1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Neiman 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. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum

3. SWEARING IN OF PROFESSIONALS

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

4. MEMORIALIZATION OF RESOLUTIONS

1. SP 2168 Lakewood Conference Center, LLC

401 Madison Avenue Block 93, Lot 17
Site Plan to convert existing office to a combined office and synagogue

A motion was made by Mr. Flancbaum and seconded to approve the resolution. Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum Abstain:

2. SD 2113 Eli Liberman

Van Buren Avenue Block 11, Lots 82 & 83 Minor Subdivision to adjust a lot line

A motion was made by Mr. Hibberson and seconded to approve the resolution.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Neiman,

Abstain: Mr. Grunberger, Mr. Flancbaum

3. SP 2159 Congregation Kehillas Hearthstone

Hearthstone Drive Block 428.01, Lot 1
Preliminary and Final Major Site Plan for a building addition

A motion was made by Mr. Flancbaum and seconded to approve the resolution. Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum Abstain:

4. SP 2162 Khal Meor Chaim

Miller Road Block 9, Lots 3.01 & 6
Preliminary and Final Major Site Plan for a change of use and building addition for a synagogue

A motion was made by Mr. Franklin and seconded to approve the resolution.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum Abstain:

5. SD 2103 Naftali Falk

Albert Avenue Block 1159, Lots 58 & 59 Preliminary and Final Major Subdivision to create four lots

Mrs. Morris indicated that there were additional details of the project that needed to be clarified in the resolution and as such recommended tabling it until the May 3, 2016, meeting.

5. ORDINANCE FOR DISCUSSION

Section 18-902, R-10A Maximum Building Coverage

Mrs. Morris introduced the ordinance and stated that the other residential zones had an increase in building coverage of 5% back in 2014. As the R-10A zone was a newly created zone, it was overlooked and not included in that ordinance. She believes it was an error and that the subject ordinance would just be correcting that oversight.

Mr. Neiman stated that he was familiar with the situation and that Mrs. Morris's description seemed accurate. He stated that he knew Mr. Flannery was familiar with the proposed ordinance and asked him to give a brief description as well.

Mr. Flannery stated that Ally's summary was correct. This ordinance would bring the permitted building coverage percentage for the R-10A zone to that of the RM and R-7.5 zones. It is intended to permit for the additional coverage calculated when the front porch or side basement entrances are covered.

The Board was unanimously in favor of the proposed ordinance and directed Mrs. Morris to send a letter to the Committee indicating the same.

6. PUBLIC HEARING

1. SP 2166 New Jersey Natural Gas Company

Vassar Avenue Block 1601, Lot 1
Preliminary and Final Major Site Plan for a warehouse addition

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2016, was entered as an exhibit.

Mr. Vogt summarized the variances as follows: There is an existing front setback variance that has been affirmed by the Lakewood Industrial Commission. An existing free-standing sign may require relief, and the applicant should provide testimony regarding the same. Otherwise the application is fully conforming.

Ms. Nancy Skidmore, Esquire, appeared on behalf of the applicant. She stated that the front yard setback variance was noticed and approved by the Industrial Commission. They also noticed for the sign variances, which is an existing sign, as referenced in Mr. Vogt's letter, including setback sign area, and sign height. Mr. Neiman questioned the number of on-site parking spaces and whether or not a variance was required. Ms. Skidmore stated that there is sufficient on-site parking per ordinance requirements and that they do not require a variance. Ms. Skidmore presented Mr. Russell Cipolla, the project engineer. Mr. Cipolla sworn in and confirmed that the existing parking is 199 spaces, reduced to 197 and then to 189, which is still over the 154 required spaces. He indicated that the addition is for strictly warehouse space and therefore no additional

parking spaces are warranted by it. They are losing a few spaces due to the proposed site changes, however still have enough on site to comply with ordinance requirements.

Mr. Neiman opened to the public for comment. Seeing none, he closed it to the public.

A motion was made by Mr. Flancbaum and seconded by Mr. Hibberson to approve the application. Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum Abstain:

2. SD 2120 Mordechai Eichorn

Oak Street Block 855.06, Lots 24, 24.01, & 27 Minor Subdivision to create six lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 7, 2016, was entered as an exhibit.

Mr. Vogt summarized the variances as follows: Lot area variances are required for 15,000 square foot lots where 20,000 square feet is required. Lot width variances are also required, as well as some possible waivers. Lastly, there are some design details for the roadway that need to be worked out during compliance if the Board acts favorably.

Mr. Adam Pfeffer appeared on behalf of the applicant. He presented the testimony of Brian Flannery, P.E. and P.P., and Mr. Graham Macfarlane, P.E., who were both sworn in. Mr. Flannery indicated that project is located just west of New Hampshire Avenue on Oak Street, near the R-10A and Oak Street school areas as well as near the townhouses currently under construction. He said this is the R-20 area that is kind of isolated between Pine and Salem Streets. He presented an exhibit showing all of the R-7.5 lots in the area. Oak Street is like an extension of the Oak Street Core, the street is different than other residential streets. Mr. Neiman stated that the area is in need of redevelopment, Mr. Flannery agreed. Mr. Flannery pointed out that the Albert area neighbors would certainly show up if they were against the application and they are not here. The history of the Board has requested a minimum of 75' wide lots which is what they based this design on. Mr. Flannery said he could state all of the Master Plan and Smart Growth Plan references that are in support of the lot area variance if the Board was interested, as well as the Municipal Land Use Law.

Mr. Neiman opened to the public for comment. Seeing none, he closed it to the public.

Mr. Flannery said that with regards to some comments about the improvements in Terry's review letter they agree to work with him during compliance to figure that all out.

A motion was made by Mr. Flancbaum and seconded by Mr. Hibberson to approve the application. Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum Abstain:

3. SD 2121 Mordechai Eichorn

Oak Street Block 855.06, Lots 18 & 33 Minor Subdivision to create three lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 7, 2016, was entered as an exhibit.

Mr. Vogt summarized the variances as follows: Lot area variances are required for 15,000 square foot lots where 20,000 square feet is required. Lot width variances are also required. Lastly, there are some design details for the roadway that need to be worked out during compliance if the Board acts favorably.

Mr. Adam Pfeffer appeared on behalf of the applicant and confirmed that the testimony would be the same as the previous application, and he could reiterated anything the Board would like to hear again.

Mr. Grunberger asked when you have a 75' wide lot, how wide is the house? Mr. Flannery said they are complying with the setback requirements so the widest the house could be built is 50'.

Mr. Neiman opened to the public for comment. Seeing none, he closed it to the public.

A motion was made by Mr. Flancbaum and seconded by Mr. Grunberger to approve the application. Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum Abstain:

4. SD 2112 1814 New Central Avenue Holding

New Central Avenue Block 11.02, Lot 2 Minor Subdivision to create four lots

Mr. Ed Liston introduced himself as appearing on behalf of an objector, Joseph Friedland.

Mr. Adam Pfeffer introduced himself as appearing on behalf of the applicant.

A review letter prepared by Remington, Vernick & Vena Engineers dated April 14, 2016, was entered as an exhibit.

Mr. Vogt summarized the variances as follows: Variances are required for minimum lot frontage, as only 3 of the lots front on a public street. Lot area variances are also required for areas of approximately 11,250 square feet whereas 12,000 square feet is required. Lot width and front setback variances also appear necessary, as well as a design waiver with regard to sidewalk along New Central.

Mr. Neiman said the letter mentions not having a public road. Mr. Pfeffer stated there is a private roadway proposed to be owned by a Homeowners Association.

Mr. Liston stated that he has issues with the application due to the flag lot configuration and stated that the Planning Board does not have jurisdiction to approve those. He sent a letter to Mrs. Morris and the applicant's attorney stating the same. Mr. Liston stated a D1 variance is required which has to be approved by the Zoning Board because the Ordinance states that flag lots are not a permitted use in any residential zone.

Mr. Neiman asked if there had been talk about a cul-de-sac for this property. Mr. Pfeffer stated that no, the proposed cul-de-sac is on the upcoming application. Mr. Pfeffer countered that the applicant has a right to be

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heard and has a complete application and they would like to move forward with their presentation. Clearly the layout is for a private roadway and not flag lots. Mr. Liston can speak when the floor is opened to the public.

Mr. Neiman asked if the private roadway area was included in the 11,000 square foot lot areas. Mr. Pfeffer said he'd like to swear in his professional and present his case. Mr. Liston disagreed and said everybody's time is being wasted if the Board doesn't have jurisdiction.

Mr. Neiman asked Mr. Vogt for his opinion on the layout and jurisdiction. Mr. Vogt deferred to Mr. Jackson. Mr. Jackson stated that he disagrees with Mr. Liston, and that he sees nothing in the Municipal Land Use Law (40:55D70) about Zoning Board powers that would give the Zoning Board jurisdiction over lot configuration nor a definition of a lot configuration as a "use" on the property per see, these are dimensional variances also known as C variances. Regardless of what the UDO says the Municipal Land Use Law clearly trumps that, and that he feels this application, whether flag lots or not, is before the correct Board.

Mr. Lines appeared and was sworn in. Mr. Lines stated that the property is on New Central Avenue and has been set up for 4 lots with about 11,250 square feet which is slightly under the 12,000 square foot requirement. There is a shared access easement with an RSIS qualifying roadway on the east side. He says the definition by RSIS is actually a "rural lane" but as the Township doesn't want it they've kept it as a private roadway. As far as a D variance, he agrees with John that a D variance is not required. They do require a variance for not fronting on a public street.

Mr. Neiman stated that in the past when the Board had allowed private streets they did not include the roadway area in the lot square footage. You can't have it both ways. Mr. Lines disagreed and said he has presented several applications similar to this. Mr. Neiman said you have two issues here, the lot areas and the flag lot issue.

Mr. Pfeffer stated this is not a flag lot because they have created a private road and in a typical flag lot you have one house facing the back of another whereas all of these will front on the private roadway. Mr. Lines said it won't look like flag lots, it will be a 32' wide roadway with sidewalk on one side.

Mr. Neiman asked again how this is different from typical flag lots. Mr. Lines said the typical flag lot has one house in the back with a long narrow driveway, with both sides of the driveway landscaped to create a 20' alleyway to the house in the rear. Driving by this subdivision, however, no one will know who owns the road and it will look just like any other road in town.

Mr. Jackson asked about density and what happens to the density if the roadway is created as a separate lot. Mr. Lines said they would lose about 2,000 square feet on the two center lots and a few hundred on the rear lot so they would be closer to 10,000 square foot lots. Mr. Neiman said they would be about 9,500 square feet versus an R-12.

MR. Jackson asked what's on either side of this property or how else it could be used. What would happen if you had to develop this property and the Board did not approve this configuration?

Mr. Lines said one of the reasons the Township decided to go with flag lots is because no one likes the way Princess Court, across the street, looks. The Township doesn't want those little cul-de-sacs, they at one point preferred flag lots. Mr. Jackson asked is this a good way to use this property? What purposes of the Municipal Land Use Law are being advanced by this configuration? Mr. Lines said they have 4 houses shown on this lot whereas right now you only have one. It is a very deep lot. Otherwise they would be here with a minor

subdivision for two 75' wide lots with smaller houses. Mr. Jackson said so you think this configuration provides more houses, Mr. Lines said yes.

Mr. Franklin said he doesn't see a drainage plan. There's an entire road and no drainage plan. Mr. Lines said they are proposing recharge. Mr. Franklin said well you have to show it. It's not on here.

Mr. Pfeffer said in response to Mr. Jackson's question, the property could also be used as a school and would probably be developed that way.

Mr. Franklin said he still has concerns about the drainage. Mr. Lines said they would address it during compliance. Mr. Franklin said it should be shown on the plans now. Terry said there are a number of technical comments in the letter which are usually worked out during compliance. Mr. Lines said they had no issue with Terry's letter or comments. Terry stated he believes the concept is feasible but it has to be finalized during compliance.

Mr. Lines said Mr. Grunberger had a question as to what is next door. Mr. Lines said it is another lot like this about 600 feet deep.

Mr. Liston asked if the applicant had attempted to acquire that property from the neighbor. Mr. Jackson said he has no obligation to do that because this is not an isolated lot. Mr. Liston disagreed.

Mr. Liston questioned Mr. Lines regarding the number of variances that would be required for 2 lots fronting on New Central versus the 4 lots as configured now. Mr. Lines stated that two variances would be required for the 2 lots, width and side setbacks, and two are required as proposed now, frontage on a public street and lot area. Mr. Liston said we have 2 variances versus 2 variances, all of them being C variances except for the not fronting on a public street variance, which is one that only the Board of Adjustment can grant except when in conjunction with a subdivision. Mr. Lines said that is correct. Mr. Lines said if we modified this subdivision we could get a cul-de-sac with three lots. Mr. Neiman and Mr. Flancbaum both stated maybe that would look nicer and would be a better use of the property.

Mr. Liston said this is overdevelopment of the property and the application isn't even complete. You really want to know how the drainage is going to work before you act on it. Mr. Lines confirmed a waiver was requested from providing drainage design at the tech meeting.

Mr. Liston introduced his Planner, Andrew Thomas, who appeared and was sworn in. He stated that he visited the site and prepared exhibits of the surrounding area. Mr. Thomas discussed his exhibits and the visual flag lot appearance to the lots. He referenced 18-805G1 of the ordinance which states that flag lots shall not be permitted in any residential zoning district. Even when flag lots were permitted, the flag staff was excluded from the lot area calculation. This applicant is not doing that. The lots are about 11,250 square feet, already undersized, and if you take out the easement portion they become 8,450 square feet or about 70% of what is required. Mr. Liston asked Mr. Thomas about the planning rationale for public street access. Mr. Thomas cited package vehicle deliveries, equipment for snow plowing, garbage pick-up, etc. In this case the garbage cans are all going to have to be brought all the way down to New Central Avenue. Mr. Liston asked Mr. Thomas if this proposed is consistent with the neighborhood. Mr. Thomas said the neighborhood is all on public cul-de-sacs, so no. Mr. Liston asked if this would be a positive or negative impact on the neighborhood. Mr. Thomas said it would be detrimental. The setbacks, lot sizes, and method of development are not consistent.

Mr. Neiman opened to the public for comment. Zvi Rottenberg, 1424 Towers Street, appeared and was sworn in. He said the lots in the area require 12,000 and he's asking for 11,250, it's a minor subdivision. It's not going

to be a traffic issue, they're trying to keep it small. They can get 3 in there so the whole issue is one extra house which isn't going to hurt anyone and there won't be traffic, safety, hazard, or any of those problems when trying to build a large scale development. This is a small minor variance.

Mr. Flancbaum asked if Mr. Rottenberg was the owner. Mr. Rottenberg said yes, but not the applicant. He said he also went to the neighbor who is objecting and was told they wanted trees, bushes, a fence, a wider road. They agreed to all that and thought the neighbors were satisfied until they hired Mr. Liston and appeared tonight.

Michael Ronberger (?) appeared and was sworn in. He stated that the neighborhood at large is single family homes and residential. It is quiet without much traffic, and they've paid a lot of money for their houses not to live in a congested area. Undersized lots are not desirable. Even all the cul-de-sacs are separated with nice yards.

Shloimy Kuznicai (?) appeared and was sworn in. He lives on New Central across the street. He thinks they'd like to keep the neighborhood spread out and properly adhering to the R-12 zoning. 75' frontage should be adhered to without having to put four houses with four basements, with garbage cans lined up on New Central, which would be very detrimental to the area.

Mr. Neiman asked Mr. Pfeffer if there was a Percal map for the area. Mr. Pfeffer said no.

Mr. Neiman closed it to the public after no one additional stepped forward.

In closing, Mr. Liston stated that the application is fraught with variances and is going to destroy the neighborhood. It is going to make trouble for snow removal, garbage pickup, all of these things that turn a nice residential neighborhood into a nightmare. It is very easy for this applicant to turn this into two lots. Instead he chooses to use the flag lot configuration, but not to fly one flag but to fly three flags. If you look up the term overdevelopment in the dictionary, this will be pictured there. As such, he calls for a denial of the application.

Mr. Pfeffer restated that the application is for a private roadway maintained by a homeowners association, not flag lots, and the idea that one or two additional home is going to cause traffic problems is hard to believe. The neighbors testified that there are not traffic issues in the area. He respectfully requested approval.

A motion was made by Mr. Franklin and seconded by Mr. Hibberson to deny the application.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum

Abstain: Mr. Grunberger

5. SD 2119 1495 East Spruce, LLC

East Spruce Street Block 855.01, Lots 26 & 29 Preliminary and Final Major Subdivision to create seven lots

A review letter prepared by Remington, Vernick & Vena Engineers dated April 14, 2016, was entered as an exhibit.

Mr. Vogt stated that the applicant has presented two layout designs. He said he has heard that there is actually a third layout being presented as well which was prepared at the last minute. Mr. Neiman said that's why we have tech meetings, to present options like this, and it's not really fair to come to the public hearing like this. Mr. Vogt said one option identified is a typical turn-around similar to what we just saw, but now the applicant

has a better sense of the Board's opinions and perhaps will be focusing on what is identified as option B which is the cul-de-sac.

Mr. Pfeffer confirmed that yes, they will be going forward with the cul-de-sac configuration. He also confirmed that Terry did a review of both layouts in his letter, so it's not as if the layout hasn't been reviewed. Based on what we just heard the applicant will be skipping over the first option and going forward with presentation of the cul-de-sac layout.

Mr. Neiman stated that it doesn't look like a regular cul-de-sac.

Mr. Franklin questioned which option was being presented, option A or option B. Mr. Pfeffer stated option number 2, the cul-de-sac version. Mr. Franklin stated that his option B plans did not show the cul-de-sac. Mrs. Morris apologized and indicated that the plans weren't labeled with distinguishing marks when they were submitted, and if the A and B were switched inadvertently it was her mistake as she had labeled them not the applicant.

Mr. Pfeffer indicated that after speaking recently with the neighbors, they actually will be going forward with a third and final option for the layout. He indicated that they would be revising the plans to present the final preferred option. They are requesting to be heard at the May 17, 2016, meeting, but regardless they will provide new notice.

6. SD 2101 Meyer Wainbrand

Cory Court Block 251, Lot 1.09

Minor Subdivision to create two lots

Mrs. Morris indicated that this applicant had requested to carry the application to a later meeting date and that she recommended re-notice.

7. SD 2118 Yehoshua Frenkel

River Avenue Block 534, Lot 7

Preliminary and Final Major Subdivision to create fourteen lots

Mrs. Morris indicated that this applicant had requested to carry the application to a later meeting date, and as this was the first time the application was carried she recommended that the Board announce a carry to the May 3, 2016, meeting without the need to re-notice. An announcement was made confirming the same.

8. SP 2165 Yehoshua Frenkel

River Avenue Block 534, Lot 7
Preliminary and Final Major Site Plan for an office building

Mrs. Morris indicated that this applicant had requested to carry the application to a later meeting date, and as this was the first time the application was carried she recommended that the Board announce a carry to the May 3, 2016, meeting without the need to re-notice. An announcement was made confirming the same.

9. SD 2109 292 Sampson Ave LLC

Sampson Avenue Block 246, Lot 24

Minor Subdivision to create two lots

Mrs. Morris indicated that this applicant had requested to carry the application to a later meeting date and that she recommended re-notice.

10. SD 2111 Tiferes Shulem Inc

Joe Parker Road Block 189.04, Lots 188-190 Minor Subdivision to create three lots

Mrs. Morris indicated that this applicant had requested to carry the application to a later meeting date and that she recommended re-notice.

- 6. PUBLIC PORTION
- 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