximum would be about three buses. The access to the site would be along the side and around which the fire district approved. Delivery would be the same to the site. All of the improvements are going on at the same time. The trailer in the front would be put in the front for a temporary time, not to exceed three years. As soon as the building is complete, the trailer would be removed. They did provide a shade tree easement and the legal description would be provided. The parking is handled in the front and would continue. He talked to the engineer and he agrees that the play area is too steep. A stair and handrail would be provided. The erosion control matting would be provided. A yield sign would be installed and a note on the plans would be added regarding the sanitary. There will be some space in between the building and curbing. The other items were minor in nature and they would be provided. They will put the fire lane lettering and have it one way in and one way out.

Mr. Banas stated on the stairs because of the slope, a diagram would be needed on the plans. Mr. Penzer stated the same would be provided. Mrs. Wise asked where the stairs would be from the end of the parking lot to the play area. Mr. Penzer stated that was the suggestion of the engineer. He stated he was at the site and it is steep. He stated that grading would have to be done. They would have to satisfy the engineer. He felt the steps would be the safest.

Mr. Peters asked about the phasing and that some temporary fencing should be provided to separate the trailer from the construction behind it. Mr. Penzer stated the same would be provided. Mr. Banas asked how long it would be between phase one and phase two. Mr. Penzer thought it was a year but they maximized it at three years.

Mr. Neiman asked about the trash enclosures and if there was enough room. Mr. Franklin stated the township would be collecting the trash. The containers would have to be rolled out to be picked up. Mr. Penzer stated that if they cannot get in they would roll it out. If there was any way to put it in the front and enclose it with bushes and matching facade they would do it.

The Dean of Bais Pinchos was sworn in. He stated there might be an alternative to rolling it out. Mr. Franklin stated that if it was put in the rear on the right side near the property line they could drive in, dump it and pull out. Mr. Penzer stated that they would put it there if it was acceptable to the board. Mr. Franklin stated it was on the right hand side in the rear where the drainage is to the right side on the property line.

Mr. Dolobowsky stated that the retaining wall would have to be extended a little bit. Mr. Penzer stated they would comply with the same. Mr. Dolobowsky stated there is only 12.5 feet from the curb to the building. He asked what would protect the building from trucks and buses. He asked how the buses pulled in and out. Mr. Penzer replied in the front. Mr. Dolobowsky stated there is no room for stacking. Mr. Penzer stated the buses would be pulling in and pulling out. Mr. Dolobowsky stated they may stack when they are waiting to pick them up. Mr. Penzer stated the times would be staggered. Mr. Dolobowsky did not see any buffering between the school and the neighboring property. Mr. Penzer stated they would supply a buffer but they were not sure where to put it because the property was narrow. There is an existing fence and they could put it the entire length. Mr. Banas stated a fence was not a problem. Mr. Penzer stated they were open to suggestions. If there were a way to get buffering in, they would do it. They did discuss it. Mr. Truscott stated some kind of compromise would be needed like a fence and some screening. There is no room for a buffer. Mr. Penzer stated they did not have a problem with providing a board on board fence. Mr. Dolobowsky stated the buses would pull in at night and the headlights would hit the adjoining property. He suggested offering the neighbor some shrubs. Mr. Penzer stated they had no problem doing that. Mr. Franklin stated that if the plantings were on the other side, they would have to be something that did not hang over.

Mr. Penzer stated they supplied the revised elevations. It was a beautiful building.

Mr. Dolobowsky asked how many boys would be in phase one and phase two. Mr. Penzer stated the trailer would be used but as soon as the building is done the trailer would be done. Mr. Dolobowsky asked how many students would be in the trailer. Mr. Penzer stated that 75 students in the trailer would be the maximum. There is room behind the building for them to use as a play area. There is a walk way that leads back there. Mr. Banas felt that they should not walk past construction. Mr. Penzer stated that fencing would be put up along the construction to separate the walk way from the construction. The Dean stated this was discussed at the last meeting and it would be separated. Mr. Dolobowsky stated there was a previous school and that there are recess times when kids are outside alone. He was concerned with that being done here because of the traffic on New Central. The Dean stated that is why the play area is in the rear and there would be coverage of teachers the entire time the students were present. Mr. Penzer stated the play area would be in with the walk way and the fence before construction of the building. It could be a condition of the resolution of approval. Mr. Banas asked about the construction vehicles. The Dean stated there is an area on the left side that would be used for construction and the right side for students and staff.

Mr. Penzer stated the solid fencing would be provided. The lighting would be contained. There are no wetlands within the property. The potential impact of the drainage outlet was a comment they did not see before. They could design an underground recharge to take away the water. The play area would be graded. The stair case would be installed to the play area.

Mr. Peters asked about the conditions with the installation of the play area and path done first and wanted it on the plans first. Mr. Banas stated he was going to suggest that the separation with the fence of the path and construction area, the stairs leading to the play area, and the play area installed and maintained prior to construction need to be approved by the engineer. Mr. Penzer agreed to the same.

Mr. Dolobowsky asked about the underground recharge. Mr. Peters stated that it would be in lieu of what was proposed. He would discuss the same with Mr. Carpenter. Mr. Dolobowsky asked where it would be. Mr. Penzer stated that Mr. Carpenter indicated they could do an underground recharge. Mr. Dolobowsky asked if it could be done under the parking lot. Mr. Peters stated there was one under the parking lot. Mr. Dolobowsky asked if it could be enlarged. Mr. Peters believed it could be enlarged. Mr. Dolobowsky stated either in the parking area or under the play area. Mr. Banas stated the board's engineer would have to approve it when it is designed. Mr. Penzer agreed to the same. He asked if the trailer could go up right away. They would not be doing the construction right away. Mr. Banas stated yes, but the play area was needed at the beginning of the school season. Mr. Peters asked for a more detailed phasing plan. The trailer could be phase one. The play area, stairs, and path could be phase two. The new building would be phase three. Phase one and two would be in conjunction with one another. Mr. Truscott asked about the landscaping on adjoining properties and if it was the east and west sides. Mr. Banas stated they were discussing the west side because the other school was on the east. Mr. Truscott suggested some narrow conifers. Mr. Banas stated they were going to make an offer to the residents on the west.

Mr. Franklin asked about the drainage and if it would go out the side of the hill. Mr. Peters stated he would have to review the details of the wall to determine what would happen.

Joseph Kociuba, associate of Ray Carpenter, P.E., was sworn in. He worked on the plans. The intended construction of the wall is concrete and there is a significant separation between the wall and the recharge system. There should not be a problem. He stated he was not a licensed engineer but he was in the process of obtaining the designation of a licensed engineer. Mr. Hutchinson stated they were offering his testimony as an insight. They were not providing him as a licensed engineer. Mr. Banas did not want anything said that would be considered as a determination by the engineer.

Mr. Dolobowsky asked if it was a concrete wall and if there were significant separation. Mr. Peters stated he would have to contact Mr. Carpenter and review the calculations before making a determination. Mr. Penzer stated they had no problem to satisfy the board's engineer. They would agree to any condition that Mr. Peters was comfortable with.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the application was hereby approved with the conditions that during phase one the left side would be used for construction vehicles, the right side would be used for students to get to the back play area, move the garbage dumpster to the right rear end of the property, to work out the

drainage between the two engineers, stripe the sides of the building as a fire lane to prohibit parking, to work with the neighbor regarding the landscaping and a buffer on the west, and all the other conditions from the reports that were agreed to. Mr. Penzer stated that it should also include the separation between the fence and the trailer and the back of the building, the stairs leading to the play area, and that the play area should not be commenced prior to construction. Mr. Hutchinson also indicated that the play area would be graded and the plans amended. Mr. Neiman stated the trailer would be in place for a maximum of three years. Mr. Hutchinson also stated that there would be three phases as indicated by Mr. Peters and that prior to construction of the building, the play area, walk way and fence would be constructed.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

1. Presentation - by Edwards & Kelsey and NJ Department of Transportation regarding the Route 9 Lakewood/Dover Smart Growth & Mobility Study currently being conducted.

Ray Chesick of the NJDOT, Division of Project Planning Development, was here to discuss the smart growth and mobility study for Route 9. Brian McMann was present with him tonight who was the expert in smart growth. Mr. Chesick stated that studies about Route 9 have been along for a long time. The studies include Route 9 and adjacent areas. Everything would be looked at in the study. There is a seven mile section of Route 9 with a high amount of vehicles. There are multiple problems with it. In the prior studies, there are many alternatives looked at. The dualized section north of the town was studied. By-passes have been looked at as well as left turn lanes. Now they were incorporating a smart growth effort into the study. The Route 9 concept of four lanes has been looked at with environmental agencies. They have to look at all feasible alternatives and documents and prove that they are coming up with the best alternative. There would be four lanes with a smart growth alternative. Traffic congestion is a national problem. There are smart growth alternatives all over the country. More pavement is not necessarily the answer. They should maximize the existing roadway to get the most out of what they have rather than just paving to accommodate. Route 9 is congested but the DOT is focusing on maintaining the existing roadway system and aging bridges. Ninety nine percent of their funds are going towards maintaining the system rather than providing new capacity. Route 9 will see improvements as well as the adjoining roadways. The smart growth plan will hopefully work with the township and residents to come up with alternatives to improve the area. The smart growth efforts are happening all over the state. There are ten other studies in the state that are active which they are having fantastic results with. It is not an immediate fix but the long term will be good results. In doing this, they are continuing with the environmental process that occurred a couple of years ago. They were focusing mainly on smart growth. It is the smart way of developing roadways. He hoped the town would remain a partner and come up with early actions.

Brian McMann stated his firm was consulting with DOT. They were looking at the townships of Dover and Lakewood along the Route 9 corridor as to how might smart growth principals could be applied. The planning board has a unique role in terms of implementing any recommendations that come out of the study in addition to other

parties. DOT intends to remain a partner in the future of Route 9. Right now, DOT has reached the conclusion that Route 9 cannot be widened. It really has to do with that roadways when you provide additional capacity lose the additional capacity within four years. Part of the problem is that you provide the additional capacity and then congestion develops because of more development. This has been a problem that has been reiterated in other areas. NJDOT has taken the position that they have plenty of roads and bridges to maintain with very little funds. This creates a problem. DOT is looking to integrate land use and transportation planning simultaneously. No longer will transportation decisions be based solely on what the perceived traffic needs are of the community. They are focusing on integrating the land use and the transportation decision making as part of the planning process. They want the boards to help balance the traffic in the area. Some practices would have to be applied on a smaller scale to reduce traffic. The study area is not just Route 9. It is a much larger area that would be looked at. It calls for principals such as mixing land use so that people do not need to drive. It provides a choice if people want to walk. It talks about using environmental features or open space to provide recreation so people are not relying on automobiles. It looks at the historic pattern of how the community developed. It also provides choices in terms of lifestyles. It does not mean that every where on the corridor has to have smart growth principals. It does imply that residents would have a choice of living in more of a smaller town style or a more suburban type of development. Land use would no longer be a given. They want to come up with something that would lessen the need to widen Route 9 and provide alternatives as to how people travel over the community. Route 9 would not be the focus. It also means providing adequate capacity rather than providing excess capacity that would generate more development. It also talks about coordinating funding to implement the recommendations. Instead of moving more cars, it is more about moving people and improving the quality of the trip. Improving the roadway network would be looked at. Municipal cooperation would be needed. They were looking for Dover and Lakewood to partner with the County and DOT to reach agreements on things such as land use practices, roadway networks, or circulation networks that would enhance each community rather than just taking one problem from one community and moving it into the other one. Key agencies will be working on the study. Route 9 is not the only place this is being done. There are a number of communities undergoing smart growth studies. There are eight ongoing studies right now. Some of the key elements will be looked at with the planning communities. They will be looking at ways to increase motor choices for people. They will be looking at site design that would promote transit use and walking. They would be looking at areas where it would be conveniently to maintain the existing land use and transportation. This centers on major roads. They would mix land use where appropriate and integrate open space systems. They would provide choices for those who cannot or chose not to drive. NJ Transit is part of the study as is Ocean Ride. They would be looking at site design practices. People are looking at ways to improve the community. Access management is an important matter for success to preserve the capacity on Route 9. Service roadways and shared driveways would be looked at to improve safety and reduce congestion without providing additional lanes along Route 9. The purpose of that is to maintain a through road capacity. Route 9 is a state road. A majority of the trips are for through trips. They would be looking at ways to increase connections and provide alternative traffic routes. They were hoping that the board would encourage people to participate in the public workshops that would be held in the fall. They explain the

purpose of the study and explain what they are trying to accomplish. It would allow people to identify issues. They would be looking at the previous recommendations and how to improve the key intersections in the study area. They would also be looking to identify some short term actions. They will also identify stake holders to assist in the concerns of the study. The schedule is about a year long. They completed everything through the selecting the study advisory group to identify issues. They were preparing to do the stake holder interviews in August and September. They would like to have the public workshops early this fall. There will be other opportunities for public input as the study continues.

Mr. Banas asked about the Monorail that was originally developed within the confines of the state and what about the railroad. Mr. Chesick never heard of the concept. Mr. Banas stated the space between the north and south was to be developed into a monorail. He asked about the train. Mr. Chesick was not sure where the MOM issue stood. Mr. McCann stated the environmental impact study was developed and NJ Transit is reviewing it. They were looking at two stations, one in Lakewood and one in Jackson. They would be reviewing it as part of the study.

Mr. Banas stated the board was ready to help. The streets were getting very congested. He felt it was a money issue.

Mr. Dolobowsky agreed. There is a lot of development and congestion. There are basically no open areas left. The neighborhoods are there but he felt there was a lot of high density development coming down Route 9, Pine Street and some of the other streets. He described some of the issues that occur everyday with regard traffic and the dangerous intersections in the town. He felt the town needed help with regard to traffic. He felt some redesign work needed to be done. They were seeing small in-fill developments. Lakewood just did a huge affordable housing movement where land was given to build lots of affordable housing units. He wanted to see help but he did not think there was much they could do for new developments because there would not be that many big ones.

Mr. McMann understood the situation but there were higher density areas that were doing smart growth studies as well. The principals apply. There are a number of small things they could do to help the situation. Mr. Dolobowsky asked if they spoke with the Township Committee and Mr. McMann replied they did not. Mr. Dolobowsky stated the Committee was ready to appoint a master plan committee. Mr. McMann stated that was their intent. They were also going to present to the Dover Township Committee and the Dover Township Planning Board.

Mr. Banas thanked them and indicating that the planning board was more than willing to help.

Mr. Banas called a brief recess. The meeting was reconvened.

- 3. SP #1819** (Variance requested)
Applicant: Bais Medrash Toras Chesed
Location: corner of Monmouth Avenue and Ninth Street
Block 153 Lot 6

Change of use site plan for proposed school

Mr. Peters stated the applicant is seeking site plan approval for a change of use from a convalescent center to a post secondary Talmudic School. The site is located at Monmouth Avenue and Ninth Street within the RM zone. A variance will be required for minimum front yard setback where 25 feet is required and 16.3 feet to Monmouth Avenue and 8 feet to Ninth Avenue have been provided. Both front yard setbacks are existing conditions. A variance will be required for maximum lot coverage where a maximum of 35% coverage is permitted and the applicant has provided 38.2% coverage. This is an existing condition. The applicant should provide testimony describing the type of school proposed, including the age of the students, the number of students and staff, the number of students and staff driving to school and if the students will be permitted to have cars. The applicant has updated the general notes to show six classrooms and one office requiring a total of 7 off-street parking spaces. Two off-street parking spaces have been shown on the site plan requiring a variance for the number of parking spaces. The plans indicate eight off-street parking spaces have been provided. The location of the parking spaces have been identified on the plans. The board should determine if the proposed offsite and off street parking spaces will be acceptable. The board should determine if a shade tree easement will be required. The applicant has added a trash enclosure with screening in the form of a fence and landscaping. The applicant shall provide depressed curb and a concrete apron from Ninth Street to the asphalt drive in the rear of the building. If the depressed curb and apron are existing, they shall be labeled as such.

Mr. Truscott stated the applicant is seeking site plan variance approval to convert an existing three story building. The site is located in the RM zone where schools and institutions of higher learning are permitted in this zone. Front yard setbacks and lot coverage variances are required. The applicant should address the positive and negative criteria for each of the requested variances. The applicant should describe the operational characteristics of the facility including the proposed number of students to be educated on site, the proposed number of students to reside on-site, the proposed hours of operation, and the services that will occur on site. The applicant should provide a full-sized and scaled floor plans of the proposed renovations for all floors. The applicant should provide testimony as to the number of students to be housed in the building. Any proposed signage should be shown on the site plan. Landscaping should be provided to screen the parking areas and street trees should also be provided. The loading area for food deliveries should be addressed. The sight triangle easement should be filed with the County Clerk. All outside agency approvals must be addressed.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated there is an amended to the plan. There are six classrooms. The basement was bigger than they anticipated. They wanted to give the board the maximum. The school is a high school. The first floor will be a study hall and one classroom. The second and third floors would

be the dormitory. The basement will be the dining room. There are four rooms currently which could be used as classrooms. There are no outside changes planned at all. The amount of students would be 75 students. They would max out at 175 students. High school students do not have cars and they are forbidden to have them. They have six classrooms and showing seven off-street parking. They own the building across the street. The parking requirements are met. The shade tree easement is at the board's discretion. The trash enclosure will be screened and they will provide the depressed \curb and apron to the asphalt drive to the rear of the building. The hours of operation are 7:30 a.m. to 11:00 p.m. This is why they want the students on site. The school is a post high school and at some point will be a high school with services on Saturday. The approval is sought for the first floor but nothing will be done outside. A full scale floor plan was submitted. There would be no changes to the outside. They do not intend to have any signage except on the building. They would provide any landscaping or screen any parking areas. They would be happy to provide whatever the professionals recommended. The food deliveries are in the rear. They would provide a sight triangle easement if required. They would obtain the outside approvals. The building exists and they were doing nothing to the outside. All the variances sought are existing variances. They were not new ones.

Mrs. Wise asked about the kitchen and the deliveries and if they would be large trucks or standard size trucks. Mr. Penzer stated they would be standard size trucks. It was not an industrial warehouse. The trucks would deliver the food. Mrs. Wise asked if cooking would be done on the premises and Mr. Penzer replied yes.

Mr. Neiman asked if there was a board that governed dormitories. Mr. Penzer stated they obtain approval from Mr. Mack and have to get a new c.o. They would have to meet the fire codes. The fire code is higher for a nursing center than a school. They cannot diminish what is there.

Mr. Banas asked if there was a sprinkler system in the building and Mr. Penzer replied there was.

Mrs. Wise stated there would be two classrooms in the basement. Mr. Penzer replied there was. Mrs. Wise stated it would be a dining hall, study hall and a classroom. Mr. Penzer replied yes. The other two floors would be dormitories and Mr. Penzer replied she was correct.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application was hereby approved as discussed with the variances.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

4. **SP #1810** (Variance requested)
Applicant: Bais Medrash of Willow Court
Location: corner of Fourteenth Street and Willow Court
Block 25.12 Lot 8
Preliminary & final site plan for proposed synagogue

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a 3,250 square foot house of worship at Fourteenth Street and Willow Court within the R-12 zone. A variance will be required for the front yard setback where 30 feet is required and 25.8 feet is proposed. A variance will be required for the parking requirements, seventeen parking spaces are required and ten are provided. A variance will be required for parking within the parking setback, ten feet is required and five feet is proposed. The applicant will be required to obtain all outside agency approvals. The applicant has provided easements for shade tree, road widening and sight triangle. The applicant should submit legal descriptions of the easements to the board's engineer for review. The location of the septic system has been added to the plans with the notation that it shall be removed. The grading plan has been revised to indicate spot elevations on the handicapped ramp at the building. The concrete sidewalk detail has been revised has requested. The applicant shall provide gutter elevations at the inlets.

Mr. Truscott stated the applicant is seeking site plan and variance approvals to construct a two-story house of worship. Site improvements include a parking area, drainage facilities, landscaping and lighting. The site is located in the R-12 zone. Houses of worship are a permitted use. Several variances are being requested as indicated. There is also a variance for the parking area since it is within five feet of the side property line. The minimum setback for the parking area is ten feet. The applicant should provide testimony addressing the positive and negative criteria for the requested variances. The proposed sidewalk on Willow Court has been designed to avoid a utility pole. However, the proposed alignment meanders outside the right-of-way. A sidewalk easement should be given to allow public access for this portion of the sidewalk. Architectural elevations of the proposed building have been submitted. Arborvitae are proposed along the interior lot lines for screening purposes and foundation plantings are provided on the street side of the building which are sufficient. A performance bond should be posted for any required site improvements.

Steven Pfeffer, Esq., appearing on behalf of the applicant. The building that is presently in use will be demolished and a new synagogue will be built. The existing septic system will be removed and sewer would be extended. The water company has already approved the concept and it would be an upgrade.

David Klein was sworn in. He stated he resides on Pine Park Avenue and was about five minutes from the proposed synagogue by walking. The synagogue is used mostly on the Sabbath and Jewish holidays. The one driveway has space for four vehicles and most of the time it has one vehicle using it. He once saw it with three vehicles. Most of the people walk to the synagogue. Five cars on average may be parked at the site. No one travels a great deal to get to the synagogue. Every person lives within a ten to fifteen minute walk. It serves the immediate area. The ten spaces would be more than adequate.

Mr. Banas asked if he would anticipate expansion of the synagogue. Mr. Klein stated they did. Mr. Banas asked what the people would do. Mr. Klein stated the expansion would be the enlargement of the families that are currently attending the synagogue. The neighborhood is filled in and he did not anticipate growth of additional families. It was more internally.

Mr. Dolobowsky stated the proposed synagogue is taking up the site with little room for expansion.

Brian Flannery, P.E., was sworn in and his credentials were accepted. He stated it was in the R-12 zone and the existing synagogue would be demolished. The septic would be abandoned. The sewer would be extended to the site. The sewer would also service three other dwellings. A front yard setback is required. The new ordinance indicates that steps and porches are not included in the setback. Under the new ordinance they would comply. This is the only bulk variance required. The other setbacks comply with the ordinance. The parking variance was addressed. Most of the members walk to the site. The parking lot would double what is there presently and is more than adequate. They provided a space and a portion of a second space in the setback. He felt it was good to have the extra parking. If the board felt it was not needed, they would reduce the number of spaces and it would require a bigger variance on the number of spaces. They requested that the board grant the variances. He felt that the variances could be granted without detriment to the zoning ordinance or zoning plan. They were providing sanitary sewer to the site and neighbors. Mr. Pfeffer stated the remaining comments were factual. Mr. Flannery agreed indicating that they would comply with the balance of the comments. The planner's review comments were minor in nature and they would comply with them.

Mr. Dolobowsky felt there was not enough parking. He stated he could see times in the winter when the cars would be used and lights. He wanted to see some type of plantings across the front and along the sidewalk. Mr. Flannery agreed to the same.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application was hereby approved as discussed granting the requested variances.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 5. SP #1816** (Variance requested)
Applicant: Trippy Abramowitz d/b/a Eyewear Unlimited
Location: Route 9 (River Avenue) south of John Street
Block 768 Lot 31
Preliminary & final site plan for proposed eyewear facility

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a 1,500 square foot professional office building and associated site improvements along River Avenue in the HD-6 zone. A variance will be required for minimum lot area where 10,000 square feet is required and 7,500 square feet is proposed. A variance will be required for minimum lot width where 75 feet is required and 50 feet is proposed. A variance will be required for the minimum front yard setback where 150 feet is required and 90 feet is proposed. A variance will be required for minimum side yard setback where 15 feet one side and 35 feet combined are required and 5 feet one side and 10 feet combined is proposed. A variance will be required for the number of parking spaces where eight spaces are required and six spaces are proposed. In accordance with N.J.A.C. 13:40-7.2(a)1, the applicant should submit a signed and sealed copy of the survey. The applicant has indicated that the future NJDOT right-of-way widening on the plans and moved the building and site improvements away from the proposed right-of-way. We recommend that the two "E" inlets nearest the entrance be relocated away from the right-of-way. The applicant will be required to obtain all outside agency approvals. The applicant should provide testimony as to how trash will be stored and disposed of at the site.

Mr. Truscott stated the applicant seeks preliminary and final site plan approval to construct a two-story office and eyewear shop on an undersized lot in the HD-6 zone. The applicant, as requested, has moved the building five feet to the rear as compared to the previous submitted. Variances are requested as indicated by Mr. Peters. The applicant should address the compatibility of the use on the undersized lot adjoining to residential dwellings with limited ability for buffering and screening. The board should review the Township Engineer's comments regarding the expansion of Route 9 and the impact on site layout. Some of the landscaping on the north side infringe on the neighboring property. This could be addressed with a board on board fence. The applicant should address light dispersion cast onto the adjacent properties by the lantern style lights. The board on board fence should be extended to obscure the parking area from the neighboring homes. Approvals will be required from NJDOT, soil conservation service and sewer and water utilities.

Abraham Penzer, Esq., appearing on behalf of the applicant. The use is permitted. There would be a doctor on site and glasses would be available for sale. The first problem discussed previously was how to move the building back to comply. The building was moved back five feet to the rear. One parking space was removed since it really was not needed which would allow them to provide a bigger buffer. They really did not have much trash so it would be kept inside. There would be no trash outside or any trash enclosure. In reviewing the engineer's report, the first six items were the variances. They would comply with a sealed survey. They moved the building back based on the proposed widening of Route 9. The two inlets would be relocated. They would obtain approval from the Ocean County Planning Board, NJDOT and soil erosion. They agree to incorporate the Shade Tree Commission note regarding that the tree planting detail be

added indicating that wire baskets are to be removed from the root balls prior to planting. In reviewing the planner's report, the first seven items regard the variances. The comments were discussed at the review meeting. It was a permitted use. They would provide buffering. The Township Engineer's comments were incorporated. The plantings on the north side, they did not feel infringed but if they did they would be moved. The light dispersion would not go outside the property and they would ensure that. The board on board fence would remain and they would extend it. They would obtain the approval from soil conservation and the water and sewer utilities.

Mr. Banas stated he was still troubled with the HD-6 zone and this lot complying with it. He asked if they could provide evidence that there was an attempt to purchase land on the left and right of the property or in the rear. Mr. Penzer stated he did not.

Cynthia Bromowitz, was sworn in. She indicated that she asked the owners on the left and right side to purchase property. They would not sell. She did not try in the rear. Mr. Penzer stated he represents the owner in the back who is trying to build townhouses, so he was not interested in selling.

Mr. Banas stated it was problematic. Ms. Brown stated the realtor went through a process to determine if the use was permitted in the zone. Mr. Banas stated that was not the issue. Mr. Penzer stated that legally speaking the property is zoned in nullity. That is why they are here. This was truly a hardship type situation. Mr. Banas stated they were not planning to widen Route 9 now.

Mr. Dolobowsky stated that they received letters from the state and county indicating that the board should stop granting variances for the setback. He was bothered by the number of variances needed. He did not think that the parking variance would be an issue. He was troubled with the setback variances. He stated if the building was designed differently it would provide an additional five feet on each side. Ms. Bromowitz stated she thought about that but it would not work well. The different sizes of the building was discussed.

Sal Santoro was sworn in and his credentials as an architect were accepted. He stated the different shapes of the building was reviewed. They wanted something that would be more appealing than a square building. They did not want to put a square building up. They would if the board requested. They needed some room which is why they put a space for the employees upstairs. He had no problem alternating the design if the board desired. Mr. Banas was in favor of that since it would provide an additional five feet on each side and reduces the variances. Mr. Santoro stated he could reduce the building if required.

Mr. Dolobowsky stated it was a one story building. The office upstairs was not indicated. Mr. Santoro explained that it was not considered a story based on its size. Mr. Dolobowsky stated some of the lab space could be upstairs. The board had no objection to putting more upstairs.

Mr. Penzer stated the lot coverage was only 22 percent. If a house was put on the site, it would be more coverage. Mr. Franklin stated the building as designed was attractive.

He did not think Route 9 would ever be widened. Mr. Dolobowsky agreed but if the other areas were sold and businesses put up, it might be a problem. Mr. Franklin stated it was a possibility. It was not a bad looking plan.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Neiman and seconded by Mr. Franklin, the application was hereby approved as discussed granting the requested variances, keeping the building size the way it was, setting it back five extra feet, and that the other recommendations from the professionals were complied with.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 6. SD #1483** (No variance requested)
Applicant: Pine Projects LLC
Location: Princewood Avenue and Netherwood Drive, south of Finchley Blvd.
Block 432 Lot 3
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision approval to create two new lots between Netherwood Drive, Bellecourt Boulevard, and unimproved Pricewood Avenue in the R-12 zone. A variance will be required for minimum lot width where 90 feet is required and 80 feet for lot 3.02 is proposed. A variance will be required for minimum front yard setback where 30 feet is required and 14.7 feet for lot 3.02 is proposed. The applicant will be required to obtain outside agency approvals. The applicant should provide testimony on the scheduled construction of Netherwood Drive. As requested, the applicant has added a note to the plans indicating that curb and sidewalk shall be installed along Netherwood Drive prior to receiving a certificate of occupancy.

Mr. Truscott stated the applicant is seeking minor subdivision and variance approvals to subdivide lot 3 into two lots. New lot 3.02 contains an existing dwelling under construction. New Lot 3.01 will have frontage on three streets. The site is located in the R-12 zone. The variances requested were indicated. The negative and positive criteria should be discussed. The plat indicates that Netherwood Drive is an existing bonded roadway. The applicant should provide information concerning the scope and schedule of the proposed improvements. Shade trees shall be provided as noted on the plat. Sidewalks are not proposed and should be discussed with the board. Approval from the Ocean County Planning Board is required. Lot number should be shown on the plat as provided by the Township Tax Assessor.

Abraham Penzer, Esq., appearing on behalf of the applicant.

Brian Flannery, P.E., was sworn in and his credentials were accepted. He stated the application is for a minor subdivision to create two lots. Both the lots conform with respect to area. The lot is almost 30,000 square feet. There is an existing dwelling under

construction. The steps of the existing dwelling are 14.7 feet from the setback. The new ordinance indicates that the steps and uncovered porches do not count for that. If that was taken into consideration they would be asking for 29 feet where 30 feet is required. A plot plan gets submitted to the building department. In other towns the plot plan is reviewed by a professional before construction starts. In Lakewood this is not the case. They look at setbacks, which is looking at a rectangle. The plot plan really should be reviewed by a professional. They were looking for a variance for lot width where 90 feet is required and they were proposing 80 feet. The one lot would have frontage on two streets with no access Brentwood. Lot 3.02 has access on two streets also. Netherwood is currently under construction and should be completed within four to six weeks. As indicated, a note on the plan has been added that curbing and sidewalk would be provided on Netherwood Drive. A bond has been posted. The positive criteria is that there would be tow lots that exceed the area requirements. Netherwood is a short street and the lots would be conforming with adjoining lots. The planner's report would be complied with.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application was hereby approved as discussed granting the requested variances.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; Mr. Dolobowsky, yes.

IV. MEMORIALIZATION OF RESOLUTIONS

Mr. Banas stated he would indicate the person making the motion and who seconded it and then they would indicate yes or no.

1. SP #1813 (No variance requested)

Applicant: Shlomo Meyer

Location: Lexington Avenue, north of Fourth Street
Block 118 Lot 12

Preliminary & final site plan - 2,732 square foot, two story retail building

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; Mr. Dolobowsky, yes.

2. SD #1473 (Variance requested)

Applicant: Pine Belt NH LLC

Location: corner of New Hampshire Avenue and Route 70
Block 1160.03 Lot 47

Minor subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Herzl, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; Mr. Dolobowsky, yes.

3. SD #1480 (No variance requested)

Applicant: Mordechai Rozansky

Location: corner of Hope Chapel Road and Hope Hill Lane
Block 11 Lot 3

Minor subdivision to create two lots

On motion by Mr. Herzl and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; Mr. Dolobowsky, yes.

4. SP #1714A (Variance requested)

Applicant: Garden State Hotel (Hilton Garden Inn, Ruby Tuesday's &
Longhorn Steakhouse)

Location: Route 70 and Garden State Parkway
Block 1160.07 Lots 193, 194
Block 1235 Lots 33, 36 & 44
Block 1241 Lot 1
Block 1240 Lot 1
Block 1239 Lot 1

Preliminary & final site plan

Mr. Hutchinson stated he was contacted by the attorney and they wish the applicant to be indicated as Parkway Lodging Real Estate LLC.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the resolution was hereby memorialized as amended.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; Mr. Dolobowsky, yes.

- 5. SP #1790** (Variance requested)
Applicant: Excel Corporate Park II LLC
Location: Prospect Street, east of Cross Street
Block 391 Lot 9
Preliminary & final major site plan for proposed warehouse

Mr. Hutchinson stated the resolution was amended to indicate that CAFRA was not applicable.

On motion by Mrs. Wise and seconded by Mr. Herzl, the resolution was hereby memorialized as amended.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

- 6. SD #1476** (Variance requested)
Applicant: J Wei Assoc LLC
Location: Pine Boulevard and River Avenue
Block 423 Lots 20, 21, 22, 28 & 75
Preliminary & final major subdivision - 39 townhouse units and 1 clubhouse

On motion by Mrs. Wise and seconded by Mr. Herzl, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

- 7. SD #1477** (Variance requested)
Applicant: Regency Row LLC
Location: East 7th Street, west of Somerset Avenue
Block 208 Lot 132
Block 222 Lots 11-13
Preliminary & final subdivision - 5 lots

On motion by Mrs. Wise and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

- 8. SD #1478** (Variance requested)
Applicant: Martin Lewin
Location: corner of Cedarview Avenue and County Line Road West
Block 39 Lot 4
Minor subdivision to create two lots

On motion by Mrs. Wise and seconded by Mr. Herzl, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

- 9. SP #1815** (Variance requested)
Applicant: Sharon Tal
Location: West County Line Road and Kennedy Boulevard West, east of Heathwood Avenue
Block 42 Lot 1
Preliminary & final site plan - 9,970 square foot office building

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

- 10. SD #1430B** (No variance requested)
Applicant: Pine River Village
Location: Pine Street, across from corporate campus
Block 830 Lot 1
Amended site plan

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

11. SP #1481 (Variance requested)
Applicant: Shlomo Kanarek & Leonard Lebovics
Location: Warren and Pine Street
Block 768 Lots 43, 82 & 83
Preliminary & final major subdivision - 11 lots

On motion by Mr. Neiman and seconded by Mr. Herzl, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

V. CORRESPONDENCE

None.

VI. PUBLIC PORTION

None at this time.

VII. APPROVAL OF BILLS

On motion by Mrs. Wise and seconded by Mr. Neiman, the submitted bills were hereby approved for payment.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes.

VIII. APPROVAL OF MINUTES

None at this time.

Mr. Banas stated the engineer should review the site plans as indicated by Mr. Flannery. Mr. Kielt stated they tried to do this previously but nothing happened. Mr. Banas suggested sending a letter to the Mayor. Mr. Kielt indicated what happened in the past. Mr. Hutchinson would send a letter to the Mayor and Mr. Kielt would provide the past documentation.

IX. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary