

1. 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. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt, P.E., P.P. was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. Franklin Street Study Area – Preliminary Investigation

A motion was made by Mr. Follman, seconded by Mr. Franklin to approve the resolution.
Affirmative: Mr. Follman, Mr. Franklin

2. SD 2049 Paramount Developers

Ridge Avenue Block 223, Lots 89 & 90
Preliminary & Final Major Subdivision to create 6 lots

Mr. Neiman said this application was properly noticed but there was a misunderstanding as to when it would be heard. He has had a number of neighbors call him concerning this. He did tell them this was already approved but there were some issues that the Board and neighbors wanted to add into the resolution. He asked if anyone would like to come up they could add additional conditions into the resolution and memorialize it tonight.

Mr. Menachem Drillman, 412 Ridge Avenue, was sworn in. His main issue with the project is the garbage is on the street. He has spoken to Public Works who assumes they will have two cans for each house. He said there are basement apartments for each of these houses and there will be numerous cans lining the street.

Mr. Neiman said he had spoken to the applicant

Mr. Brian Flannery, P.E., P.P. said the applicant is fine if a condition is added that the garbage would only be placed within the cul-de-sac and not on Ridge Avenue. If Public Works does not agree to come in to pick it up, it would be picked up by a private company.

Mr. Jackson said he would add it as a condition of approval in the resolution. He asked that a note be added to the plans as well.

Mr. Flannery agreed.

Mr. Neiman said he does not know if there will be a homeowner's association but in the contracts to the homeowners there should be a stipulation that there would be a private carting company if Public Works is not able to pick it up.

Mr. Flannery said the applicant will know whether it will be public or private before they get to that point. That would be in the information that is given to potential purchasers and in the homeowner's documents.

Mr. Franklin said it is private collection but Public Works would pay up to their cost.

Mr. Jackson will prepare a revised resolution for the next meeting that will have these conditions in it. He will expressly say that the plans will be revised with a note. That would be at the beginning of the master deed and bylaws so anyone who buys a home here would see that it is a condition of the approval.

Mr. Rennert would like the resolution to specifically state only one basement apartment is permitted per home.

Mr. Jackson would put it in the master deed.

Mr. Yosef Rosenfeld, 401 Ridge Avenue, was sworn in. He has privacy concerns and requested additional buffering.

Mr. Flannery said the applicant is ok with providing the fencing and/or landscaping buffering to provide additional privacy.

Mr. Rosenfeld asked what would be provided.

Mr. Flannery said they could provide a six foot white vinyl fence and a row of six to eight foot arborvitaes. This would be provided along the west property line of this project.

Mr. Kugler, 415 Ridge Avenue, was sworn in. He asked for similar privacy measures.

Mr. Flannery said the applicant agrees to provide the same buffering including fencing and landscaping along the east property line as well.

Mr. Kugler asked if the setbacks could be changed. The setback is only seven feet from his property line. He asked for additional landscaping.

Mr. Flannery said the applicant should meet with Mr. Kugler and they could decide where and how many to put them.

Mr. Kugler said he also has a safety concern. There is a house right next to the road going in and he is concerned about the site triangle.

Mr. Flannery said there is sufficient room to provide an AASHTO site triangle.

Mr. Yehuda Horowicz, 417 Ridge Avenue, was sworn in. He asked for similar privacy measures.

Mr. Neiman closed to the public. The resolution will not be approved tonight. The board attorney has all of the information and will revise the resolution.

- 3. SD 2055 32 Cross, LLC**
Cross Street Block 533, Lot 11
Preliminary & Final Major Subdivision to create 27 lots

Mrs. Morris stated that the applicant would like to hold off on this as they have some revisions.

- 4. SP 2132AA Nefesh Hachaim Inc**
Drake Road and White Street Block 251.02, Lot 97
Change of Use/Site Plan Exemption to convert existing house into a dormitory for the adjacent school building

Mrs. Miriam Weinstein, Esq. said she has an issue as the resolution states the yeshiva is limited to a maximum of 12 students. The problem is that when they went to apply for their septic permit, they were denied.

Mrs. Morris said at the tech meeting there were questions as to how many boys would be in the dormitory and school. She believes their professional gave testimony that there would be a maximum of 12 boys.

Mrs. Weinstein said they have 12 boys this year but the school did not want to limit that number as it will be expanding.

Mr. Flancbaum remembers hearing an application to renovate an old home to accommodate 12 students.

Mrs. Weinstein understands but she believes the testimony should have been that there will be 12 students next year.

Mr. Flancbaum said the Board accommodated this because they thought it was only going to be 12 students. If there are going to be more students then perhaps the plan needs to be changed as well. It was a very specific approval.

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

Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Follman, Mr. Rennert

Abstain: Mr. Neiman

- 5. SP 2121 Growing Feet, Inc.**
Second Street Block 125, Lot 3
Preliminary & Final Major Site Plan for a 3 story office building

Mr. Rennert asked if the resolution restricts medical offices.

Mrs. Morris said yes.

A motion was made by Mr. Rennert, seconded by Mr. Flancbaum to approve the resolution.

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

Abstain: Mr. Neiman, Mr. Follman

- 6. SP 2126 ARM Development and Construction**
East Seventh Street Block 231, Lot 34
Preliminary and Final Major Site Plan for a shul

A motion was made by Mr. Rennert, seconded by Mr. Flancbaum to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

- 7. SP 2127 Congregation Ohr Yisroel Sadigura Inc**
Holly Street and Stirling Ave Block 189.01, Lots 169, 170.01, & 186
Preliminary and Final Major Site Plan for a shul with a mikva and Rabbi's apartment

A motion was made by Mr. Flancbaum, seconded by Mr. Rennert to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

- 8. SD 2057 Avenue of the States, LLC**
Avenue of the States Block 961, Lot 2.01
Minor Subdivision to create two lots

A motion was made by Mr. Flancbaum, seconded by Mr. Rennert to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

- 9. SP 2128 Avenue of the States, LLC**
Avenue of the States Block 961, Lot 2.01 (Proposed Lot 2.02)
Preliminary and Final Major Site Plan for a 3-story office building

A motion was made by Mr. Flancbaum, seconded by Mr. Rennert to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

- 10. SD 2058 11 James Street Associates, LLC**
James Street Block 415, Lots 17, 18, & 24
Preliminary and Final Major Subdivision to create eight fee-simple duplex lots

A motion was made by Mr. Flancbaum, seconded by Mr. Franklin to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum
Abstain: Mr. Neiman, Mr. Follman, Mr. Rennert

- 11. SP 2129 Mesivta Nezer Hatorah**
Essex Avenue Block 1123, Lots 1 & 8
Preliminary and Final Major Site Plan for a school

A motion was made by Mr. Flancbaum, seconded by Mr. Franklin to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

- 12. SP 2131 Congregation Chasidei Viznitz c/o Abe Appel**
Clifton Ave & Harvard Street Block 107, Lot 1
Preliminary and Final Major Site Plan for a synagogue

A motion was made by Mr. Rennert, seconded by Mr. Flancbaum to approve the resolution.
Affirmative: Mr. Franklin, Mr. Flancbaum, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

5. PUBLIC HEARING

- 1. SP 1883 Sudler Lakewood Land LLC**
Oak Street & Paco Way Block 1160.04, Lot 54 & 383 (Building #29)
Extension of approved Preliminary and Final Major Site Plan

Mr. Christopher DeGrazia, Esq. stated that this an application to extend the previous approval. There are actually four buildings involved located within the Industrial Park commonly known as buildings 29, 31, 33 and 34. They are warehouse buildings which are permitted within the zone. Under the MLUL, you get two years for the final approval. They are coming up close on a few applications and would like a time extension. A CAFRA permit is being sought for buildings 31, 33 and 34. All of these applications will be expiring sometime next year. They are seeking a two year extension.

Mr. Jackson asked how this works with the Permit Extension Act.

Mr. DeGrazia said the Permit Extension Act will expire this coming December and the application will toll until June 2016. At that point they would be requesting the two year extension through June 2018 for buildings 29 and 31. Buildings 33 and 34 were more recently granted so the Permit Extension Act does not kick in there so their approvals would expire in October 2016. The extension would bring these applications to October 2018.

Mr. Flancbaum said he thought the Permit Extension Act expires June 30, 2016.

Mr. Jackson said it is a little complicated because the extension tolls the period so the clock is not running. It also depends on the type of approval. This is not even an expiration, this is a protection period which protects against a zoning change.

Mrs. Morris stated the maximum tolling period is June 30, 2016.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the period of protection to June of 2018.

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

- 2. SP 2011 Sudler Lakewood Land LLC**
Route 70 & Paco Way Block 1160.04, Lot 49 (Building #31)
Extension of approved Preliminary and Final Major Site Plan

Mr. Christopher DeGrazia, Esq. stated that this an application to extend the previous approval. There are actually four buildings involved located within the Industrial Park commonly known as buildings 29, 31, 33 and 34. They are warehouse buildings which are permitted within the zone. Under the MLUL, you get two years for the final approval. They are coming up close on a few applications and would like a time extension. A CAFRA

permit is being sought for buildings 31, 33 and 34. All of these applications will be expiring sometime next year. They are seeking a two year extension.

Mr. Jackson asked how this works with the Permit Extension Act.

Mr. DeGrazia said the Permit Extension Act will expire this coming December and the application will toll until June 2016. At that point they would be requesting the two year extension through June 2018 for buildings 29 and 31. Buildings 33 and 34 were more recently granted so the Permit Extension Act does not kick in there so their approvals would expire in October 2016. The extension would bring these applications to October 2018.

Mr. Flancbaum said he thought the Permit Extension Act expires June 30, 2016.

Mr. Jackson said it is a little complicated because the extension tolls the period so the clock is not running. It also depends on the type of approval. This is not even an expiration, this is a protection period which protects against a zoning change.

Mrs. Morris stated the maximum tolling period is June 30, 2016.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the period of protection to June of 2018

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

3. SP 2079 Sudler Lakewood Land LLC

Oak Street & Paco Way Block 1160, Lot 240 & 251 (Buildings #33 & 34)
Extension of approved Preliminary and Final Major Site Plan

Mr. Christopher DeGrazia, Esq. stated that this an application to extend the previous approval. There are actually four buildings involved located within the Industrial Park commonly known as buildings 29, 31, 33 and 34. They are warehouse buildings which are permitted within the zone. Under the MLUL, you get two years for the final approval. They are coming up close on a few applications and would like a time extension. A CAFRA permit is being sought for buildings 31, 33 and 34. All of these applications will be expiring sometime next year. They are seeking a two year extension.

Mr. Jackson asked how this works with the Permit Extension Act.

Mr. DeGrazia said the Permit Extension Act will expire this coming December and the application will toll until June 2016. At that point they would be requesting the two year extension through June 2018 for buildings 29 and 31. Buildings 33 and 34 were more recently granted so the Permit Extension Act does not kick in there so their approvals would expire in October 2016. The extension would bring these applications to October 2018.

Mr. Flancbaum said he thought the Permit Extension Act expires June 30, 2016.

Mr. Jackson said it is a little complicated because the extension tolls the period so the clock is not running. It also depends on the type of approval. This is not even an expiration, this is a protection period which protects against a zoning change.

Mrs. Morris stated the maximum tolling period is June 30, 2016.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the period of protection to October of 2018.

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

4. SD 2063 Eli Schwab

Joe Parker Road Block 189.16, Lot 157
Minor Subdivision to create three lots

Mr. Flannery stated the applicant would like to carry this application to the October 13, 2015.

5. SD 2066 Yehoshua Frankel

Albert Avenue Block 827, Lots 1 & 3.02
Minor Subdivision to create five lots

A review letter dated August 31, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, lot width and side yard setbacks.

Mrs. Miriam Weinstein, Esq. stated that this is an application to create 5 lots from 2 in the R-20 zone. The Township Committee recently rezoned an area near Charity Tull Avenue in the vicinity of the subject property. As part of that rezoning, Charity Tull Avenue was vacated to the rear of this property. The net result of the rezoning and the road vacation was to remove the dual frontage that these lots had as these lots fronted on Albert Avenue and Charity Tull Avenue. In addition, East Spruce Street was vacated as well. A similar application was approved by this Board about a year ago on Albert Avenue on the other side of East Spruce Street. This subdivision will create 5 lots, all being 65 ft by 225 ft.

Mr. Brian Flannery, P.E., P.P. was sworn in. Exhibit A-1 shows the subdivision plan submitted. Exhibit A-2 shows the subject property on the tax map. The Charity Tull Avenue vacation is behind this application. If Charity Tull Avenue was not vacated, they would be able to get the same amount of lots without the width variances. Exhibit A-2 also shows the r-12 property to the rear as well as other approvals. There are some minor area variances requested as well as lot width variances. There is an application to the north that was approved by this board with similar lot width variances. The minimum side yard and aggregate side yard setback are existing variances conditions. It is his testimony, this application provides housing opportunities and is consistent with the area.

Mr. Neiman said this application is going to change the whole look of this area.

Mr. Flannery said there are 8 lots in the area that are 75 ft wide as well as 2 flag lots.

Mr. Follman said the 6.3 ft side yard setback is not sufficient.

Mrs. Weinstein said that is for the existing house. She said no one is here in opposition tonight and usually the Albert area neighbors are very vocal.

Mr. Rennert asked if the variances would be lessened if they only created 4 lots.

Mr. Neiman asked what the lot widths are to the north.

Mr. Flannery said 2 of the lots are 65 ft wide and the other 2 are 80 ft wide.

Mr. Neiman said they could do something similar here as well. He believes this application will change the whole look of that area. There is a big difference between 65 ft and 80 ft.

Mr. Flannery said they would provide three 75 ft wide lots with the existing house on a 100 ft wide lot. This would eliminate the side yard setback variances. The minimum lot width variance of 75 ft whereas 100 ft is still being requested.

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

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

6. SD 2067 Mark Moskovitz
Central Avenue & Bradshaw Road Block 83, Lot 7
Minor Subdivision to create two lots

A review letter dated August 31, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated the applicant is requesting variances for minimum lot area and width. Ocean County Planning Board approval was granted subject to providing an additional right-of-way dedication of 7 ft along Central Avenue.

Mr. Rennert has a conflict and cannot sit on this application. As there is not a quorum, this application will be carried to the October 13, 2015 meeting.

7. SD 2073 ARM Realty and Construction
East Fifth Street Block 189.01, Lot 178
Minor Subdivision to create two lots

A review letter dated August 31, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mrs. Morris stated that this application was recently before this Board as a concept plan. The Board had indicated they would not have to come back for two additional meetings so they have been scheduled straight to public hearing.

Mr. Vogt stated a variance is requested for minimum lot area. A waiver is required to allow for a 5 ft wide road widening easement in lieu of a state dedication.

Mrs. Miriam Weinstein, Esq. stated they had been before this Board with a concept plan. The applicant could build a duplex on this lot as a right but found this plan would be more in keeping with the character of the neighborhood, which are single family homes on smaller lot.

Mr. Glenn Lines, P.E., P.P. was sworn in. He stated that this is a minor subdivision to create two 5,527 sf lots. There is a single family home under construction next door which is also a 50 ft wide lot.

Mr. Rennert said this would look better than a duplex.

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

Mr. Neiman said if this does get approved, it is because they are not asking for any side yard setback variances.

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to approve the application.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

8. SP 2139AA Yossi Adler
Chestnut Street Block 1094, Lot 1
Change of Use/Site Plan Exemption to convert existing house to a school

A review letter dated September 1, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated that all the variances are pre-existing. Several design waivers are being requested including providing landscaping, lighting, sidewalks, curbs and a bus loading and unloading zone.

Mr. Brian Flannery, P.E., P.P. stated that this is an existing house they would like converted into a school. This will be a start up school. A full site plan will come in for a bigger school in the future. There are pre-existing variances associated with this site. The applicant is looking to buy more property so when they come back with a site plan it will be a larger site.

Mr. Neiman asked if there will be busing.

Mr. Flannery said the plan does show that the bus would drop off. The initial startup would be one bus. There is an existing area off of Chestnut Street where the bus would pull in and pull out. There is one parking space in the existing driveway and behind the bus area there is an existing compacted driveway area where an additional eight vehicles can park.

Mr. Neiman asked approximately when they would be back for a full site plan.

Mr. Flannery said he hopes they would be back before the next school year. They are trying to acquire the property to the south and east.

Mr. Rennert asked if sidewalks are proposed.

Mr. Flannery said they are currently requesting a waiver because they will be back and would like to do it properly.

Mr. Neiman said the applicant shall install sidewalks along the frontage. It could be three years before they come back.

Mr. Rennert asked if Vermont Avenue is a paper street.

Mr. Flannery said yes.

Mr. Vogt stated the survey indicates R-Blend parking. He asked what that is.

Mr. Flannery said it is a compacted R-Blend gravel type parking area.

Mr. Vogt asked if it stone.

Mr. Flannery said yes.

Mr. Rennert asked what happens with the sidewalks when Vermont Avenue gets improved.

Mr. Flannery said it is a dirt road. There is a utility easement down the road. It will be a through street at some point.

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

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to approve the application.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

9. SP 2135 Somerset Development

East County Line Road Block 174.11, Lots 41.01, 42, & 43.07

Preliminary and Final Major Site Plan for a retail and grocery store

A review letter dated September 1, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated that a variance is required for maximum building coverage. A design waiver is required from the construction of a 6 ft wide sidewalk along County frontage as well as from providing a shade tree and utility easement. A parking variance is also required.

Mr. Paul Snyder, Esq. stated this application is for a grocery store in the R-15 zone. A grocery store is permitted in this zone as a conditional use. This project is located along a County road, a minimum of 50% of the frontage is within 1,000 ft of the center line of a designated intersecting need for roadway, in this case Somerset Avenue. It is located east of Route 9 and easily meets the minimum lot area requirement of 20,000 sf. The only variance sought is for maximum building coverage where 25.42% is proposed whereas 25% is required. The parking variance is associated solely with the fact that, the basement which will be limited to storage, will have a height above 7 ft. If the height of the basement were 7 ft or below, they would need 49 parking spaces whereas they are providing 52 spaces. In order to facilitate storage for the grocery store, they are asking for a slightly higher elevation of the basement which triggers the parking variance.

Mr. Michael Dipple, P.E. was sworn in. He entered the site plan as exhibit A-1. Somerset Square is located to the west of this property. There is currently an existing access off of East county Line Road. The driveway is proposed to be shifted to the east. Fifty two parking spaces are being proposed.

Mr. Neiman asked if they would be exclusively for the grocery store.

Mr. Dipple said they could be but the parking is located directly in front of the store and are clearly aimed at this use. It is really a shared parking scenario.

Mr. Neiman said there is never any parking available at this shopping center. The Zoning Board approved it with a parking variance. He does not believe the proposed parking is sufficient.

Mr. Dipple said kosher village is located on the west side of the site which is the worst spot as there is not a lot of parking. The existing office building is successful with plenty of parking in the back. They will be taking the grocery store and moving it over to the east side in order to provide the parking that it needs.

Mr. Neiman would agree it would work if they designate parking spots exclusively for the grocery store.

Mr. Dipple said a shared parking arrangement would work better.

Mr. Neiman does not agree.

Mr. Dipple said all of the loading/unloading will be in the rear. The frontage will be very similar to what it is on East County Line Road. The County is doing some improvements there and they will update the plans to include that. They have been discussing this application with the residents and have provided a nice buffer in the back.

Mr. Neiman asked if there is ample room to accommodate trucks.

Mr. Dipple said yes. This will be a much better scenario than what is currently existing. Currently trucks are pulling and are blocking certain areas. This plan proposes all loading/unloading to the rear of the building.

Mr. Neiman asked why they are not extending the sidewalk along the frontage.

Mr. Dipple said they are. They will be providing 4 ft wide sidewalks along East County Line Road.

Mr. Vogt said they would need to have bumpouts at a minimum of every 200 ft.

Mr. Dipple said they could provide 5 ft wide sidewalks.

Mr. Vogt said 5 ft would work better as they wouldn't need the bumpouts.

Mr. Dipple said they would still be seeking the design waiver from providing 6 ft wide sidewalks. They would either provide 5 ft sidewalks or 4 ft sidewalks with the bumpouts.

Mr. Rennert asked if it would make more sense to have a driveway out to East County Line Road exclusively for delivery trucks so they would not have to come through the parking lot to exit.

Mr. Dipple said they would need to ask the County.

Mr. Neiman said it could be a right out exit driveway only.

Mr. Rennert asked how much parking would be required for the whole site if this was a brand new application.

Mr. Dipple said roughly 184.

Mr. Neiman said he believes it is over 200 because there are two stories in the office building.

Mr. Dipple did include the office building in his total. The total number of parking spaces existing and being provided with this application would be 153.

Mr. Neiman said the original application went to the Zoning Board. He wants to make sure it is okay to hear this at this Board.

Mr. Jackson said a two story building was approved at the Zoning Board. At that time, this was a non-conforming use which gave the Zoning Board jurisdiction. It is also his understanding, since this was approved, the zoning

was changed to allow this. Since they are not expanding a non-conforming use, he believes the Planning Board has jurisdiction.

Mr. Nick Graviano, P.P. was sworn in. The applicant is requesting a C-2 variance. In the case of a C-2 variance, hardship is not necessary to show the positive and negative criteria for the granting of the variance. The applicant seeks to relocate the existing grocery store. This is the only grocery store on this side of East County Line Road during this entire stretch and serves the needs of the neighborhood for grocery and retail. This is a drastic improvement as the loading and unloading currently creates parking and space conflicts. This plan makes more sense.

Mr. Neiman said it does if they designate parking for the grocery store.

Mr. Graviano said the applicant has opted to combine these lots as opposed to coming in with a separate application on one of the lots. That application would be fully conforming but this proposed plan makes more sense. The basement would allow the grocery store to get some of the storage items that are in the parking lot now, for example, the recycling. It would clean up the existing parking lot. The uses that will be going here are far less intensive than the grocery store use. The applicant is extremely committed to alleviating the parking concerns on this property. Part of it is an enforcement issue as people are leaving their cars in the lot all day. If the applicant did come in with a standalone application, they would need to create another curb cut along East County Line Road and they do not want to do that.

Mr. Rennert asked what they are planning on putting in the existing grocery store.

Mr. Snyder said alternative retail.

Mr. Neiman said no medical offices. That use would require additional parking.

Mr. Jackson said they can make that a condition of approval.

Mr. Neiman opened to the public.

Ms. Rebecca Stein, 1503 Twin Oaks Drive, was sworn in. She asked about the garbage location and said there were trees along the buffer that died and had to replant because of a soil issue. She wants to make sure the buffer is maintained.

Mr. Neiman said the plans do show trees there. He asked if there is a fence as well.

Mr. Snyder said yes.

Mr. Jackson said to make it a condition of approval that the applicant will work with the Board Engineer concerning the proposed landscaping and buffer.

Mr. Neiman asked about the garbage issue.

Mr. Jackson said that has a lot of issues including the trucks and noise. They would have to make sure there is a proper buffer, enclose the trash or perhaps move it. You could also restrict the hours.

Mr. Vogt asked for testimony of when the trash would be picked up.

Ms. Stein said the employees from the shopping center park along her street. She did mention it to the grocery store owner but nothing has been done. She anticipates more cars as they will be adding additional offices.

Mr. Alan Gonter, 1502 Twin Oaks Drive, was sworn in. He is concerned about the garbage being too close to his property line. He wants to make sure the trash is at least 50 ft away from the property line as per ordinance.

Mr. Dipple said the trash will be at least 50 ft from the property line.

Mr. Gonter said he asked that the air conditioning units not face his property. He does not see how the trucks will be able to properly circulate through the parking lot. He wants to make sure the 25 ft buffer is provided.

Mr. Synder said they would provide the 25 ft buffer or add additional fencing and landscaping.

Mr. Dipple said the property is mostly fenced off. They plan to extend the fence where the residential properties used to be and continue all the way around towards the front.

Mr. Graviano said the applicant has retained 4 to 5 extremely large pine trees and will be going through a great expense to relocate those large, mature trees to the buffer area to provide immense screening to the neighbors.

Mr. Vogt asked what exactly will be in the buffer.

Mr. Graviano said the pine trees would be relocated to the buffer and additional landscaping would be provided.

Mr. Dipple said it is a combination of deciduous trees and a staggered double row of evergreens as well as the fence.

Mr. Vogt said if the Board acts favorably, they would look at the landscaping further during compliance as there was testimony that trees were dying due to the dry soil. Anything that is substituted would be equivalent in number and size.

Mr. Meir Pfeffer, 1501 Twin Oaks Drive, was sworn in. He asked how many handicapped spots are being provided.

Mr. Dipple said there will be two in front of the grocery store and one to the rear of the office building. There are five on the site.

Mr. Jackson said they would provide whatever is required by law.

Mr. Pfeffer is concerned about the trash location. He asked how close the trucks will come to the cars on the proposed plans as opposed to the existing one.

Mr. Dipple does not know the answer to that but he has testified that the site is tight and they have done whatever they could to widen out the area when the trucks make the initial turn to go into the back of the site. Mr. Pfeffer asked if the trucks will get closer to the cars.

Mr. Dipple said no. The circulation is going to be very similar. He cannot promise that some kind of large truck may get closer. Historically, it is box trucks that deliver to this site.

Mr. Vogt said if the Board acts favorably, they shall provide a circulation plan.

Mr. Graviano said there is better movement with this plan than there exists in the current parking lot. The 18 ft that is shown on the plans is larger than RSIS compliant streets which handle bigger trucks than what we see

here. He has seen the turning radius and the types of trucks and there is more than enough space to navigate through the lot.

Mr. Vogt asked what type of truck was used to determine this.

Mr. Dipple said an SU 40 which is a big box truck. That truck can easily maneuver through the lot and it is typically bigger than the trucks they see. The next size up would be a tractor trailer.

Mr. Vogt said it is his testimony that no trucks larger than an SU 40 are going to access this site. If the Board acts favorably, a circulation plan shall be provided that demonstrates the movements.

Mr. Dipple said that is correct. This plan does not worsen the existing site. It is standard dimension parking. They would not lose spaces due to a truck not being able to make the movements.

Mr. Yehuda Unger was sworn in. He works nearby and he does not believe adding another access point onto East County Line Road would be wise as it is very congested. It would be a very tight turn.

Mr. Rennert asked even if it is a right out only.

Mr. Unger said it still would be a tight turn, especially for a truck.

Mr. Snyder said the plan does not call for that access but the Board suggested it and they said they would seek approval from the County.

Mr. Yossi Pfeffer, Twin Oaks Drive, was sworn in. He said the parking is insufficient per the Zoning Board resolution.

Mr. Jackson read a portion of the resolution stating that a parking variance is required as 198 spaces are required whereas 93 are being provided. This is the resolution from the original approval and is not part of this application.

Mr. Neiman said initially, even without this application, they needed 198 spots. He asked how many parking spaces there are currently.

Mr. Dipple said there are 101 spaces and they are adding 52.

Mr. Flancbaum asked if they would agree to dedicate all of the new parking spaces for the grocery store.

Mr. Neiman said even if they designate at least 30 spots it would work better.

Mr. Snyder said they would comply with whatever the Boards recommends.

Mr. Neiman said there should be signs stating the parking is for the grocery store only.

Mr. Eli Pfeffer, Twin Oaks Drive, was sworn in. He would like signs placed on his street so no one from the shopping center could park there. He would like the dumpster relocated. He said they were also promised 10 to 15 5 ft high trees near the doctor's office. There are no more trees over there as they all died.

Mr. Neiman closed to the public.

Mr. Vogt said he has looked at the plans and did not count 101 existing spaces. He only sees approximately 83 or so. It is not identified clearly on the plans.

Mr. Dipple said some of the spaces may have been restriped over time. They are counting 94 on the plan.

Mr. Vogt said there are a minimum of 94 9x18 ft spaces that are existing and 52 new spaces in support of the new building.

Mr. Neiman believes if they designate parking for the grocery store that would alleviate some issues. They still need to deal with the dumpster issue.

Mr. Dipple said because the grocery store is moving it may open up an area along the northwest side of the building.

Mr. Ralph Zucker was sworn in. He said if they eliminate one or two parking spaces they would be able to place the garbage in a good location. They tried to maximize the parking and since the original approval, Lakewood has grown tremendously and they are now overloaded. This is definitely an improvement of what is currently existing. If they could remove one or two spaces, they could put it on the side of the existing building. It would be much further away from the neighbors.

Mr. Follman said they could shrink the building.

Mr. Zucker said they have already shrunk it to make everything work. The new building is very similar in size but this setup will work much better with the additional parking and with the loading and unloading of trucks in the rear.

Mr. Flancbaum would rather keep the parking spaces and see the dumpster moved a little further away from the neighbors, the basement would be strictly for storage, the parking spaces would be for the grocery store only and would be Title 39 enforced during business hours, the existing building would be used for retail only, employees of the shopping center would be in violation of the site plan if they park along Twin Oaks Court, the maximum truck size will be SU 40.

A motion was made by Mr. Flancbaum, seconded by Mr. Franklin to approve the application.

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

No: Mr. Follman

10. SD 2068 Lakewood Investments, LLC

Williams Street Block 411, Lots 18, 20, 22-24, 73, & 81

Preliminary and Final Major Subdivision to create seventeen lots

A review letter dated July 27, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot width, side yard, aggregate side yard and front yard setbacks.

Mr. Adam Pfeffer, Esq. stated that this is an application to create 17 lots from 7 existing lots where 8 duplex lots and 1 single family lot are being proposed.

Mr. Brian Flannery, P.E., P.P. was sworn in. Exhibit A-1 shows the existing property with zones surrounding it. There is R 7.5 across the street, to the north, the hospital support zone is toward River Avenue. Across the street, just west is the High Point condos. This was rezoned R-10A. The applicant put together a lot of properties. It is still an unusual property with a large area in the back with frontages on three streets. No neighbors are here in opposition. A minimum lot width variance for the single family house of 50 ft whereas 75 ft is required. A majority of the lots in the neighborhood are 50 ft wide. A minimum side yard setback of 7.5 ft whereas 10 ft is being requested to basically get housing units which would be compatible with the area and will work with the lots they have. A minimum aggregate side yard setback of 15 ft whereas 25 ft is required. A minimum lot width variance is required for a couple of the duplexes where they have deep lots that are a little shallower. He said the variances are minor in nature and the benefits outweigh the detriments.

Mr. Pfeffer said the applicant has been working to get a traffic light at the corner of Williams Street and Prospect Street. The applicant donated a piece of property to help obtain it and has worked with all of the neighbors in the area.

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

Mr. Franklin asked who is responsible for the drainage and the pipe line that goes behind lot 20.05.

Mr. Flannery said any of the drainage on private property will be maintained by the homeowners sharing the easement. Public Works would maintain anything within the right-of-way.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

11. SD 2027A ARM Land Group LLC

Bergen Avenue Block 246, Lots 25 – 28, 36, 37, 64

Amended Preliminary & Final Major Subdivision to create ten fee-simple duplex lots

A review letter dated July 30, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated no variances are being requested. Design waivers are being requested for non-radial lot lines which is not uncommon, providing sidewalk along the proposed private cul-de-sac, from providing a shade tree and utility easement along Route 88.

Mrs. Miriam Weinstein, Esq. stated they received approval several months ago for 8 zero lot line lots upon which duplexes were to be constructed on Ocean Avenue (Route 88). The property was adjacent to Jan Krisbergs property which is a site where a previous developer filled a pipe and created a drainage nightmare that has been plaguing that part of town for the last 8 years or so. This applicant took it upon themselves to rectify the drainage situation and the approval was granted with that as a condition. The Board members had concerns about frontages on Route 88 as it is a busy highway and had asked them to stagger the units. The applicant went back to the drawing board, acquired additional property and is now back with a new and improved plan which calls for a subdivision of 7 existing lots into 20 zero lot line lots upon which 10 duplexes will be built. Access will now be from Bergen Avenue via a cul-de-sac rather from Route 88. The proper drainage system can also be installed which will actually solve the drainage situation.

Mr. Glenn Lines, P.E., P.P. was sworn in. It was not clearly defined in the zoning table, but there is a 20 ft side yard setback variance for the units along Route 88 whereas 25 ft is required.

Mrs. Weinstein would think this is a more desirable plan as it no longer fronts on Route 88.

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

A gentleman asked for landscaping along the units on Route 88.

Mr. Lines said they would provide some nice landscaping on that side of the building.

Mr. Neiman asked if the cul-de-sac is RSIS compliant.

Mr. Lines said RSIS calls for a 40 ft cul-de-sac, they are providing 42 ft. Therefore, it exceeds RSIS.

Mrs. Weinstein said the review letter suggests it should be a private roadway. The applicant would prefer it to be public and would meet with Public Works.

Mr. Neiman asked how wide the road is.

Mr. Lines said 32 ft wide.

Mr. Franklin said that is sufficient.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

12. SP 2137 Masoras Avos

Congress Street Block 536, Lot 10 & 17

Preliminary & Final Major Site Plan for an addition to an existing school

A review letter dated August 27, 2015 prepared by Remington, Vernick & Vena was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum front yard and side yard setbacks. Design waivers are requested with respect to the buffer as well as from providing the required width of a nonresidential driveway as it exceeds 30 ft, from providing street trees and a shade tree and utility easement.

Mrs. Miriam Weinstein, Esq. stated they are seeking site plan approval to construct an addition on to an existing boy's elementary school. The application calls for the demolition of the existing structure located on the corner of Congress Street and Route 88 and to construct an addition to the existing school building in its place. The garage on the existing building is being removed and replaced with a two story addition. The school is growing rapidly and currently has 350 boys. There is an existing minimum side yard setback of 2 ft whereas 7 ft is required. She walked the property this morning and this variance is not being exacerbated by this application. In fact, it will be improved as the yeshiva will be demolishing the chimney that encroaches into that setback.

Mr. Glenn Lines, P.E., P.P. was sworn in. They will be moving some of the parking in front of the school. Handicapped parking will be provided as required. They are reducing the setback to the neighbor's property.

Mr. Neiman asked about the bus circulation.

Mr. Lines said in the morning, the buses enter through Congress Street and drop off the children in front of the school. In the afternoon, the buses come in the back and out onto Route 88 to pick the children up.

Mr. Neiman asked if the parking is sufficient.

Mrs. Weinstein said there is plenty of parking in the back which is in between the two school buildings. In order to get to that parking, you must enter from Route 88.

Mr. Lines said there is excess of 80 parking spaces.

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

A motion was made by Mr. Flancbaum, seconded by Mr. Rennert to approve the application.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 13. SP 2124AA Moreshes Bais Yaakov**
Faraday Avenue and Esti Court Block 508.02, Lot 1
Change of Use/Site Plan Exemption to convert existing warehouse into a school

Mrs. Morris stated that this application will be tabled until further notice.

6. CORRESPONDENCE

SP 2100 – Block 1160.01, Lot 221, Legacy Lakewood – removal of condition to provide a bathroom in the approved building addition

Mr. Shea, Esq. said his client has decided to withdraw this request.

- 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