

1. CERTIFICATION OF COMPLIANCE

Vice Chairman Stan Banas 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. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, 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. **SP 2125 Gary R. Huhn**
760 Vassar Avenue Block 1602, Lot 5
Preliminary & Final Major Site Plan for a building addition

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

2. **SP 2071B Bais Medrash of Coughlin Street**
1201 Manor Drive Block 1051, Lot 90
Minor Site Plan for addition to existing synagogue

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

3. **SD 2038 Irving Heilbrun**
7th Street Block 46, Lot 9
Minor Subdivision to create two lots (Denial)

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

- 4. SD 2045 902 Ocean Ave, LLC**
Ocean Ave & Dr. Szold Way Block 548.01, Lot 288
Minor Subdivision to create three lots

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

- 5. SP 1929B Bais Rivka Rochel**
4th St and Monmouth Ave Block 160, Lot 1.01
Amended Preliminary & Final Major Site Plan for retail and office buildings

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

- 6. SD 2052 Jacob Mermelstein**
South Street Block 855.06, Lot 28
Minor Subdivision to create two lots

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

- 7. SD 2065 Seth Haber**
Sherie Court and Country Club Dr Block 26, Lots 13.01 & 25
Minor Subdivision to create two lots

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

- 8. SD 2005 River Avenue Holdings, LLC**
River Avenue & Edgecomb Avenue Block 1020 Lot 1
Preliminary and Final Subdivision to create 20 fee-simple duplex lots

Mrs. Morris stated that this resolution is not on the agenda but was prepared by Mr. Jackson and copies have been provided to the members. Per John Jackson, it is not an issue as it is due process by the Board and not something that needs to be noticed to the public. It was a subdivision without any objectors on record and no conditions in the resolution.

Mr. Banas asked if there were any objections.

Mr. Jackson said they could put it on the agenda for next time too but there were no objectors and it is a ministerial function. The question is whether the resolution accurately reflects what the Board ruled. He has no problem going forward.

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

Affirmative: Mr. Franklin, Mr. Banas, Mr. Flancbaum, Mr. Follman, Mr. Rennert
Abstain: Mr. Herzl, Mr. Sussman

4. PLAN REVIEW ITEMS

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

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

Mr. Vogt stated that variances are being requested for minimum lot area and width. It is noted that the Ocean County Planning Board is requiring an additional right-of-way dedication of 7 ft along Central Avenue which would reduce the lots further.

Mr. Graham MacFarlane, P.E., stated this is an application for a minor subdivision to create two lots of which do not conform to lot area. They are in receipt of the Board Engineer's review letter and they do plan on addressing these comments at the public hearing.

Mr. Rennert said they are going down more than two zones.

Mr. MacFarlane said the request is to subdivide the existing 15,000 sf lot into two lots that are non-conforming. The proposed lots would be 7,600 sf and 7,400 sf.

Mr. Rennert asked that he come with a map showing any similar lots in the area at the public hearing.

Mr. MacFarlane said they would prepare a study showing lots in the surrounding area.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

5. PUBLIC HEARING ITEMS

- Franklin Street Study Area – Preliminary Investigation**

Review/Determination to the Township Committee whether to recommend that the Franklin Street Study Area should be classified as a Condemnation Area in Need of Redevelopment

Mr. Jackson said this has been carried for 3 or 4 months now. It has been carried numerous times because various members of the Planning Board and Board of Adjustment have indicated that they have conflicts on this that would preclude them from participating in the application. There is, however, an exception to conflicts called the Rule of Necessity. There are various cases that address this concept and what the basic principal of it is that the government has to act and you have to have that available to members of the public who need the governmental action. When it is impossible to have a quorum to complete the governmental action without the conflict and the rare exception, you can proceed despite the conflict and he believes they are in that situation. He would like to indicate what each Board member could be the conflict and go from there. He thinks some conflicts are more significant than others. For example, Mr. Banas is a member of a church that is across the street from the zone that is affected. In his view, that is a very tenuous conflict. By comparison, Mr. Rennert is a

member of the Lakewood Development Corporation which is a municipal subsidiary. That would be a more significant conflict than being a member of a church that is across the street. He would like to poll the Board to see what their conflicts are.

Mr. Rennert is a trustee on the Lakewood Development Corporation.

Mr. Follman does not have a conflict.

Mr. Flancbaum has an ongoing business relationship with one of the property owners. He has no interest in any of the properties.

Mr. Jackson said this may or may not affect their property value and he does not want it to look like he is helping him.

Mr. Flancbaum said he has absolutely no interest any of the properties. It would not affect him financially.

Mr. Sussman does not have a conflict.

Mr. Banas is a member of a church near the Franklin Redevelopment area.

Mr. Franklin said he has no conflict.

Mr. Herzl said he has a partnership on a certain lot that is not in the Franklin Street area but that person does own other property in the Franklin Street area.

Mr. Jackson believes Mr. Flancbaum's and Mr. Herzl's conflicts are more significant than being a member of church that is nearby. He does not want someone to look at this and think one of the Board members was influenced by the fact they had a business relationship with somebody who would benefit from this. It is a tenuous conflict when you are on two government bodies because you are serving the public in both of them. He would recommend that Mr. Flancbaum and Mr. Herzl step down.

Mr. Dominic Manco, Esq., special counsel for the Lakewood Development Corporation with regard to the Franklin Street Redevelopment project. He is here tonight with Stuart Wisner, a licensed planner who will be testifying on this application. They have been carrying this matter since April and have been unable to get a quorum from between two boards. He agrees with him on this case law. There is ample case law that says when a majority of a board is in conflict and government action has to take place that the "Rule of Necessity" does provide that. Obviously whatever action this Board takes, the resolution would specify the reasons why they proceeded here tonight.

Mr. Jackson has also discussed this issue at length with Mr. Secare, the Township Attorney, and he in accord that they should proceed under the Doctrine of Necessity. He asked if Mr. Manco has any disagreement with the priority of conflicts.

Mr. Manco agrees with his recommendations.

Mr. Jackson asked for an overview of what exactly they are asking the Board to do.

Mr. Stuart Wiser, P.P. with the firm Remington, Vernick and Vena Engineers. He has been engaged by joint action of the Governing Body, Planning Board and Lakewood Development Corporation. Trisha Komsa is here representing the LDC.

Mr. Manco said this is one of the initial steps in the process. The Governing Body passed a resolution asking the Board to have a hearing and to do an investigation on this particular report of findings that Mr. Wiser put together. The study have been available with the Township. In order for this process to go forward, the Board must act on this particular report. The actions could be positive, negative or anywhere in between as they are asking for recommendations. Once that is done, a resolution would be drawn up which this Board would adopt. It would then go back to the Governing Body for continued action in accordance with the statute.

Mr. Manco noted that this is open for public comment. One of the ways the public can comment is by submitting written documents in response to the fact that they have advertised this several times and they have notified property owners within the proposed development area as well as advertising this in the paper as required by the redevelopment law. They did receive a submission from New Jersey Transit which he has asked Mrs. Morris to mark in as an exhibit onto the record.

Mr. Jackson did look at that and it appears the Attorney General's office is saying you cannot condemn the railroad line whether superior or state organization. They are not proposing that that would be subject to condemnation or governmental taking.

Mr. Manco said they are not proposing to condemn anything at this point. They have addressed that in the report indicating that they would like the use of that power addressed at this hearing so that it is one of the tools that could be used in developing this area.

Mr. Sussman asked if their recommendations actually bear any weight or does the Township just have to have this hearing before they continue.

Mr. Manco said their recommendations certainly have weight. If he is asking if the Governing Body is bound by the Board's recommendations, they are not. This is a similar process to what happens with proposed ordinances.

Mr. Jackson said it is a very important recommendation. It is part of the statutory process. Even so, the Governing Body is not bound by the Board's recommendations.

Mr. Manco said but the Governing Body does need this Board's recommendations in order to proceed with this.

Mr. Jackson stated that is why the Rule of Necessity is invoked because without the Planning Board's action this cannot go anywhere. The Board needs to act one way or the other.

Mr. Wiser said the New Jersey Supreme Court has ruled that the Planning Board cannot rely on what they term a 'net opinion' of the Planner for this preliminary investigation. That means he cannot tell the Board that something is blue and they would accept it blindly. He has to go through a series of steps, he has to make a presentation to them, show the Board why the recommendation that he is making to them should be accepted and further referred to the Governing Body. If he were to take this couple hundred page report and try to go through they would be here all night. He is going to try to give the Board the pertinent details, referring them to information that is in this report and hopefully the Board will find it acceptable even if he doesn't go through every page. Everything he is going to testify to tonight is in the report and there are backups for his opinions that are in the report. For that reason, he would like to make sure that this report is entered into the record.

Mr. Jackson said it is on file with the Planning Board's office and it is part of the record.

Mr. Wisner said they have a series of blocks and lots that are bound generally by Main Street, Clifton Avenue, the Conrail right-of-way and they include the post office which is on the northern side of Main Street. There are 16 lots of about 10.5 acres in tax lots. There are about 2.4 acres in the Conrail right-of-way and about 5.2 acres of other municipal rights-of-way for a total of 18.1 acres. Block 122 which is the post office is zoned B-2 central Business with the balance of the area currently zoned as Wholesale Service. The area contains a mix of industrial buildings and uses, small offices and service establishments, a boy's school, vacant buildings, undeveloped land, land that had been formally developed but where the buildings have been demolished and associated rights-of-way. In 1992, the NJ legislature adopted the local redevelopment and housing law in order to provide municipalities with the tools and powers necessary to re-plan and develop areas into productive assets for the community. Utilizing a comprehensive set of planning tools and techniques available only under the redevelopment law, a municipality may reprogram lands and buildings for desired uses effectively rezoning, clear lands, install infrastructure or other site improvements, provide for favorable tax incentives or other financial mechanisms to make development happen, acquire land and solicit, negotiate and transfer lands to private developers in order to effectuate a redevelopment plan. The first step in the redevelopment process is for the governing body to direct the Planning Board to undertake a preliminary investigation in order to determine if any of the areas just talked about meet any of the eight statutory criteria under which they may need to be declared to be in need of redevelopment. Historically, back in 1999 the township took this action, began this process and designated a portion of the area described earlier to be in need of redevelopment. A redevelopment plan was drafted and re-developers were solicited. However, for some reasons, and these are reasons that are not clear to anyone, no project moved forward. Since then, there have been a number of court decisions and two amendments to the redevelopment law. Collectively these made substantive changes to the law and how it is applied. In light of these changes and given the time that has elapsed since 1999, the governing body determined that a fresh look at the Franklin Street area would be warranted. In July 2014, the Township Committee by resolution directed the Planning Board to undertake this process. In August 2014, the Planning Board directed him to do it on his behalf. As required by the law, a map of the area and a statement as to why they are doing this was placed on file with the Township Clerk. Concerning condemnation, the law requires that every step in the process for transparency sake, either a condemnation or a non-condemnation process. The governing body has started a condemnation area in need of redevelopment process. That means that eminent domain is a power, assuming that this all moves forward in positive steps, that is available to the municipality. That doesn't mean that eminent domain is a power that is going to be used. There are tools that are available to towns and eminent domain is one of those tools. The town may need to use it but hopefully they will not use it. It is only a recognition that this is a tool to be used.

Mr. Rennert said the township already has the power of eminent domain. He asked why this is different.

Mr. Wisner said the township has the ability to take lands for a public use. A public use would be a park, street, library and other things of that nature. Under the redevelopment law, this was affirmed by the state supreme court and the federal supreme court. There is also a term called public purpose. A public purpose could be for a town to take land, transfer to a private entity so that they can create jobs, ratables, and eliminate blight. The only way that a municipality can take land for a public purpose is under a condemnation redevelopment designation. He is going to present his findings and recommendations of the study, this Board is going to make recommendations to the governing body which may differ or may be consistent with his recommendations. After that, a resolution would be adopted and the findings would be referred to the governing body. After that happens, the governing body will declare the area to be in need of redevelopment. That resolution would direct them as planners to prepare a redevelopment plan for the area declared in need of redevelopment. That is,

effectively a master plan for the designated area. That master plan will then be reviewed by the Planning Board, a recommendation will be provided to the governing body. The governing body would adopt those recommendations by ordinance as a change to the zoning code.

Mr. Follman asked why this area was chosen.

Mr. Wisner said he cannot speak for the governing body but much of the area is owned by either the Township or the Lakewood Development Corporation. It is an area as recognized in 1999 as having been blighted. There is the sense that because the town owns much of the property and because of its conditions, collectively this is the area that should move forward. That isn't to say that it is worse or better than any other section of town. It is simply a public policy decision that the LDC and the township committee has decided to move on first.

Mr. Follman said the downtown area is in shambles. He does not understand why that area was not looked at first.

Mr. Wisner said this is the area the governing body decided to start with and they are following that direction.

Mr. Follman said they should be focusing on the areas that are already developed and adding the required infrastructure. He is lost as to why the town is doing this.

Mr. Wisner said he does not know the motivations of the governing body. They have asked him to look at this area and to find out whether it meets the criteria. There are eight criteria that the redevelopment statute says need to exist in an area to be declared to be in need of redevelopment, any one of which is sufficient to designate an area in need of redevelopment. If a particular lot only meets one criteria that is still sufficient for a redevelopment area designation. He has laid out in detail with photographs and other documentation in the review, on a lot by lot basis why each of the lots meet or don't meet each of the various eight criteria.

Criteria A is 'The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.' There is a lot with a diner, lot 28, that has been red tagged and shut down by code enforcement and the conditions on the buildings on lots 11 and 12 are deplorable. For those reasons, they believe that criteria A applies to those three buildings. That is 18.8% of the study area's lots and 27.1% of the land mass in terms of square footage of this area qualifies under criteria A.

Criteria B is 'The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.' The post office, the old Verizon building, the diner and a small building which are vacant buildings. Some of which appear to be abandoned but they are definitely vacant and no longer used for commercial purposes. This makes up 25% of the study area's lots and almost 33% of the study area's land mass qualifies under criteria B.

Mr. Follman asked if the post office was taken by the township.

Mr. Wisner said no. They did not take any land from anybody. When this analysis was started, the post office was still active. They did their analysis and the events transpired at the post office and now sit here today with a vacant building. The ownership may have changed but is still a vacant building. The criteria says discontinuance of the use of buildings.

Mr. Jackson asked what the benefits are once an area is deemed as in need of redevelopment.

Mr. Wisner said it is designed to provide the municipality with tools to take lands that have historically been under-utilized or unutilized for a various number of reasons and to remove the conditions which caused them to be unutilized and under-utilized. This would allow them to rezone lands both in terms of uses and in terms of bulk standards.

Mr. Manco said when all of this happens, the tools would be available for use by private developers.

Mr. Wisner said effectively what happens is you create a partnership between the township and private developers to provide incentives for development, to make it easier for problem properties to be redeveloped into productive assets for the community.

Mr. Follman said this community does not have a problem with redevelopment or development at all. He asked why the township doesn't just sell the lands instead of getting involved in this redevelopment plan.

Mr. Wisner said there is no guarantee that the eventually developer will turn it into a productive asset for the community. The goals and objectives will be adopted as part of the redevelopment plan. They are not here to debate the merits of redevelopment. This is an existing conditions study.

Mr. Manco said when redevelopment is approved there are certain benefits that go along with it, for example funding.

Mr. Wisner said there is state funding that may be available as well as tax abatement.

Mr. Follman said you don't need to give the developers any incentive. They are going to redevelop it.

Ms. Patricia Komsa, Executive Director of the LDC, was sworn in. Basically what they are looking to do is take under-utilized lands which a good portion are not on the tax rolls. The township is seeing nothing for them because they are owned by the LDC. This project started back in the late 90's when the LDC and UEZ started acquiring those lands. They now have a significant amount of land that are not on the tax rolls. They would like to see the downtown area move forward in its development and would like to put those lands on the commercial tax rolls which is at a higher rate than residential. They believe from an economical standpoint that with the new development there it would help catapult the downtown area and encourage land owners that haven't already started repairing their buildings and bring in good tenants to do so. This would bring in supply and demand and more opportunities for competition. That gets down to basic economics. This is basically to start bringing properties onto the tax rolls with viable projects. If they sell these lands individually, there is no guarantee that they would see a comprehensive commercial driven project.

Mr. Follman asked if the lands are all own by the UEZ.

Ms. Komsa said the LDC and the Township of Lakewood owns property.

Mr. Follman asked how many years they have been collecting properties.

Ms. Komsa said for over 10 years. At this point these properties are vacant. They are looking to move these properties using the redevelopment law enabling them to create a master plan that will be viable for that whole area. The big concern is in the downtown, there are many merchants here tonight, but parking is chaotic on occasion. They are afraid if they do not take a comprehensive to this area and just turn around and sell

individual parcels that they will exacerbate parking and traffic. Condemnation is a scary word but they really have no intention or desire to condemn any properties, however, it is just a tool.

Mr. Manco said if it is not included in the process now, it cannot be.

Ms. Komsa said that is correct. She is very pleased to say that there have been private land owners that have been very interested in this project. They see redevelopment as a good thing because of the tools that come with the designation.

Mr. Franklin asked if there are time limits on the tax abatements.

Ms. Komsa said yes. That would be discussed with the township committee.

Mr. Wisner said these properties are doing nothing for the township right now. A tax abatement would be negotiated deal between the township and the developer that would bring taxes on board in a scheduled manner. Anything that comes out of this to spur development is only going to bring ratables into the town.

Mr. Franklin said they did this in the industrial park and it worked out well. He was not sure if it is the same type of plan.

Mr. Wisner said a typical tax abatement plan was used. There are other plans out there that get mixed in with other types of funding sources if those funding sources end up being applied to the state, that may be longer term. The five year tax abatement is typical that would become the incentive to bring in a developer. They have to go through the process first.

Ms. Komsa said this piece leads to the next piece which is the creation of a plan which the committee, planning board and public take part in. That plan is the vision for this property where they address all the concerns. Following that would be the RFP. The RFP is only going to be addressing the township and LDC owned property. They cannot sell or do anything to anyone's private property unless condemnation is used but that is not their goal. The private property owners will use this plan to develop their properties in their time under their budgets.

Mr. Manco said one of the advantages of having a redevelopment area is that some one of the restrictions that apply to land they would normally sale would have to be under public auction. It is much of the same way that the industrial commission was able to sell land privately and not go through the public auction process. But to get to that point they must start at this phase.

Mr. Sussman said they are talking about properties that are underutilized or not utilized but the post office property was just sold for over a million dollars. The owners are not planning on letting it sit vacant yet they seem to be added into this plan.

Mr. Wisner said when they walked the area and tried to define the area that they were going to focus on, the post office was for sale. It was still an operating post office which was owned by the government. He looked at the building and he thought it would really be a shame if somebody bought this building and tore it down as it is a historical building. The thought was that if they included it they would be able to provide some protections to the building and the architecture, assuming it qualified. It does qualify under criteria B.

Mr. Sussman said that building is the exception from the rest. That building is more about preservation as opposed to redevelopment.

Mr. Wisner said they could go back and forth about what redevelopment means. He would argue that it is more about redevelopment than preservation. He does agree that this building is not in the same condition as the other buildings in the study area.

Ms. Komsa said the master plan also discusses a historical preservation significance and looking at building within the downtown.

Mr. Vogt said in addition to some of the financial incentives, in his experience there is one other very important advantage of having a redevelopment plan. It allows a town to dictate the future development that they want in that area as opposed to what comes to the planning and zoning boards. If you do a redevelopment plan, they basically encourage a, b and c. If you do not have that, you are not getting approved.

Mr. Wisner said that is correct. Control over the process and over the final product is something that the town will be able to maximize as opposed to what a planning or zoning board does which is really react to a proposal that is put before them.

Criteria C. 'Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.' They believe that there are lands here why they believe that because of their location, lack of access, topography, nature of the soil is not likely to be developed without governmental action. They are recommending that the nine lots and two rights-of-ways that are owned by the township or LDC that because of their topography the lands drop incredibly. There is proximity to wetlands, environmental contamination, one lot is privately owned and because of its contamination of the soil is not likely to be developed by private capital.

Criteria D. 'Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.' they have found four lots and one study area right-of-way with buildings or other improvements that fit this criteria. There are many pictures in the study of the conditions of the two buildings.

Criteria E. 'A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and under productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general'

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act,"... (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of... (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of... (C.40A:20-

1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of... (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in... (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.'

The courts have ruled that if you are located in a certain state designated area where the state is fostering growth and development you qualify. In this case the entire study area qualifies.

Mr. Wisner said there are six study area lots of almost 4 acres that qualify under one of the eight criteria. There are eight lots and one right-of-way of 3.7 acres which qualify under two of the criteria. There is one lot and one right-of-way of a total of .5 acres that qualify under three of the criteria. There is one lot which is 3.3 acres which qualifies under four of the criteria. All of the lots are in the urban enterprise zone and the state designation for growth. He recommends that the Franklin Street study area qualifies and should be declared to be an area in need of redevelopment in accordance with the redevelopment law. Should the Planning Board make such recommendation and should the township designate the study area to be in need of redevelopment, he does recommend that the township committee authorize the preparation of the redevelopment plan.

Mr. Follman asked what the breakdown is as far as commercial, office and residential.

Mr. Wisner said there are two multi-use properties which are auto, industrial and commercial, the railroad, three vacant buildings, vacant store front and vacant land.

Mr. Franklin said he meant for the future plans.

Mr. Wisner said that would be proposed in phase two, this is currently phase one. It will generally be a commercially focused plan. The township committee would make that determination.

Mr. Manco said some of the properties were acquired with some kind of understanding as to residential use in part of them.

Ms. Komsa said that is correct. One parcel that was purchased from HMFA did have a caveat that somewhere in the redevelopment area needed to be residential, even if it is a small portion. Other than that, the township committee can direct how much office/commercial they are looking to develop.

Mr. Franklin asked if parking will be a consideration.

Ms. Komsa said yes as well as traffic flow. They will be addressing this issue globally rather than selling piece by piece and not having any control.

Mr. Rennert asked what would be the benefit that the whole downtown area become part of this plan.

Mr. Manco said it is beyond the scope of what they are asking from the board tonight.

Mr. Follman said they are not asking the board's opinion because that is the only way this whole thing makes sense.

Mr. Wisner said as a planner, the larger red box you create you end up with a process that crumbles under its own weight. The way these things work successfully is that you take a small manageable area, have a success in the area, move on to the next area or the market takes over and you do not need to move on. Even in larger redevelopment areas, they all have an initial action project where you are taking a smaller area and working.

Mr. Banas opened to the public.

Mr. William Hobday, 30 Schoolhouse Lane, was sworn in. He has heard that this is sponsored by the township committee but it is unknown why they want to do this. He is interested as to how this all came about. He said it appears that the Planning Board is surprised by this. He assumes the committee would have filled them in.

Mr. Wisner said the governing body directed the Planning Board by resolution to undertake this process. The Planning Board then directed them by resolution to undertake this process. The report was written and are now reporting back to this Board.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in. She said she is concerned that the township committee did not address the downtown area first. She is bothered that the post office is included in this plan. She does not think the town should be giving tax abatements.

Mr. Larry Simons, 7 Schoolhouse Court, was sworn in. He said the LDC spent public money to purchase these properties and nothing has come out of it.

Ms. Komsa said going back with the UEZ and the direction of the township and the LDC trustees, in order to move this project forward it was felt that they should start acquiring the land so they have something tangible. It took a lot of time and negotiation to start acquiring. There were market lows and highs which had to be worked through. It is not the only goal of the UEZ to do this project. There were other small and large projects as well. She has worked for most of her tenure as the executive director to get this project to this point tonight.

Mr. Simons said the post office is now on the federal registry. If the building is privately owned, how can the township enforce that owner to keep the historical significance of that property.

Mr. Sussman said that property is already privately owned. It would be great if that is enforceable. If not, then it's too late.

Mr. Simons said if they are concerned about saving the historical significance and it is already privately owned, how can they enforce it.

Mr. Wisner read a statement from the report 'An Art Deco-designed building erected during the Great Depression by Works Progress Administration, NJDEP has identified Lot 3 as an Historic Property that is either: a) included in the New Jersey or National Registers of Historic Places, determined to be Eligible for inclusion through Federal or state processes as administered by the New Jersey Historic Preservation Office; or b) identified as Historic through cultural resource survey or other documentation on file at the State Historic Preservation Office. A Historic Preservation and Conservation Easement, dated 11/18/14, is on file with the Ocean County Clerk.' He said it is not formally on those registers but it is has been identified predesignated that should somebody want to move it onto those registers, it would be considered for the state and federal registers.

Mr. Rennert quoted a statement from the study 'Contrary to popular opinion, buildings recognized as Historic by the State and/or Federal governments are not prohibited from being demolished.'

Mr. Wisner said that is correct. If something is on the historic register and a private entity owns it, they can pretty much do whatever they want to do with the building. This is the reason for them wanting to include and be able to give the town some more control over that building so they do not lose a significantly historic building downtown.

Mr. Simons asked for a list of the private property owners within this study area.

Mr. Wisner said it is in the study which is available on the website.

Mr. Simons believes the building department should have done something over the years so these buildings did not fall into disrepair. He asked if a traffic study was done.

Mr. Wisner said no. This is an existing conditions analysis of the buildings that are there now.

Mr. Charles Silverberg, 1472 Cedar Row, was sworn in. He is the owner of block 123.01 lot 1. He said the report indicates the building is listed for sale. He said that is not accurate.

Mr. Wisner said there is a picture in the report showing a for sale sign in front of the building.

Mr. Silverberg said the sign states 'office/warehouse' space available. That does not mean it was for sale.

Mr. Wisner stands corrected.

Mr. Silverberg said block 123 lot 28 is predominately wetlands. He asked what can be done with that lot.

Mr. Wisner said it is premature. There are a number of development techniques that could be applied if DEP were to permit them included wetlands mitigation, tradeoffs, etc.

Mr. Silverberg said that should be explored first because that is the heart of this entire area.

Mr. Wisner said they are following the statutory guidelines. This is only phase one.

Ms. Gerri Baldwins, Governors Road, was sworn in. She believes the plan may be ok but the post office should not be included in it. She asked what is to prevent other nearby businesses to want to be a part of this plan. She believes it is more important to the private owner that they be included rather than the success of the redevelopment plan to include the post office. As Mr. Rennert read from the report earlier, the post office can be demolished in the future. The only significant factor of this building being included is that it is a vacant building.

Mr. Follman asked what kind of parking requirements they would have if it was demolished a new building was put up.

Mr. Wisner said as of right now it would be subject to the regulations of the B-2 zone.

Mr. Follman recommended that the post office be taken out of this plan.

Mr. Wisner said the redevelopment plan would institute appropriate parking requirements for that. The redevelopment plan becomes a zoning ordinance for that land. If there are any issues within the current zoning

that should be modified, that would be theoretically included as part of the redevelopment plan. For example, if there are no parking requirements for one of these lots and the town believes there should be a parking requirement, that could be put into the redevelopment plan.

Mr. Sussman said the post office is the exact opposite of everything in this plan. Everything else seems to be about redevelopment and the post office is about preservation.

Mr. Wiser said the post office is a building that is in useable condition but it is not being used. It is historically relevant with historic architecture. If it could be reused with those elements and retained intact it would be a tremendous benefit to downtown as opposed to the other areas which are either vacant or have buildings that have no value to them.

Mr. Sussman said their focus is redevelopment, not making sure they have historic buildings downtown. He believes this lot should be cut out from this plan.

Mr. Jackson said the purpose of this is to take that area and allow the governing body to rezone it effectively. It sounds like there is some suspicion but what this does is it allows for a comprehensive look at it by the governing body and you have to presume they are going to do it well.

Mr. Vogt said many of the questions that are being asked tonight are valid questions but they belong in phase two of the process which is the development of the plan itself.

Mr. Jackson said what this is doing is cleaning the slate so they can start from scratch and come up with a comprehensive plan.

Mr. Banas said the discussion concerning the post office is rather germane. Members of the board and public feel it should not be part of this plan.

Mr. Franklin said right now no parking is required. If this is included in the redevelopment plan, the town could change those regulations. He did not think this earlier but having hearing testimony he believes it is a positive part of this plan.

Mr. Rennert said even after they adopt the plan, someone could still come to the Planning Board under the B-2 regulations and get approval.

Mr. Wiser said no. The zoning would be changed to redevelopment zoning with the input of the Planning Board and then go to the governing body for adoption.

Mr. Vogt said this plan puts the town in a more proactive position in terms of the future development of this area. He would defer the questions about the post office to the plan. If the findings of the future plan indicate it is not warranted, take it out then. For the time being, he would go forward with what is presented here tonight.

Mr. Sussman said these lots are not helping anybody with tax dollars but they are not hurting anybody either. The board is mostly concerned about the parking downtown. He said they should slide this over a few blocks and make the whole downtown subject to this plan.

Mr. Wiser said that is not what they have been asked to do. This plan is what they have been asked to do. If the Board wants to ask the governing body to do something differently, they are entitled to do that.

Mr. Franklin wants to take this to the next step because it needs to come back here for approval anyway. If this works it may push them to another redevelopment plan.

Mr. Wiser said this is the first attempt. If this becomes successful, he believes the town would see a number of other redevelopment areas begin to be explored in other sections of the township but you must start somewhere.

Mr. Manco said the Board has the authority to make recommendations as to what should be looked at including the removal of the post office from this plan.

Mr. Banas believes that the Board should endorse the project and go forward.

Mr. Rennert asked Mr. Silverberg if he minds that his property is part of this redevelopment area.

Mr. Silverberg said he does not mind but definitely does not want his property subject to eminent domain. He said the post office is under a preservation designation. He agrees with Mr. Sussman that if the intent here is to preserve the post office, they do not need the entire Franklin redevelopment area to do that. You can just proceed to classify the post office as a historical preservation area. There are many businesses in town that neighbor the post office who are wondering why they are not part of this plan.

Mr. Follman asked if there is any way to find out about the wetlands before the Board proceeds to the next phase.

Mr. Franklin said if they proceed then they can find out about the wetlands.

Mr. Wiser said that is correct.

Mr. Follman said then the Board is not approving this.

Mr. Wiser said the Board's statutory responsibility is to make a recommendation that it either conforms or doesn't conform to the criteria.

Mr. Hobday asked who drew the line around the area for the study. He asked if that was the township committee.

Mr. Wiser said the red line was decided upon in terms of drawing a line on a map between himself, Trish and the Lakewood Development Corporation. It then went to the Township Committee who could have changed it but they accepted it the way it was presented.

Mr. Follman asked why the LDC didn't just purchase the post office property as they did the others.

Ms. Komsa said as a development corporation, they are funded by the Urban Enterprise Zone. Towards the end of the Corzine administration, when their funds were frozen, they have not received any new funds. They have since been using the money for economic development purposes more directed for grass roots. Therefore, the funds were not available to purchase the post office and they had already felt they have already acquired a significant amount of contiguous land to move this project forward.

Ms. Gerri Balwins asked why the post office is up for sale. She asked if the new purchaser would be bound by the easement that was signed by the first purchasers.

Mr. Manco said easements run with the land.

Mr. Banas closed to the public.

A motion was made by Mr. Franklin, seconded by Mr. Banas to recommend to the Township Committee that the Franklin Street Study area be designated as a redevelopment area under the redevelopment law. The Board does direct the committee to the next phase which would be that a redevelopment plan be prepared.

Affirmative: Mr. Franklin, Mr. Banas

No: Mr. Sussman

Abstain: Mr. Rennert, Mr. Follman

6. PUBLIC HEARING

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

A review letter prepared by Remington, Vernick & Vena Engineers dated July 16, 2015 was entered as an exhibit.

Mr. Rennert and Mr. Sussman stepped down.

Mr. Abraham Penzer, Esq. stated they have come to a resolution with the neighbors. The issue was concerning a certain item and who pays for it. They have agreed to go to a rabbinical arbitrator. Mr. Gasiorowski was told not to appear because they have settled the matter and they did not want to pay further legal fees.

Mr. Brian Flannery, P.E., P.P. stated the plan is relatively the same only there will be access on Cross Street closer to the end. The Board Engineer's report had indicated they needed to revise it to make it RSIS compliant. They have worked on the plan to make it compliant and to satisfy the neighbors. There are issues on costs and exact points which would be worked out during resolution compliance. The applicant and the neighbors are going to go arbitration to decide who pays for what and the exact details.

Mr. Vogt stated they have spoken about this concept. He is comfortable with it with the understanding that if the Board approves, it is going to be RSIS compliant.

Mr. Flannery said the variance relief is lessened with this revised plan.

Mr. Banas opened to the public.

Mr. Oelbaum was sworn in. He has no objections to the revised plans and hopes the Board will approve the application.

Mr. Banas closed to the public.

Mr. Vogt asked about any new variances needed.

Mr. Flannery said the new variances are consistent with the variance that were originally requested. A front yard setback of 15 ft, 22 ft and 19 ft are requested. The benefits outweigh the detriments and they can be granted without any detriment to the zone plan or zoning ordinance.

Mr. Jackson said there were a lot of people at previous meetings who were very anxious to speak. Tonight there is no one here in opposition to this application and he wanted the record to reflect that.

Mr. Flancbaum asked if whatever agreement comes about with the arbitrator should be attached to the resolution.

Mr. Jackson does not know what items they are talking about as far as payment. He thinks Mr. Penzer should let him know and discuss with Mr. Gasiorowski.

Mr. Penzer said Mr. Gasiorowski is aware of it. He has spoken to him at least three times today.

Mr. Jackson said they just want to identify what is going to be resolved in arbitration.

Mr. Penzer said the issue is whether or not there is going to be a cul-de-sac and who is going to pay for it. Putting a cul-de-sac in would require a detention basin which could cost in excess of \$150,000. The question is who is going to pay for it. In addition to that, there will be a second entrance that has to be discussed further.

Mr. Flannery said they would make sure those details are included in the resolution.

Mr. Jackson said there is no cul-de-sac shown on the plans now.

Mr. Flannery said that is correct.

Mr. Penzer said it would be worked out with the Board Engineer.

Mr. Jackson asked if it would be on or off site.

Mr. Flannery said it would be on the site. It would still be the same 24 units but they would be shifted around a little.

Mr. Jackson asked if that requires an amended approval.

Mr. Flannery said he does not believe so. The Board is approving this application subject to changes to be approved by the Board Engineer. The changes are not of a significant nature.

Mr. Vogt agrees as long as the new plan doesn't have any new or exacerbated variances.

Mr. Flannery confirmed that it does not.

Mr. Penzer entered the revised plan which shows the proposed cul-de-sac as exhibit A-3 and exhibit A-4 is the plan without the cul-de-sac.

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

2. 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

A review letter prepared by Remington, Vernick & Vena Engineers dated August 12, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated they were before this Board last month. At that time, the Board members asked them to go back to the drawing board and come back with revised plans showing the existing yeshiva building which is adjacent to the dormitory and also to speak to the neighbors. They have added some screening and an asphalt meandering sidewalk all around the property. They are doing asphalt because it is a temporary solution. As soon as the yeshiva has ample funds, they will be back before the Board for a full site plan. The applicant has submitted the septic system design to the Ocean County health department. The permit is expected to be back shortly.

Mr. Bill Stevens, P.E., P.P. was sworn in. He said they have come back with a plan to show the entire campus, to add a sidewalk around the entire perimeter which is approximately 1,500 feet in length, to design a new septic system for the dormitory. There were also some concerns about the existing septic system that has also been designed and since been replaced. The school is listening, trying to be a good neighbor and to do the right thing. He believes they have addressed a lot of concerns from the prior hearing.

Mr. Rennert asked about busing circulation.

Mr. Stevens said there is a bus drop off for the school located on White Street. It was constructed as part of the school plan itself. There is no intention of having busing going in and out of the dormitory. This application is really for a change of use from the existing home to a dormitory on lot 97.

Mr. Rennert asked how the students are getting from the school to the dormitory.

Mr. Stevens said there is going to be a walkway around the entire perimeter. There is also a grassed area between the two building where the students could walk.

Mr. Follman asked about the screening.

Mr. Stevens said they added landscaping along the front of the dormitory building to try to shield the residents.

Ms. Weinstein said the objectors did not want a fence and that is why they are adding the additional landscaping.

Mr. Follman asked about the garbage pickup.

Mr. Stevens said they are looking to add another refuse enclosure alongside the existing home.

Mr. Follman asked why they have garbage cans out on Drake Road now if they have a dumpster on White Street. He would like to see the trash cans eliminated and have the school only utilize the dumpster as it is a huge eyesore.

Mr. Stevens said it could be done.

Mr. Flancbaum said there is ongoing construction at the school.

Mr. Stevens said two things have happened since they were at the Board. Some of the neighbors had objected to the use of the existing septic system that was on the school property. So they went through and constructed a new septic system for this school in response. They have also put up a temporary trailer for use at the school facility.

Mr. Rennert asked that when the Yeshiva comes back for a full site plan that they put in concrete sidewalks.

Mrs. Weinstein agreed.

Mr. Follman would like to see that the future sidewalks be bonded. He does not see how they will install sidewalks as there are many trees and other vegetation.

Mr. Stevens said it is their intention to make a meandering asphalt sidewalk and not remove any vegetation. There are also discussions in the township concerning improving Drake Road which is really why they are looking for an interim solution because they know they will not get the right elevation.

Mr. Banas opened to the public.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. At the last hearing one of the neighbors complained about a high water level and he has heard the applicant say they are going to put a new septic system in. He asked if there is any sewer available in this area.

Mr. Flancbaum said there is not.

Mr. Hobday said water and sewer should be available everywhere.

Mr. Banas closed to the public.

Mr. Follman asked that the school improve their supervision as there were complaints from the neighbors about the students walking on their property.

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

Affirmative: Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum, Mr. Follman

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

A review letter prepared by Remington, Vernick and Vena Engineers dated June 3, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. said they are here before the Board for an application to construct a three story office building in the downtown area. The building they will be demolishing has been in need of demolition for some time and has been attracting an undesirable element in its current condition. The building will also bring

more jobs to Lakewood once the building is filled to capacity. The only variance they are seeking is for a side yard setback. There is in fact no requirement for side yard setbacks in the B-2 zone provided the use is situated between two commercial uses. The subject property happens to be bordered by a church on one side, hence, a variance is technically needed since a church is not a commercial use. As a church is a non-residential use, it truly shouldn't be considered a variance at all. Parking is not required for commercial uses in the downtown areas. There is a municipal lot two doors from the subject property. Currently, many faculty members of a nearby school are parking all day in that parking lot and taking up much needed parking. The applicant is working with other neighbors in the downtown area to restrict the parking in the municipal parking lot to 2 hour parking to ensure that there will be spots available for all. The applicant is also aware that in order to rent out space in an office building on 2nd Street, the applicant will need to have a viable parking solution. This should not be a Board concern as there is no requirement for parking in this zone. The applicant currently operates a business across the street from the subject property and will be relocating and taking up one full floor of this building. The applicant intends to have a total of four employees. The applicant could have built a five story fully conforming building but they have elected to come with a three story building that would better fit into the character of the neighborhood and would be less taxing on the already crowded parking lots in the area. The basement of the building will be for storage only.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He said the property is located one lot east of the corner of Lexington and 2nd in the downtown section of the Township. There is an existing two and a half story structure on the property. They are proposing a three story office building on a 4,740 sf lot. The property directly south is a municipal parking lot with 61 parking stalls and directly south of that is another public parking lot with over 100 stalls. A setback is not required between two business uses. In this particularly case, the Board engineer has cited the property due east is an existing church which is not a residential use but by definition not technically a business use either. By that technicality, they do require a variance for that setback. Typically they would view this as either a residential or business use, however, they do request the variance and have noticed for it. The variance can be granted under the C-2 criteria in that the benefits of the variance do outweigh any detriments. This application would promote the master plan and smart growth criteria in that it promotes a center bases land use scheme and concentrates on development in the downtown core. The Board engineer's review letter indicated that there is an encroachment from an adjacent property onto their property. There is a small shed roof that expands between the two existing buildings that looks like it was built as a covering to house the trash cans. They would speak to the neighboring property and have them properly support it on their side if they do not want to remove it.

Mr. Sussman said the parking lots near this property are not adequate. He asked if there are any other options.

Mrs. Weinstein said there is a school two doors down and the faculty is taking up the parking lot. This applicant along with other neighbors in the area are definitely going to petition to the township committee that the parking must be restricted to two hours.

Mr. Sussman would like to make that a condition of approval.

Mrs. Weinstein said they could make it a condition of approval that the applicant is going to make a good faith effort to get the township committee to do that.

Mr. Franklin said that there is also a clinic on 2nd Street and a bar on the corner that uses a lot of parking. There is really no parking in this area.

Mrs. Weinstein said one floor of the building is going to be occupied by the applicant himself. The applicant can testify as to that and how many employees there will be.

Mr. Sussman said there are still two more floors of the building that will be utilized. He asked if is currently a commercial use.

Mrs. Weinstein said there is a store/retail use on the main floor and there are apartments up stairs. They are actually doing a favor for the neighborhood by the fact in that they are removing the residential use and replacing it with commercial which is the intent of the ordinance. This property is in dire need of redevelopment. They are coming in with a ratable for the township. There are not many more options short of attempting to purchase nearby property to make a parking lot which she knows the applicant is trying to do.

Mr. Stevens said some of the other issues as with any other building in the downtown area is now they are introducing driveways and access ways along the busy streets in the downtown area. The intent of the ordinance is to create a pedestrian downtown area. All non residential uses in the B-2 zone are exempt from parking requirements.

Mr. Rennert asked if the applicant would be willing to restrict medical use in the building.

Mrs. Weinstein said the applicant would be willing to do that.

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

A motion was made by Mr. Herzl, seconded by Mr. Rennert to approve the application.

Affirmative: Mr. Herzl, Mr. Banas, Mr. Rennert, Mr. Flancbaum

No: Mr. Franklin, Mr. Sussman

4. SP 2126 ARM Development and Construction

East Seventh Street Block 231, Lot 34

Preliminary and Final Major Site Plan for a shul

A review letter prepared by Remington, Vernick and Vena Engineers dated August 10, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated this is an application for a synagogue. The applicant initially filed an application for a fully conforming shul with a Simcha hall in the basement .The neighbors were not happy and asked that the applicant retract the application. After meeting with the neighbors, the applicant revised the plans and is now proposing a synagogue along with a residence for the Rabbi. The Simcha hall was removed and the library has been relocated to the basement and there is a tiny Kiddush hall barely large enough for the congregants to eat on the Sabbath. The project was designed such that the front of the property that fronts on Park Avenue would look like a synagogue and from Whitmore Street which is residential would look like a residence and would blend right in with the character of the street. The only variance sought is for lot coverage of 37.3% where 35% is permitted.

Mr. Glenn Lines, P.E., P.P. was sworn in. He stated the proposed shul is a little bit more than half the building which fronts on Park Avenue and the Rabbi's residence is the back portion which fronts on Whitmore Street. Four parking spaces are proposed on the Park Avenue side with one handicapped spot. On the Whitmore Street side there are four parking spaces for the residence and four additional spaces which can be used if necessary

for the shul. A design waiver is requested for the parking being 5 ft adjacent to the property line in lieu of the fence on either side. They would like to keep the center between the two driveways as a grassed area leading up to the Rabbi's residence. A handicapped parking space and ramp is on the south side of the building. In order to get a reasonable shul and residence, they did go over the lot coverage by a little bit. He believes it is a minor variance and it fits within the C-2 category based on what they were able to fit on the property. One of the reasons they went with the combination building is that they would not have to pay for a separate residence for the Rabbi. The income they would lose from the basement would be made up by the Rabbi's house.

Mr. Sussman asked if it would make any sense to eliminate the access way off of Park Avenue and make the driveway off of the side street.

Mr. Lines said if they move those four spaces to the back they would have to push the building all the way up to the sidewalk.

Mrs. Weinstein said the neighbors did not want that.

Mr. Lines said they had more parking on Park Avenue on the original plan with 7 spaces. One of the requests from the neighbors was to reduce the number of spaces and split it on the other side.

Mr. Herzl asked how many parking spaces there are total.

Mr. Lines said they have a total of 12 spaces where 8 are required.

Mr. Vogt said a 5 ft buffer is required and the plan shows both parking areas abutting the property lines. This result in no room for fencing. Also, you have to encroach on your neighbor's property to build this. If the Board acts favorable, there will be no buffer for the parking and approval would be required from the adjacent owners to even build this. What they may want to consider is taking the drive aisles and pulling them in to where they are not disturbing the neighbors and then there would be room for a fence.

Mrs. Weinstein said they could do that but they do own the property next door as well.

Mr. Aaron Mansour, 711 Park Avenue, was sworn in. He said the garage was a temporary shul. There is a big four family house they purchased which used to be a drug den and on good faith they put a shul there for the neighbors. They put in a hall to get an income to cover the mortgage, he has spoken to a lot of neighbors which resulted in eliminating the hall. They have since added the Rabbi's residence in the back so now they do not need to rent out a hall or anything to pay for his salary. The neighbors are happy with this revised plan.

Mr. Banas opened to the public.

Mr. Isaac Liberman, Whitmore Street, was sworn in. He said Mr. Mansour was very accommodating to the neighbors requests. He feels the current proposed plan is much better for the neighborhood and he asks that the Board approve this plan. He also requests that there not be a Simcha hall permitted at all in this plan.

Mr. Israel Klein, Park Avenue, was sworn in. He agrees that scaling down the shul was a benefit to the neighborhood. Park Avenue is already a busy street (inaudible). He requested that there be some sort of fencing between the shul and the neighbors.

Mr. Banas closed to the public.

Mrs. Weinstein said the applicant agrees to put up a fence.

Mr. Vogt said there are parking areas on both sides which will be pulled in a few feet and would leave room to put in solid fencing.

A motion was made by Mr. Herzl, seconded by Mr. Sussman to approve the application.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum

5. 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 review letter prepared by Remington, Vernick and Vena Engineers dated August 10, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated this is an application for a synagogue with a Rabbi's residence and mikva in the basement. There have been many applications in recent months in the vicinity of this proposed synagogue. The Board has constantly stressed that a synagogue is necessary in this area. The existing structures on the property are non-conforming with respect to both front and rear yard setbacks.

Mr. Warren Hilla, P.E. was sworn in. He stated the application is for a shul. There are currently two existing homes with a garage in the rear which will be demolished. This will be a three story building with the Rabbi's residence on the third floor and a mikva in the basement and Kiddush hall.

Mrs. Weinstein said the Kiddush hall will only be used on the Sabbath.

Mr. Hilla said at the tech meeting it was mentioned that sidewalk should be provided along Stirling Avenue which is now shown on the plans. The garbage would be picked up by the Township. The sanctuary space requires 17 spaces and they are providing 21. The entrance is located off of Holly Street. Water and sewer will be provided. Variances requested include a front yard setback of 11 ft whereas 25 ft is required, rear yard setback of 10.1 ft whereas 15 ft is required, maximum building height of 38 ft whereas 35 ft is required. The existing lot has variances associated with it. The variances will actually be reduced. The main building will be set back at 20 ft with the entranceway itself is really the only part of the building set at 11 ft. There is an existing detached garage that is about .4 ft off of the rear property line. They will be removing that garage and reducing the setback to 10.1 ft. The height of the second and third floors have been reduced down to a minimum of 9 ft. Granting of the variances would help promote public health, safety and good welfare within the community.

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

A motion was made by Mr. Sussman, seconded by Mr. Herzl to approve the application.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum

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

A review letter prepared by Remington, Vernick and Vena Engineers dated August 10, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated this is a minor subdivision that would create a 3.5 acre lot upon which they are seeking site plan approval to construct a three story office building in the Cedarbridge Redevelopment Area. This would bring more jobs and ratables to Lakewood. The only variance is for front yard setback from the off-street parking of 30 ft whereas 50 ft is required.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. This application has two components. First to create a minor subdivision to create a fully conforming lot of 3.5 acres. There is a variance for the front yard setback to the off-street parking spaces of 30 ft whereas 50 ft is required. This allows for a more creative and more aesthetically pleasing building. If that variance were not granted, the building would be chopped off and would not be as attractive. A loading area is located on the side of the buildings to accommodate deliveries to be made by FedEx/UPS type trucks. There is a total of 203 parking spaces proposed for the application whereas 206 are required by ordinance. Banked off-street parking spaces could be constructed on the south side of the project so that if there is a demand for additional parking they would have the ability to provide a higher parking ratio than is required by ordinance.

Mr. Herzl asked if the drainage calculations change if those spaces were to be paved in addition.

Mr. MacFarlane said no. This plan was included in the CAFRA permit for the overall Cedarbridge campus. The only threshold was that they had to have an impervious coverage that was less than 80%. If they were to pave those additional spaces, they would be at 76%.

Mr. Rennert asked where the drainage is going.

Mr. MacFarlane said the drainage goes to the basin by the baseball stadium.

Mr. Vogt said there are existing basins that were approved as part of the originally Cedarbridge infrastructure. As long as each parcel meets the conditions of the CAFRA approval, it is fine.

Mr. Rennert asked if the basin is shaded from the street.

Mr. MacFarlane said there is some landscaping with street trees along the basin.

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

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the application.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum

7. 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 review letter prepared by Remington, Vernick and Vena Engineers dated August 10, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. stated this is a minor subdivision that would create a 3.5 acre lot upon which they are seeking site plan approval to construct a three story office building in the Cedarbridge Redevelopment Area. This would bring more jobs and ratables to Lakewood. The only variance is for front yard setback from the off-street parking of 30 ft whereas 50 ft is required.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. This application has two components. First to create a minor subdivision to create a fully conforming lot of 3.5 acres. There is a variance for the front yard setback to the off-street parking spaces of 30 ft whereas 50 ft is required. This allows for a more creative and more aesthetically pleasing building. If that variance were not granted, the building would be chopped off and would not be as attractive. A loading area is located on the side of the buildings to accommodate deliveries to be made by FedEx/UPS type trucks. There is a total of 203 parking spaces proposed for the application whereas 206 are required by ordinance. Banked off-street parking spaces could be constructed on the south side of the project so that if there is a demand for additional parking they would have the ability to provide a higher parking ratio than is required by ordinance.

Mr. Herzl asked if the drainage calculations change if those spaces were to be paved in addition.

Mr. MacFarlane said no. This plan was included in the CAFRA permit for the overall Cedarbridge campus. The only threshold was that they had to have an impervious coverage that was less than 80%. If they were to pave those additional spaces, they would be at 76%.

Mr. Rennert asked where the drainage is going.

Mr. MacFarlane said the drainage goes to the basin by the baseball stadium.

Mr. Vogt said there are existing basins that were approved as part of the originally Cedarbridge infrastructure. As long as each parcel meets the conditions of the CAFRA approval, it is fine.

Mr. Rennert asked if the basin is shaded from the street.

Mr. MacFarlane said there is some landscaping with street trees along the basin.

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

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the application.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum

8. 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 review letter prepared by Remington, Vernick and Vena Engineers dated August 13, 2015 was entered as an exhibit.

Mr. John Doyle, Esq. stated three dilapidated buildings will be demolished make way for four duplex buildings. This area does not currently have public sewer and water but it will be brought in by this applicant. They will replace the existing curb and sidewalk. The only variance requested is a 9.5 ft setback whereas 10 ft is required.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He affirmed to the comments previously stated by the attorney. The lots are actually larger than what is required for a duplex unit where 10,000 sf is required and these lots are 13,000 sf. This provides for a vast improvement than the current conditions. The variances requested are de minimis in nature. No detriment is being made to the neighborhood and is in conformance to the zoning requirements.

Mr. Doyle said they were contacted by the family planning center which is to the north of the property. They have agreed to provide a solid fence around the perimeter of the property.

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

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Flancbaum

Abstain: Mr. Sussman

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

A review letter prepared by Remington, Vernick and Vena Engineers dated August 12, 2015 was entered as an exhibit.

Mr. Noah Burton, Esq. stated that this is a straightforward application with no variances. They did address the neighbors' concerns and he believes they have come to a workable modification.

Mr. Glenn Lines, P.E., P.P. was sworn in. He said they have spoken with the owner of lot 10 and have agreed to the following conditions: the septic system will be shifted from 10 ft to 25 ft from the property line, a 6 ft solid vinyl fence will be provided and the stairway on the west end of the building will be redesigned so that it exits at grade without any stoop or stairs so that the door would be at the setback line rather than in the side yard.

Mr. Ed Liston, Esq. said his clients are satisfied with what was put on the record. He did ask that they be made conditions of approval.

Mr. Sussman asked about sidewalks.

Mr. Lines said the school building is centrally located on the property. They are going to install sidewalk along Essex Avenue. Vermont is not being improved but there was some discussion that as a condition of approval it may be required to bond it for a certain amount of time. If Vermont is paved within that time period, the applicant would be responsible to install that sidewalk.

Mr. Sussman asked about Grand Avenue.

Mr. Lines said that Grand Avenue is a paper street and it only serves one lot which is surrounded by another property owned by a school. He doubts they will develop that lot. There is another school nearby that was not required to put sidewalks in or bond them. Other than that, it is a fully conforming site plan. There will be about 200 students with 25 faculty members. There are 38 parking spaces which exceeds the ordinance requirements.

Mr. Sussman asked if there is any kind of rental hall.

Mr. Lines said no.

Mr. Sussman asked if buses can turn sufficiently.

Mr. Lines said yes.

Mr. Rennert asked about garbage.

Mr. Lines said there is a dumpster on the side of the building. They would make the request to Public Works for pick up.

Mr. Liston said the applicant had agreed that there will be no windows on the westerly side of the building.

Mr. Lines agrees.

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

Sidewalk will be installed along Vermont and Grand Avenues. Alternatively, a bond will be posted for same for five years.

A motion was made by Mr. Sussman, seconded by Mr. Herzl to approve the application.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum

10. 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 review letter dated August 13, 2015 prepared by Remington, Vernick & Vena Engineers was entered as an exhibit.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He stated this is an existing school which would be demolished and new, more modern building will be constructed. A 10 ft rear yard setback is requested whereas 20 ft is required. A residence could be constructed on this property facing Hudson Street and would have an allowable 10 ft side yard setback. The variance can be granted under the C-2 criteria in that it promotes air, light and open space. It provides sufficient space in the appropriate locations in that there is an existing shul on the property and provides a visual environment by providing a more modern energy efficient building rather than the existing converted dwelling. Six parking spaces are proposed where five are required. There is a comment in the review letter stating that no sidewalk is being provided along Hudson Street. That was an omission on their part and they will install sidewalk along the frontage. The plan will be revised to address the drainage comments. A comment was made requesting curb replacement and drainage along Clifton Avenue. No improvements are being proposed along Clifton Avenue and does properly drain now. He does request to not replace what currently exists as they are not touching any of the frontage. They do agree to extend the evergreen buffer south along the east property line. They do want to maintain some separation for site distance in that location. One item in the letter had requested an evergreen buffer along the north side property and they would propose a privacy fence along that property line. There is a handicapped ramp and sidewalks proposed in that location which significantly limit the ability to put a proper landscape hedge along that side.

Mr. Sussman asked if there will be a hall in the basement.

Mr. Pfeffer said there will be a Kiddush room in the basement. That room will only be used by members of the congregation. It would not be rented to the public.

Mr. Sussman said there will be no parking if there is an event here and an event down the street at Bais Faiga.

Mr. Kociuba said the property is next to the cemetery. There is ample on-street parking along the west side of Clifton Avenue.

Mr. Rennert said there was a shul approved on the corner of County Line Road and Clifton Avenue where the Board restricted the parking after 9 am during the week.

Mr. Pfeffer said this is an existing site. This would be an improvement of what is currently there.

Mr. Rennert said there is no parking in the area.

Mr. Flancbaum asked how much bigger this building is.

Mr. Kociuba said it is approximately twice the size.

Mr. Herzl said the hall won't be rented out if there is no parking.

Mr. Pfeffer said that is correct. The sanctuary space will only be 300 sf larger than what is existing. There is really no room to have events.

Mr. Sussman said they should limit this to evening use.

Mr. Pfeffer said there may be one event a month at night. They ask that the Board not make that restriction.

Mr. Kociuba said the shul currently has events both morning and night. The night events is usually only once a month.

Mr. Banas opened to the public.

Mr. Bruce Snider, Esq. representing Stirling Developers, LLC, owners of 230 14th Street. They do not object to the application but they do request that there be appropriate screening, landscaping and buffering to separate the property. Right now all that is proposed is a fence which is not sufficient in order to protect the privacy of the neighbors.

Mr. Kociuba said they do agree to provide a row of arborvitae along the northern property line in addition to the fence.

Mr. and Mrs. Yoffe were sworn in. Mr. Yoffe does not object to having another synagogue but they are concerned about the parking. He believes the proposed parking is insufficient. They will be building a house on the east side of the property and the requested setback for a 10 ft setback as opposed to 20 ft will make a big difference. The air conditioner is also proposed to the rear of the property which would make additional noise.

Mrs. Yoffe said Bais Faiga is down the street so all the buses line up on Courtney Street and all the teachers' park along the streets. She said it is very bad place to have a Simcha hall.

Mr. Rennert asked when the traffic starts in the morning.

Mrs. Yoffe said it starts around 8:40 am.

Mr. Yoffe asked that the drainage issue be resolved and the entrance to the parking area should be aligned towards Clifton Avenue and away from the residential area that is further east.

Mrs. Yoffe said they do not want people walking to cars along their parking line.

Mr. Kociuba said they can move the building 5 feet forward which would create a front yard setback variance but would provide 50% more room along their property line.

Mr. Rennert said they could change the setback to 20 ft on Clifton Avenue.

Mr. Kociuba said it is an end block on Clifton Avenue and it would definitely stick out as 30 ft is required.

Mr. Yoffe said there are not too many houses on Clifton so it wouldn't look out of uniform.

Mr. Kociuba said the front yard setback in that entire area is 30 ft so they would be substantially more forward. He believes pushing the house 5 ft forward would be an adequate compromise. In the R-10 zone, if they had the house facing Hudson Street they would be permitted to have a 10 ft front yard setback.

Mr. Vogt said that is reasonable.

Mr. Herzl asked if there are any trees in the rear of the property.

Mr. Kociuba said there is a row of arborvitaes along the property line.

Mr. Banas would like to see two rows of arborvitaes.

Mr. Kociuba said the plans currently show a single row.

Ms. Yoffe asked if they are going all the way to Hudson Street.

Mr. Kociuba said they cannot bring it all the way to Hudson because they do need to maintain some site distance.

Mr. Yoffe asked about a sound barrier.

Mr. Banas said the double row of arborvitaes would do that to a degree.

Mr. Kociuba agreed to provide a double row.

Mr. Herzl asked if there are any windows in the back of the building.

Mr. Kociuba said there are some windows which are in the corners in the back of the main sanctuary. There are not operational.

Mr. Sussman asked about the air conditioning units.

Mr. Kociuba said they have agreed to move the units to the southern side which is furthest away from Mr. Yoffe's residence. They would like the option, if plausible, to put it on the roof.

Ms. Yoffe asked about the garbage.

Mr. Kociuba said there would be cans located in a screened enclosure.

Ms. Yoffe asked about the hours of operation for the shul.

Mr. Sussman said he would imagine they would be operating in intervals throughout the day.

Mr. Pfeffer reiterated that this is currently an operating shul. They are only adding approximately 300 sf to the main sanctuary. It is not going to change significantly from its current use.

Ms. Chana Wajsbort, 1431 East 9th Street, Brooklyn, NY, was sworn in. She is concerned that the Simcha hall will be used at night. She also said the parking is insufficient. She asked if there will be more than one minyan a day.

Mr. Herzl said he has been there a few times and they only have one minyan a day.

Ms. Wajsbort asked if that will be changing with this new plan.

Mr. Pfeffer said they have no intentions of increasing services. There is only one main sanctuary.

Mr. Banas closed to the public.

Mr. Pfeffer said this is an existing synagogue. The current sanctuary space is 900 sf and the proposed new sanctuary space would be about 12,050 sf. They have no intention of significantly changing the use of the synagogue. They are in agreement that they will only use the basement on the Sabbath, holidays and during the week day morning for members. The basement will not be rented at night.

A motion was made by Mr. Sussman, seconded by Mr. Rennert to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Rennert, Mr. Flancbaum

11. SD 2074 Shimon Grinberger

Drake Road and Serenity Way Block 251.01, Lots 32.01 & 32.02

Minor Subdivision to realign lot lines

A review letter dated August 12, 2015 prepared by Remington, Vernick & Vena Engineers was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said this is an application for a lot line adjustment. This is a very minimal change with no variances. The purchaser of the lot prefers the new alignment.

Mr. Rennert asked if there are sidewalks proposed.

Mrs. Morris said they are already bonded and possibly installed.

Mr. Vogt said no new lots and no new variances.

Mr. Flannery said that is correct.

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

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

7. CORRESPONDENCE

- SP 1922 – Block 430, Lot 9.01, River Ave – expansion of gravel parking area

This item was carried to the September 1, 2015 meeting. All were in favor.

- SP 2050AA – Block 251, Lot 16 - change from paved to gravel parking area and adjustment to walkway location

Mr. Flancbaum stepped down.

Mr. Adam Pfeffer, Esq. said they are asking for two conditions to be modified. The Board has some issues that the walk from Olive Court to the synagogue was a lengthy walk and they wanted a path. The path is approximately 630 ft. The applicant paved the walkway however the plan shows it right up to the building and they stopped at 600 ft as opposed to 630 ft so they paved 30 ft short. They ask that the requirement be modified.

Mrs. Morris said she believes they paved pretty much up to the property line so there is a walkway on the adjacent property to get to the synagogue property.

Mr. Pfeffer said there are two items left to get a CO. One of them was they only paved the walkway 600 ft as opposed to 630 ft. Item two is that the entire parking lot be paved. They did pave half of it and striped for handicapped parking. The applicant is in the process of coming back for the board for an addition to the synagogue. They would ask if they could leave the lot half gravel and half paved.

Mr. Banas asked when this would be.

Mr. Pfeffer said there is already an application being done.

Mr. Herzl asked if there is sufficient parking now.

Mr. Pfeffer said yes.

Mr. Banas does not like gravel.

Mr. Franklin said there is an ordinance that says it should be paved.

Mr. Rennert asked how many paved spots there are.

Mr. Pfeffer said between 20 and 30 spots.

Mr. Sussman would like to put in a condition that the entire parking lot must be paved within five years.

A motion was made by Mr. Sussman, seconded by Mr. Herzl to approve the changes.

Affirmative: Mr. Herzl, Mr. Banas, Mr. Sussman, Mr. Rennert
No: Mr. Franklin

- 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