

## **1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE**

Chairman Michael 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, Mr. Rennert, Mr. Cautillo

## **3. SWEARING IN OF PROFESSIONALS**

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

## **4. MEMORIALIZATION OF RESOLUTIONS**

### **1. Resolution of Appointment - Oak Street Core Residential Development Subcommittee**

Mr. Neiman asked if the subcommittee meets formally for this.

Mr. Jackson said they would make their own operating rules.

Mr. Neiman asked how many people are necessary.

Mr. Franklin said he has a problem with this. He really thinks these applications should come before the Planning Board. It is a gigantic project and he does not believe it is fair to the few people who would be on this subcommittee.

Mr. Jackson said the governing body created this ordinance. He said they could make the whole board part of the subcommittee.

Mrs. Morris said she can still disseminate the plans and applications when she gets them via email.

Mr. Franklin would feel safer if they made every board member part of this subcommittee.

Mr. Neiman agrees.

Mrs. Morris said the board engineer would still have to do his technical review anyway.

Mr. Jackson said public notice wouldn't be required for these meetings.

Mr. Franklin believes public notice should be required. There are cul-de-sacs, drainage, streets and there could be a lot of problems.

Mrs. Morris said the ordinance was already passed to approve via subcommittee without public hearing. This is just to appoint the members.

Mr. Neiman said he was under the impression that when the Township applied for the CAFRA permit for this area, all the roads were in place, the drainage, etc. and that is why the Township recommended this ordinance because that was in place already.

Mr. Jackson said as he understands it. Under the MLUL on a minor subdivision with no variances in a lot of other towns you can do it administratively.

Mrs. Morris said the applicant would have to comply with the approved CAFRA design plans.

Mr. Jackson said the subcommittee's job would be is to make sure that the application meets all of the criteria.

Mr. Flancbaum asked if the zoning officer should be reviewing these.

Mr. Jackson said usually it is the zoning officer but the Township wanted to have a subcommittee to give a higher level of scrutiny.

Mr. Vogt said they are talking about an administrative minor subdivision where you're taking an existing duplex lot and you're doing a financial subdivision.

Mr. Neiman said theoretically, if someone owned a piece of land and they can fit ten duplexes but they're not creating any variances, technically they don't have to come before this board. They would submit an application to this subcommittee and if approved would then obtain building permits.

Mr. Flannery said the ordinance says three additional lots and it references the old file maps. Basically, the most it would be as one block and it gets chopped into the same 100 x 100 ft or bigger and if it complies with all of the other criteria in the ordinance. If there's one variance, it has to come back or if it is doing anything different than the approved CAFRA plans which the Township subcontracted for. The design is already set and some of it is being built already. Instead of having each person do a piece and have all the pieces not line up, the Township did it and they are doing a recapture ordinance so every dollar the Township spends is going to be paid by all of the lots that benefit.

Mr. Franklin asked why the plans do not get reviewed by this board.

Mr. Flannery said he submitted plans in April.

Mr. Jackson said they could wait to adopt this resolution until the board sees the whole layout.

Mr. Vogt said as he understands it, the roads were designed on pre-existing right-of-ways.

Mr. Flannery said that is correct. There were subdivisions in the 1920's that created a grid pattern road network and 20 ft by 100 ft deep lots. That is the same road pattern that is involved only the engineering details for the road were designed under the direction of the Township Committee. The width of the roads are 32 ft wide. Everybody involved in the process reviewed the plans and was approved by CAFRA. Instead of having 100's of people coming in doing things differently, the Township wanted to do one cohesive project and the people that are benefiting from it are paying for it. They are paying for two acres of open space to be retained as a tree save

area, they are paying for stormwater management basins rather than everybody putting in a couple pieces of pipe under the road that have a limited life. The basins are easily accessible and maintained.

Mr. Franklin said the Committee should have sent it to this board for review.

Mr. Flannery agrees. That makes sense and it would have saved a lot of questions.

Mr. Rennert said he has had reservations about this project from the start. He has reviewed the plans thoroughly and he does believe the plans should be reviewed by this board as well in order to become more comfortable.

Mr. Neiman said they will carry this resolution to the next meeting.

## 5. CORRESPONDENCE & ORDINANCE FOR DISCUSSION

- **18-506 Oak Street Corridor Improvement District**

Mr. Hensel, Esq. said he here to address any questions that the Planning Board may have concerning this proposed ordinance. It is presented pursuant to the local improvement statute that provides that a Township can put in place various local improvements and seek to ultimately recapture that from the property owners that are benefiting from the improvements. In this particular situation, a joint venture group petitioned the Township Committee to do various improvements and some of those improvements have started to go in at the expense of the Township. Pursuant to that, this ordinance presented is a method and manner in which to recapture the cost that the Township has put forth so far and will continue to put forth from the property owners that are going to benefit. The ordinance proposed is replacing another ordinance, 18-506. They have improved on that ordinance and that is what is before this board.

Mr. Neiman asked for a cost breakdown.

Mr. Vogt does not know the breakdown but he assumes that the majority of the cost is for the infrastructure of the project.

Mrs. Morris said typically the board does not review or comment on financial items like this but because of where it is going in the code book, by default it should have the Planning Board's comments.

said an ordinance is already in place but this is an amplification of that in providing a formula within to recapture the monies that are being spent and continuing to be re-spent.

Mr. Neiman asked if homeowners got a chance to review this.

Mr. Hensel said there is a joint venture group that was involved in the process and they have input with the request to improve the ordinance. There may be some folks that were not in the joint venture and may have opposition to the ordinance. They will have an opportunity to address that at the second reading at the Township Committee meeting.

Mr. Cautillo asked who is overseeing the collection of funds and application fees.

Mr. Hensel said the collection of funds is being overseen by a trustee that is established pursuant to the ordinance which is the law firm of the joint venture group. It should be thought of in a way as an added assessment to property owners and that is being collected back.

Mr. Rennert asked about the cost of \$250,000 written in the ordinance.

Mr. Hensel said to date, the costs put forth by the Township is \$250,000. The cost of property that is involved is \$1,000,705 which was an appraisal done by Robert Gagliano and Company. The \$10,000 per dwelling unit cap is the maximum it would cost for individual property owners to contribute to these improvements.

Mr. Rennert asked why even put a cap on it. Leave it open and see what the costs will be.

Mr. Hensel said they are not doing any further improvements. The Township has spent \$250,000 and are contributing the property that is involved.

Mr. Rennert asked if the Township has incurred more expenses than the \$250,000.

Mr. Hensel said no.

Mr. Rennert asked why it says it is being capped at \$250,000.

Mr. Hensel said the Township is not going to spend any additional monies until they put in place a recapture ordinance to recapture these funds from the property owners.

Mrs. Morris understands Mr. Rennert's confusion because the town has spent less than \$250,000 and the ordinance says, it shall be in the future capped at \$250,000. She asked why they are asking to cap it at that amount if the Township already has a figure.

Mr. Hensel said they were doing some revisions back and forth and he wanted to put in that language in paragraph 2. His understanding is that \$250,000 has been spent by the Township so they wanted to set that number in the ordinance. The language can be changed from 'shall be' to 'has been'.

Mr. Flancbaum said actual cost should be reimbursed to the Township.

Mr. Hensel said the ordinance reads in subparagraph 2, the total Township shall be \$250,000 referenced in 2C1 above plus the value of lands made available plus any other costs or expenses incurred by the Township from the date of the adoption of this ordinance forward.

Mr. Rennert asked why it should not exceed \$10,000 per dwelling unit.

Mr. Hensel believes they are never going to get to that due to the number of units involved.

Mr. Rennert asked why the ordinance can't just state the Township will be reimbursed actual cost. He asked why there should be a possibility that other tax payers will have to pay for the development of this project.

Mr. Hensel reiterated that he is confident they will never get to that \$10,000 per dwelling unit.

Mr. Flancbaum recommends that the ordinance should state actual cost.

Mr. Hensel said the \$10,000 cap figure was a result of the initial correspondence that went out to all of the property owners that were affected and they were assured at that point that it would not exceed that amount. There will be over 400 units which would be well over 4 million dollars and they have no anticipation that it is going to go over that amount of money. Anything that would go over that amount would be borne by the joint venture group.

Mr. Rennert said that is not stated in the ordinance.

Mrs. Morris said the Township would stop work if the costs get too high.

Mr. Hensel said that is correct.

Mr. Flancbaum said if the joint venture is incurring any extra costs then it should be written in the ordinance that the Township will be reimbursed 100% of those costs.

Mr. Hensel understand and would take those recommendations to the Committee.

Mr. Neiman said he wants to make sure the public has a chance to speak. He understands that this will be going for a second reading with the Township Committee but he was informed by an individual that they did not have a chance to speak on a different ordinance as the Planning Board already recommended the ordinance.

A motion was made and seconded to recommend the ordinance including all changes discussed by this board. All were in favor.

- **SP 2141 118-120 Clifton Ave LLC** - request to modify trash and loading zone provisions

Mrs. Morris said this was an approval which proposes to take some Township spaces to utilize as a loading zone. The Township is not in favor and has not granted them permission to do that.

Mr. Gertner, Esq. said approval was granted to expand this building that fronts Clifton Avenue. They had discussions with the Township to utilize the large parking lot where People's National Bank and the drive-thru was for loading and trash pickup because it seemed from a planning and a circulation aspect it seemed to make sense. The Township is not in favor of it and have come back before this board to modify the approval and would load and unload like others in the downtown area and would place the trash receptacle basically where it is now.

Mr. Neiman asked what they need from the board.

Mr. Gertner said he looks at this correspondence as just informing the board that the location proposed was not accepted by the Township.

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

- **SP 2163 TTY** - request to phase prior site plan approval

Mr. Abe Auerbach said they have an existing approval for an addition to the school as well as a two story dormitory with additional parking to accommodate the school. The applicant would like to phase the project and



Mr. Flannery said the same number of parking spaces are proposed. There was also a comment in the report about the impervious coverage and that is done for the townhouses and for the overall site which is limited to 35% which they comply with for the townhouse portion. They don't comply on each lot with the 35% but that is consistent with the way it has been interpreted in the past. The duplex lots are limited to 40% and they would comply with that.

Mr. Rennert asked if a rear yard setback variance was approved for the original application.

Mr. Flannery said it is just over 10 ft and that relates to corners of buildings as it turns towards the road. The 10 ft is not to the deck. The closest a deck is to a rear yard setback is 7.04 ft.

Mr. Pfeffer said there were rear yard setback variances approved in the previous application.

Mr. Vogt said they identified rear yard setback variances for lots 4.16, 4.18 and 4.19.

Mr. Flannery said no decks are less than 10 ft.

Mr. Rennert asked if that relief has been granted.

Mr. Flannery said yes.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Rennert, Mr. Cautillo

Abstain: Mr. Neiman

**2. SD 2157 Dovid Berger**

Second Street

Block 72, Lot 7.01

Preliminary and Final Major Subdivision to create 5 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated August 31, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers include utility layouts, environmental impact statement, tree protection management plan and design calculations. Utility layouts and design calculations shall be provided prior to the public hearing, waiving of EIS is supported, a tree protection plan will be required during resolution compliance, if approved.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Vogt said variances include minimum lot area, front and side yard setbacks as well as aggregate side yard setbacks and building coverage.

Mr. Neiman asked if any variances are being requested for frontage along Route 9.

Mr. Glenn Lines, P.E., P.P. said on the previous application, there was a 25 ft setback approved to Route 9. They are requesting 19 ft but they are still outside of the state's desirable typical section. It is currently 40 ft from the center line to the property line, the state's desirable typical section is 57 ft.

Mr. Neiman said Second Street is widened already anyway.

Mr. Lines said yes but they do have a plan to make it wider.

Mr. Rennert said the intent of the 75 ft setback to Route 9 was to try and encourage more commercial development. But over here, this area of Route 9 is residential so it is probably meant for the south side of Route 9.

Mr. Neiman asked about a bank in this location.

Mr. Lines said yes, this was a prior subdivision for five lots. The two duplexes were built and this is the parcel that was going to be the bank.

Mr. Flancbaum said a lot coverage variance is also being requested.

Mr. Neiman said the lot coverage was increased and the board has stated in the past, they would not entertain any variances.

A motion was made and seconded to advance this application to the October 26, 2016 meeting.  
All were in favor.

**3. SP 2193 DC Commercial**

Ocean Avenue

Block 189.03, Lot 76.01

Preliminary and Final Major Site Plan for an addition to an existing office building

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

Mr. Rennert stepped down.

Applicant is requesting a combined plan review and public hearing at this meeting.

Mr. Abraham Penzer, Esq. said this addition is to provide for more employees. No variances are associated with this application. During the construction, they would request trailers so the existing employees can work from there as the addition is taking place and they are not disturbed. They can comply with all of the comments in the engineer's review letter.

Mr. Neiman asked if any extra parking is being proposed for this addition as there will be additional employees

Mr. Williams Stevens, P.E., P.P. was sworn in. The applicant wishes to put an addition on the back of the existing building. Additionally, they will be doing substantial site improvements. The impervious coverage is not being increased but they will repave the site to make it work better, stormwater management will be added, add some landscaping and they would improve access to the site through a channelized driveway out on Route 88.

Mr. Neiman asked what is currently on the site.

Mr. Stevens said right now they have some paved areas and basically some fenced off area where there is storage.

Mr. Neiman asked if people park there.

Mr. Stevens said not really. The area behind was going to be reconfigured for parking but it is currently utilized for other uses. At the end of the day, they will have more parking than what is required for this use, 128 spaces are proposed whereas 75 spaces is required.

Mr. Vogt asked where the temporary trailers would be located on the site.

Mr. Stevens said they had submitted an application for a temporary office trailer which they would like to put in advance of the construction so they can move some people out and get the site ready. They propose to place it in some parking stalls located at the front of the site so it is away from the construction but still would have access into the building.

Mr. Jackson asked how long they anticipate needing the temporary trailers.

Mr. Stevens would guess about 18 months once construction commences. He would like to place the trailers there now so they can start preparing.

Mr. Neiman said a condition of approval shall be that the trailers will be removed once a certificate of occupancy is obtained.

Mr. Penzer agrees with that.

Mr. Jackson said it should be noted on the plans as a temporary office trailer during construction.

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

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

**4. SP 2197 Sporrelli, LLC**

Swarthmore Avenue Block 1609, Lot 16  
Preliminary and Final Major Site Plan for an addition to an existing warehouse

Applicant is requesting a combined plan review and public hearing at this meeting.

A review letter prepared by Remington, Vernick & Vena Engineers dated August 29, 2016 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Abe Penzer, Esq. said no variances are being requested and there will be no additional employees working at this site, they are simply increasing the area of the warehouse. They are adding more parking because there is a requirement.

Mr. Neiman said there are no additional offices going in.



A motion was made and seconded to advance this application to the October 26, 2016 meeting.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Cautillo

No: Mr. Neiman, Mr. Flancbaum

**7. SP 2198 ARM Land Group, LLC**

Lanes Mill Road

Block 189.04, Lot 196

Preliminary and Final Major Site Plan to convert an existing house to a school and build a new dormitory

A review letter prepared by Remington, Vernick & Vena Engineers dated August 24, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are being sought including topography, contours, man-made features within 200 ft, profiles and utility layouts, environmental impact statement, tree protection management, landscaping and architectural plans. Topography, contours and man-made features within 200 ft waivers are supported. They can support the waiving of an EIS, provided a copy of the letter of interpretation is submitted. Waiving of proposed site improvements such as utilities, landscaping and construction details are supported for completeness purposes only. If approval is granted, all required information to support the design must be submitted during resolution compliance. Preliminary architectural plans shall be submitted for the public hearing for review.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mrs. Miriam Weinstein, Esq. said this is a site that is constrained by a lot of environmental issues. If you look at the plans, there is a wetlands area directly through the middle of the site. This application is for a Bais Medrash which would be more college age boys. Currently there are 26 boys and are looking at a maximum of 50. All of the boys would live in the dormitory so there would be no busing.

Mr. Joe Kociuba, P.E., P.P. said it is a very unique site. It does have a wetland and swale right through the middle of the property. They do understand that there will be a number of regulatory hurdles including the County.

Mr. Neiman asked if it is possible to fence or close in the school. It has the potential of looking like a campus as it's a big piece of property.

Mr. Kociuba said it does look that way in plan view. What is missing is that a whole area is wetlands that cannot be touched so there will be a forested area through the center of the property no matter how they develop it. Essentially, it will be the rear and front portion. He does not oppose any fencing.

Mr. Neiman asked if the students will be walking through the wetlands to get from the dormitory to the school.

Mr. Kociuba said at the northern most section there is a walking path as well as access through the southern portion. The site will be lighted in accordance with the Township ordinance standards. An access way is being proposed which will require a permit from the NJDEP.

Mr. Neiman asked if sidewalks are proposed.

Mr. Kociuba said there are not and there aren't any in the area.

Mr. Neiman said this board is against waivers for sidewalks.

Mr. Kociuba understands and there is also substantial grade change across the front. They would have no objection to providing sidewalk across as much as they can but where it hits the roadway, there is a large culvert.

Mr. Neiman said testimony should be provided at the public hearing.

Mr. Vogt said they can look into meandering sidewalk or asphalt.

A motion was made and seconded to advance this application to the October 26, 2016 meeting.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Cautillo

No: Mr. Grunberger

**8. SP 2199 Harold Herskowitz**

Third Street

Block 91, Lot 6

Preliminary and Final Major Site Plan for a 5 story office and retail building

A review letter prepared by Remington, Vernick & Vena Engineers dated August 22, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers sought include topography, contours, man-made features within 200 ft, EIS, tree protection management, landscape plans, drainage facilities, shade tree easements and architectural drawings. Topography, contours and man-made features within 200 ft can be supported as there is enough information provided for design, EIS since the site is already developed, a tree protection management plan is required since there are no existing trees on-site. A waiver for landscaping is supported for hearing purposes due to the limited amount of non-building area that will remain. However, perimeter buffer should be provided as requested by the board. On-site drainage facilities can be supported since no additional impervious surface is proposed. However, conveyance of stormwater from the building into existing systems must be demonstrated in compliance. Waiving of the shade tree and utility easement is supported since the proposed building would have a zero foot setback. Signed and sealed preliminary architectural drawings should be provided prior to the public hearing which include elevations.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mrs. Miriam Weinstein, Esq. said this is the current Toys For Thought site. This application is for demolition of the existing structure and replacing with a five story office building.

Mr. Joe Kociuba, P.E., P.P. said the existing structure currently has a number of setback variances. They are proposing a 0 ft setback on the east side of the property against a commercial zone, a 7.5 ft setback on the west side against the existing public parking, where 7 ft is required. A rear setback of 1.5 ft exists and the existing toy store has a 1.4 ft setback so they are looking to maintain that and are stepping the building in on the fourth and fifth floors. This application is within the B-2 zone, fully conforming to the use. The board engineer does note an aggregate side yard setback variance is required for a total of 15 ft but again, a 0 ft setback is allowed on one side due to the commercial and are required with a 7 ft setback on the other so they are conforming to the side setbacks. He believes that is just a technicality of how the ordinance is written.

Mr. Flancbaum asked if retail is being proposed on the first floor.

Mr. Kociuba said they are proposing three stories of retail and two stories office.



Mr. Lines agrees.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Franklin asked if the County is going to allow them to back out onto a County road.

Mr. Lines said that is an issue they will have to take up with them.

Mr. Neiman asked if a circular driveway can be provided.

Mr. Pfeffer said they would take a look at it to see if there are any modifications they can make.

Mr. Neiman asked if sidewalks are proposed.

Mr. Lines confirmed.

A motion was made and seconded to advance this application to the October 26, 2016 meeting. All were in favor.

Mr. Hibberson returned to the dais.

**10. SD 2163 ARM Developers, LLC**

Prospect Street

Block 445, Lots 17.01-17.12 & 18

Preliminary and Final Major Subdivision to create twenty lots

A review letter prepared by Remington, Vernick & Vena Engineers dated August 30, 2016 was entered as an exhibit.

Mr. Vogt said one submission waiver is being sought for an environmental impact statement which they recommend.

A motion was made and seconded to approve the waiver as recommended by the Board Engineer and Planner. All were in favor.

Mrs. Miriam Weinstein, Esq. said this project is the subject of two previous approvals. One of them was an application by Mr. Voorhand in which there was an objector. It then went to court and was appealed and subsequently remanded back to this board. That approval was for townhouses and the applicant is now coming back with a new and improved design for duplexes and combining those two projects. She believes the neighbor that had objected is now on board with this new design.

Mr. Neiman asked the width of the road.

Mr. Glenn Lines, P.E., P.P. said 32 ft. The cul-de-sac is 42 ft from center to the curve.

Mr. Neiman asked if they are creating variances by taking off land.

Mr. Lines said they are not, they are all oversized lots.

Mr. Vogt said the proposed duplex on the combination of new lots 18.01 and 18.02 negates the ingress to the off-street parking along Prospect Street designed with a previously approved application. The current access onto Prospect Street no longer works. They had talked informally about maybe bringing a road in through the property.

Mr. Flancbaum said a lot of variances are being requested.

Mrs. Weinstein said the applicant is also adding a shul to this development which is much needed in this area.

Mr. Neiman asked if variances are being created by taking land from the previously approved application.

Mr. Vogt said the map for the previous application is not going to be filed. That is now part of this project.

Mrs. Morris said the application was submitted with the new lot numbers. She believes they will file the previously approved subdivision map and then they would file this one.

Mr. Lines said they do not create any new lots on those 12 lots.

Mr. Aharon Mansour said they will be giving an extra 10 ft of backyard to the other properties.

Mr. Neiman asked if they are creating variances by doing that.

Mr. Lines said no.

Mr. Flancbaum asked about the front and rear yard setbacks.

Mr. Lines said there is a front yard setback on the rear corner of 17.12 to Massachusetts Avenue. It is the same thing on 18.09 and 18.10 where it is the side of the building towards the street. Those are the three front setback variances. It is a corner lot so the house has two fronts.

Mr. Neiman said it's too much and they really need clarification.

Mr. Vogt said the other subdivision was approved by this board before the County reviewed it. The County engineers came back and required a de-acceleration lane across the property frontage. They are allowing two curb cuts along that lane so you no longer have the ability to turn in and out off of the County road. They had talked about bringing a road through this and unfortunately, one of the proposed duplexes is where that road would be.

Mr. Neiman said this should be figured out prior to the public hearing.

A motion was made and seconded to advance this application to the October 26, 2016 meeting. All were in favor.

**11. SD 2164 Barbara Flannery**

Atlantic Avenue Block 377, Lots 26.04-26.08  
Minor Subdivision to adjust lot lines (no additional lots)

A review letter prepared by Remington, Vernick & Vena Engineers dated September 1, 2016 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. said they are not creating any new lots. They are getting rid of a flag lot and by doing so they are creating new variances but they would be creating lots that are better for everybody in the end.

A motion was made and seconded to advance this application to the October 26, 2016 meeting. All were in favor.

**12. SP 2200 Congregation Williams Street**

Williams Street Block 411, Lots 12.01, 12.02, & 13  
Preliminary and Final Major Site Plan for a synagogue

Applicant is requesting a combined plan review and public hearing at this meeting.

A review letter prepared by Remington, Vernick & Vena Engineers dated September 1, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are sought including topography, contours, man-made feature within 200 ft and an environmental impact statement. The waivers are supported.

A motion was made and seconded to approve the waivers as recommended by the Board Engineer and Planner. All were in favor.

Mr. Adam Pfeffer, Esq. said they had requested for a combined hearing and they have noticed for such. This application is for a fully conforming synagogue.

Mr. Neiman asked about parking.

Mr. Pfeffer said they are providing 53 spaces. This application had been previously approved with two lots. The congregation went ahead and acquired a third lot to make a nicer building with sufficient parking.

Mr. Vogt said they will need partial relief for the perimeter buffer.

Mr. Neiman said curbs and sidewalks are proposed.

Mr. Pfeffer confirmed.

Mr. Glenn Lines, P.E., P.P. was sworn in. This application is for a 7,040 sf synagogue on the corner of Williams Street and Sylvan Court. A total of 53 off-street parking spaces are proposed. All access will be off of Williams Street. The trash enclosure will be in the front of the parking lot. A 6 foot high vinyl fence is proposed in lieu of the landscape buffer.

Mr. Neiman asked if there is a Simcha hall.

Mr. Lines said yes, in the basement.

Mr. Neiman said that is fine as there is more than enough parking.

Mr. Vogt asked if the fence will be around the whole property.

Mr. Lines said yes, basically starting off 10 feet off of Sylvan Court and wrap around to the other side of the property. They would comply with all setbacks. Public sewer and water will service the building, the curbs and sidewalks will be replaced along the property.

Mr. Neiman 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.

**13. SP 2201 Congregation Rachmistrivka Inc**

Delaware Trail Block 2.04, Lots 2.05, 2.06, 22, & 24  
Preliminary and Final Major Site Plan for a school

Applicant is requesting a combined plan review and public hearing at this meeting.

A review letter prepared by Remington, Vernick & Vena Engineers dated August 24, 2016 was entered as an exhibit.

Mr. Vogt said the only submission waiver is for an environmental impact statement. Per state mapping, there are no environmental issues on the property, therefore the waiver is supported. If approved, the applicant would comply with the tree protection ordinance.

A motion was made and seconded to approve the waiver as recommended by the Board Engineer and Planner.  
All were in favor.

Mr. Abraham Penzer, Esq. said the school is growing very quickly. No variances are being requested and there is more than enough parking provided. Next year they anticipate 309 children and would max out at 600 children. The number of buses would be between 8 and 10 with 8 proposed bus stalls. No students will be picked up or dropped off as this is an elementary school. They have 20 staff and they are providing 66 parking spaces where 42 are required. He did advertise for a combined meeting and would like to be heard as such. There are objectors.

Mr. Glenn Lines P.E., P.P. was sworn in.

Mr. Vogt said a 20 foot buffer is required from the residential use to the south. He suggested some sort of fence or landscaping. A design waiver is also required as parking is shown within the buffer. The UDO requires buffer screening in such instances.

Mr. Neiman thinks a school this size, in a residential area, should have white vinyl fencing around the whole property.

Mr. Lines said a one-way circular entrance and exit is provided from Delaware Trail.

Mr. Neiman asked if this is the first property on Delaware Trail touching West County Line Road.

Mr. Lines said there is a vacant County lot between them and West County Line Road. They have the parking closest to that property.

Mr. Neiman opened to the public.

Mr. Arthur Tonnesen was sworn in. He said there is a County easement running in the back of the property and he had discussed with the engineer about revising the plans. There is an office/medical building being built further down West County Line Road and that would be draining into the road as well. After working along with the Jackson Township engineering and road department he is still waiting for a response to see how much water they are going to keep putting in that pond further south. Directly across from that pond is his home. There are 30 inch mains clearing off County Line Road into an 8 inch pipe down at the bottom.

Mr. Neiman said it is not a catch basin that collects the water.

Mr. Tonnesen said there are two catch basins out on the main street and then bleeds down back into that pond.

Mr. Vogt said the easement in question was present on a filed plat which they shared with the applicant's professionals. If he remembers correctly, there is excess parking shown on the current plan that if necessary, you could pull out of that easement. With regard to the drainage, the applicant will need to comply with the New Jersey Stormwater Rule. The applicant would have to prove that what is going to be leaving this property, after development including their system, is going to be less than current development.

Mr. Tonnesen said that would take care of the back of the building. In the front everything pitches towards two catch basins that do not go anywhere.

Mr. Vogt believes a recharge system is being proposed. Again, if the board approves, they would do a thorough review to ensure they comply with the stormwater management rule.

Mr. Lines said they are collecting any runoff from the front driveway before it comes out onto Delaware Trail. They are collecting all of the roof runoff and it would either be recharged under the driveway in the front or under the parking lot.

Mr. Vogt asked if the front system will be designed for a 100 year storm.

Mr. Lines confirmed. The 30 ft easement was not picked up by their surveyor so they will be removing 6 or 7 spaces so they can get the parking lot and trash enclosure out of that easement and away from the property line.

Mr. Flancabaum said there will be nothing in the easement.

Mr. Lines confirmed.

Mr. Vogt asked for testimony concerning the existing condition of the Delaware Trail roadway along the property frontage and its ability to accommodate proposed traffic from this project.

Mr. Lines said the school is operating now and there will be an increase in busing over time but as far as the distance they go into Delaware Trail, he doesn't see it will make an impact. He does not know the condition of

the pavement. He knows if they disturb more than 20% of the road, they would need to provide an overlay of the pavement anyway.

Mr. Vogt said his question is if this particular road is sufficient to deal with the increased busing and traffic.

Mr. Lines does not know what the condition of the pavement is.

Mr. Vogt said if the board grants approval, restoration or paving of Delaware Trail will be provided.

Mr. Lines agrees.

Mr. Tonnesen asked about any underground drainage. He knows that road is shot and it pitches all to one side towards the pond. Curbing and drainage should be completed. Jackson Township would agree with that as all of the water leads down to the Metedeconk.

Mr. Vogt said he can only manage what is happening in Lakewood Township. The applicant's final stormwater design will meet the New Jersey Stormwater Rule.

Mr. Tonnesen asked who maintains the stormwater system. He is concerned when it fills up as it will be affecting his property.

Mr. Vogt said the applicant. A private major development, by law, is supposed to have a filed stormwater maintenance plan and they should be maintaining it.

Mr. Tonnesen said this is going to be an issue until someone figures out how to pump water back up the hill. He is also concerned about the lights for the parking lot affecting the neighbors.

Ms. Ruth Vartholom was sworn in. She feels her privacy and quality of life has been affected by this school. Boys are constantly going into her backyard, running into the street, bells go off every day even on Saturdays. She was upset when they knocked down residential houses to build the school as it took away the feeling of seclusion. She said they are the only ones left on the street. The County put in a new pipe which didn't do any good. Trailers were added to the property and crushed the drainage pipes.

Ms. Janice Urbasaitis, 68 Seminole Drive, was sworn in. She is concerned about the environmental impact the school will have on her property. Pictures were submitted into the record showing dirt being removed from her property, the property next door which used to be a school and now the septic is overflowing and not functioning. Her property is on a pitch so the pollution is flowing down towards her property. She has notified the NJDEP, EPA and the Ocean County Board of Health but nothing has been done.

Mr. Neiman said this testimony has nothing to do with the school.

Ms. Urbasaitis believes this school will cause additional pollution onto her property and into the Metedeconk. She said 55 buses come down Delaware Trail from 2 to 5 pm. Often the buses idle in front of her property. She asked that more studies and guarantees be made as this is a residential neighborhood.

Mr. Neiman closed to the public.

Mr. Penzer said he urges the neighbors to contact the president of the school, Mr. Brodt, as they will find that most if not all of them have nothing to do with this school. The school currently has 4 buses and all of the buses

have the name of the school on them. They recognize the drainage is very bad there and they will meet the stormwater management requirements. The pollution is not coming from their property and the school should not be blamed for something that is not their fault. Concerning the lights, their plans are designed so there is no light spillage onto the neighboring properties.

Mr. Neiman said he has a school next to his house and it really bothers him that the recess bells are going off on Saturdays, he doesn't understand why it can't be set on a timer.

Mr. Penzer has no issue with that.

Mr. Neiman said a privacy fence is very important and would provide much needed privacy for the neighbors. He does not know how to address the drainage system issue.

Mr. Vogt said the applicant must install their own system to manage their site. Proofs must be made that after the system is installed, runoff is going to be less than it currently is. Another issue is the 30 ft easement in the back of the property. The trash receptacle and parking will have to be removed from within that easement. As he understands it, that is a County easement.

Mr. Lines said yes and they are not connecting to their system.

Mr. Neiman asked about the trailers busting the pipes.

Mr. Lines said the trailers are a good 100 ft from the easement and pipe. He will look into it but he doesn't see how the trailers could have affected the County pipe.

Mr. Neiman said the trailers will be removed once the school is built and that will be a condition in the resolution.

Mr. Penzer confirmed.

Mr. Neiman said timers shall be set for the lights and microphone system, a fence will be provided around the perimeter of the property and the applicant will meet the stormwater management rule. Delaware Trail will be improved, if necessary.

Mr. Penzer agrees.

A motion was made and seconded to approve.

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

Abstain: Mr. Cautillo

**14. SD 2146 Mordechai Eichorn**

Central Avenue

Block 12.04, Lot 48

Minor Subdivision to create three lots

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

Mr. Mordechai Eichorn said he has reviewed the comments in the board engineer's review letter and would address them.

A motion was made and seconded to advance this application to the October 26, 2016 meeting. All were in favor.

**15. SP 2203 Congregation Chabad of Lakewood**

Central Avenue Block 12.04, Lot 46.02  
Preliminary and Final Major Site Plan for a synagogue and mikva

Applicant is requesting a combined plan review and public hearing at this meeting.

A review letter prepared by Remington, Vernick & Vena Engineers dated September 2, 2016 was entered as an exhibit.

Mr. Vogt said submission waivers are being sought including topography, contours, man-made features within 200 ft, locations ("B" Waivers). Names and widths within 200 ft, environmental impact statement, tree protection management, design calculations and shade tree easement ("C" Waivers). The "B" waivers are supported as well as locations, names, widths within 200 ft, EIS and tree protection management plan. Drainage calculations should be provided for review prior to the public hearing. If approved, the applicant will have to comply with the township tree ordinance.

A motion was made and seconded to approve the waiver as recommended by the Board Engineer and Planner. All were in favor.

Mr. Samuel Brown, Esq. said this school has been around for some time. This application is to finally make this a site that works in terms of a new building, circulation and parking. He noted that all neighbors came after the congregation already existed and was already operational. However, the congregation did take the neighbors into account and the building was moved back from the site such that parking and circulation can take place in the front and have minimal impact to the neighbors in the rear. In order to accomplish that, there are some variances associated with this application.

Mr. Brian Flannery, P.E., P.P. was sworn in. A total of 20 parking spaces are being provided, whereas 16 is required. The applicant will also have to seek County approval as it is a County road. Two spaces may need to be eliminated but they would still comply. The building was pushed to the back so that the parking could be in the front in accordance with the request of the neighbors. That does require variances including a rear yard setback of 10 ft whereas 20 ft is required, side yard setback of 5 ft whereas 10 ft is required, perimeter buffer relief of 10 ft whereas 20 ft is required as well as allowing parking within 2 ft of the property line whereas 5 ft is required. They intend to buffer the property with fencing and it is his opinion the board can grant these variances without any detriment to the zone plan and zoning ordinance and they do promote the general welfare in accordance with the MLUL.

Mr. Rennert asked about the neighbors being affected by these variances.

Mr. Brown said they are neighbors who moved in knowing the congregation existed. The way the building is set on the property is in consideration of these neighbors.

Mr. Neiman asked if there will be a Simcha hall in the shul.

Mr. Flannery said this synagogue would be used just as the existing one is used which is just on Shabbos and Farbrengen.





Mr. Daniel Roth, 20 Miller Road, was sworn in. He thanked the applicant and his professionals but he wanted to ensure that no more development would be done on Casablanca Drive. He said the property would be owned by all 6 homeowners and it would be up to them to sell it thus opening it up to further development.

Mr. Neiman understands but that is their prerogative.

Mr. Roth wants to ensure the landscaping is sufficient including 7 to 8 ft trees.

Mr. Benjamin Basch, 52 Lee Drive, was sworn in. He asked for some type of privacy fence. He has concerns about the drainage as they have had issues in the past. Anytime there is new development, it causes more drainage problems.

Mr. Stevens said he is right as everything drains towards his property. The applicant proposes to bring all of the drainage back to the County drainage system in Miller Road. If anything, this project will help the drainage in the area.

Mr. Neiman closed to the public.

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

**3. SP 2187 KG Investments**

Chestnut and River Avenue                      Block 1070, Lots 1 & 3  
Preliminary and Final Major Site Plan for a combined retail and office building, existing gas pumps to remain

A review letter prepared by Remington, Vernick & Vena Engineers dated August 8, 2016 was entered as an exhibit.

Mr. Vogt stated that variances include minimum front yard setback, relief for the number of off-street parking spaces, and relief for a parking setback from the centerline of a state highway.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is the BP site on Route 9 and Chestnut Street. They are combining the lot behind which currently has a home on it. The house and car wash will be removed and a new building with retail on the first floor and office on the second floor will be built. Two of the gas booths will also remain. The uses would be compatible with a gas station. The parking provided would be supplement by the parking that is available at the gas pumps.

Mr. Neiman asked if this would be similar to a Wawa or Quick Check.

Mr. Flannery confirmed, it will be a convenience type store. A minimum front yard setback of 23 ft is requested whereas 50 ft is required. The existing setback is less than that so they are not exacerbating the existing condition. A variance for a front yard setback of 58.3 ft to Route 9 is required as the attendant booth would be closer than the 75 ft required setback. Again, that is an existing booth and they are actually reducing the impact as the car wash and a few pumps are being eliminated. A total of 56 parking spaces with an additional 6 spaces at the pumps are proposed and for the type of use proposed, that is where a lot of the parking occurs. The parking requirement is 72 spaces whereas they are providing 62 spaces. It his opinion that the parking is sufficient.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Hibberson, Mr. Flancbaum, Mr. Rennert, Mr. Cautillo

Abstain: Mr. Neiman

**4. SP 2196AA Simon Schreiber**

Tuxedo Terrace

Block 25.07, Lot 53

Change of Use/Site Plan Exemption to convert an existing home into a school

Applicant has requested to table this application until future notice. This project will not be heard.

**8. PUBLIC PORTION**

**9. APPROVAL OF MINUTES**

**10. APPROVAL OF BILLS**

**11. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted

Sarah L. Forsyth, Planning Board Recording Secretary