

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Michael Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Franklin, Mr. Hibberson, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert, Mr. Cautillo

3. SWEARING IN OF PROFESSIONALS

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

4. PLAN REVIEW ITEMS

1. SD 2140 Yeshaya Ackerman

Ann Court

Block 187, Lots 84 & 100.05

Minor Subdivision to realign lot lines

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

Mr. Neiman said the applicant had asked to be heard as a public hearing item tonight.

Mrs. Morris said that is correct. She does not believe the board engineer had any issue with that. It is just a lot line adjustment in the rear of two properties.

Mr. Neiman asked if it was noticed as a plan review and public item.

Mr. Lines said it was.

Mr. Neiman has no issue hearing this in full tonight.

Mr. Vogt asked if any new variances are being created as a result of this realignment.

Mr. Glenn Lines, P.E., P.P. was sworn in. No new variances are being created. This is a very simple application. Existing lot 84 has a little piece of land that sticks out in the back. The lot owner of 100.08 would like to buy that piece of land so they can put a pool or something there in the future. The only improvement on the entire project is they have to set one monument. There are existing curb and sidewalks.

Mr. Neiman asked if an easement is required.

Mr. Vogt said they had recommended a number of changes to the survey. He asked if there are any objections.

Mr. Lines said no. They will correct the survey and they will add that to the subdivision map.

Mr. Neiman asked what easement has to be created.

Mr. Vogt said there is a list of comments relative to the outbound survey.

Mr. Neiman said everything must be addressed during resolution compliance.

Mr. Vogt said they do this with all minor subdivisions.

Mr. Lines said there is a comment in the letter stating that a landscaping plan is required. He argued that they are not changing anything except shifting a line over.

Mr. Neiman said that is why he is confirming with him. The applicant should understand he is agreeing to everything in the letter.

Mr. Lines said they do not agree with the landscaping plan comment.

Mr. Vogt said this is the first they are hearing of this. Normally this would be discussed at the public hearing.

Mr. Lines said if that is the only issue then they would address everything.

Mr. Vogt said the applicant has asked for one hearing. The understanding is that they would agree to all items in their review letter.

Mr. Rennert asked where this project is located.

Mr. Lines said it on the north side of Lanes Mill and Ridge. It is in the Raintree area.

Mr. Rennert asked if there are existing sidewalks.

Mr. Lines said that is correct, everything is existing.

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

A motion was made and seconded to approve the application.

All were in favor.

2. SD 2142 Congregating Kol Aryeh

Hope Chapel Road

Block 24.04, Lot 5

Minor Subdivision to create two lots

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

Mr. Vogt said a variance is requested for minimum lot width.

Mr. Neiman asked if it is an existing variance.

Mr. Vogt said no. He believes this is one where you have lot width on one lot on one end of the property and where the new lot is being created, there would be a lot width variance.

Mr. Neiman understands.

Mr. Brian Flannery, P.E., P.P. said they have reviewed the engineer's letter. The letter indicates a potential variance for the existing front lot, especially if a dedication is required. Since the County has gotten stricter with dedications, they will find out what that number is and would ask for that variance as well. Both lots greatly exceed the required lot area.

Mr. Neiman said no improvements are being made along Hope Chapel Road.

Mr. Flannery said unfortunately, the way the laws are written, they have to go to the County for any application.

Mr. Neiman asked if they will have egress from this new lot to Hope Chapel Road.

Mr. Flannery said no, there won't be any ingress or egress from Hope Chapel Road.

A motion was made and seconded to advance this application to the July 19, 2016 meeting.
All were in favor.

Mrs. Morris wanted to point out that a neighbor did ask whether or not you are required to have a front yard setback from that cul-de-sac on the side.

Mr. Rennert asked that a percal map be provided at the public hearing.

5. PUBLIC HEARING

1. SP 2185AA Shabsi Brody

30 Gudz Road

Block 11.30, Lot 13

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

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

Mr. Brian Flannery, P.E., P.P. was sworn in. He said the current school has 9 students, 5 of them will be living in the house as a dormitory. The maximum they will be looking for is 30 students with 2 classes. The applicant wants to represent to the board that this is a temporary facility. The longest they would be at this location is 3 years. The applicant will not be coming back to this board to put a big school on this property. The applicant wants to enable the school to get started while they look for an appropriate site for the school.

Mr. Neiman asked if this will be a school and dormitory.

Mr. Flannery said yes. There was a trailer on the front of the property which would serve as a classroom. There will be one additional classroom in the house and the upstairs would be the dormitory portion of the dwelling.

Mr. Rennert asked if this approval would no longer be valid after 3 years.

Mr. Flannery said yes, it would go back to residential use only.

Mr. Neiman said they have given time restraints to approvals in the past.

Mr. Franklin said that parking lot is not going to work. He asked if right angle parking can be provided.

Mr. Flannery agreed to angle the parking.

Mr. Follman said he would like to see a full site plan before voting on this.

Mr. Flannery said this is typical of site plan exemptions.

Mr. Franklin asked if any architectural drawings were provided.

Mr. Flannery said no as nothing is changing with the house.

Mrs. Morris said the applicant technically needs a waiver from providing architectural plans.

Mr. Flannery said if that is the issue, they could certainly come back with a plan showing the layout of the house as well as rearrange the parking as Mr. Franklin suggested.

Mr. Franklin would like to carry this application until these items have been addressed.

Mr. Follman agrees.

Mr. Flannery asked that this be carried to the June 21st meeting.

Mrs. Morris advised that no new plans can be submitted to the board as it will be less than 10 days.

Mr. Flannery said he would bring an exhibit to show to the board.

Mr. Follman said he would like to see a revised engineer's report as well.

Mr. Neiman opened to the public.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He said they have no idea what the house looks like and how the dormitory would be set up. This appears to be a residential neighborhood that may not be so willing to accept children living there. A school is one thing but a dormitory is another. They do not know the specifics of how these children will be housed.

Mr. Moses Shvarzblat, 51 Pamela Drive, was sworn in. He said he owns property across the street. He has no issue with a school being there and it has already been in existence for over a year. There is a trailer on the front property which is an eye sore and the house is not well kept.

Ms. Alpert, 540 Seton Circle, was sworn in. She was a school teacher for many years. She asked if a playground will be provided for the children.

Mr. Marcel Rottenberg, 135 Downing Street, was sworn in. He said the trailer used to be next door until they started getting fines so it was moved. It is an eye sore and the track record with this property is not good. He believes there are more than 9 students.

Mr. Neiman asked if there is currently a dormitory.

Mr. Rottenberg believes there is.

Mr. Neiman said the board would like to see full site plans.

Mr. Nathan Schlesinger was sworn in. He said the history of this property has not been good. He said the fence is falling apart, the garbage is not taken care of.

Mr. Neiman said these items would be addressed at the public hearing once the applicant submits full site plans.

A motion was made and seconded to carry this application to the July 5, 2016 meeting.

2. SP 2170 Ketan Mehta

Route 70

Block 1160.01, Lot 256.02

Preliminary and Final Major Site Plan for a hotel

A review letter prepared by Remington, Vernick & Vena Engineers dated June 9, 2016 was entered as an exhibit.

Mr. Grunberger arrived at the meeting.

Mr. Vogt said various variances have been eliminated. He believes the only variance requested is for the signage. Perimeter buffer relief is also requested.

Mr. Raymond Shea, Esq. stated this is an application for a motel in the B-5 zone on the north side of Route 70.

Mr. Ian Borden, P.E., P.P. was sworn in. The property is a proposed lot that was granted approval from the Zoning Board in February of 2016.

Mr. Shea said that subdivision was granted by the Zoning Board because the owner of the property has a carwash next door and he got his use by variance. When they split off this lot, they were intensifying that car wash use. It has nothing to do with the lot that is before the board tonight.

Mr. Borden said there was a specific finding in that resolution that so long as a permitted use is proposed on this lot then the Planning Board would have jurisdiction. This application is for a four story hotel with 97 rooms and 105 parking spaces whereas 97 spaces are required. The side yard setback variances have been eliminated which leaves only the identification sign which is located within the NJDOT right-of-way.

Mr. Neiman asked if there is some sort of party room downstairs.

Mr. Borden said no. The hotel does not propose any accessory use such as a banquet or restaurant or anything else that may generate parking. It does have typical amenities for hotels such as a breakfast buffet, fitness center and pool which are only to be used by hotel patrons. The hotel will utilize an existing driveway which was built as part of the car wash application. The driveway was developed with a 'T' design so that it could be utilized to access future development of this lot. The maintenance of the site including stormwater will all be done privately by the property owners. The surrounding properties are located within the B-5 zone including a car wash to the east, an office building and bank to west. To the rear of the site are industrial buildings off of Airport Road.

Mr. Neiman asked who owns the lot in the front.

Mr. Borden said that is not a lot, it is the DOT right-of-way. That is the reason for the sign variance because the right-of-way extends more than 200 ft from the edge of pavement.

Mr. Shea said if anybody complied with the sign ordinance along Route 70, you would never see them.

Mr. Borden said the sign location is consistent with the adjoining uses. Approval would be subject to the DOT assuming this board grants that variance.

Mr. Neiman said there is no reason the board can't be just as strict along Route 9 and not allow parking or anything within those setbacks.

Mr. Vogt said it is certainly up to the board.

Mr. Rennert asked if this has to also be reviewed by the Zoning Board as the subdivision was approved there.

Mr. Vogt said no, once the plan is filed, that becomes a sub created lot.

Mrs. Morris said the Planning Board is the same. Typically once the lot is created, it functions on its own and as long as it is a permitted use, it comes to this board.

Mr. Vogt asked if there are any conditions from the Zoning Board approval that may impact the development of this property.

Mr. Borden said no.

Mr. Vogt asked if the applicant agrees to the comments in the review letter.

Mr. Borden said they will agree to conform.

Mr. Follman asked if the hotel will be utilizing the car wash entrance/exit.

Mr. Borden said yes.

Mr. Neiman asked if there is sufficient room.

Mr. Borden said yes, the plans include templates for emergency vehicles.

Mr. Franklin asked about the loading and unloading zone.

Mr. Borden said there is no restaurant or other accessory use so there will be minimal loading which is typical of this type of hotel. The trucks would pull up along the curb line on the north side of the property as there is no parking there. In his opinion, this site does not have any adverse impact as there are commercial uses on both sides of the building so it would be impractical to provide the buffer. They are asking waiver for same. Parking is provided on three sides of the building within 5 ft from the adjoining property lines.

Mr. Vogt said it is up to the board. An adjacent property may have concerns but the board typically looks at this differently with each application. That buffer requirement also pertains to non-residential property.

Mr. Follman asked how wide the entrance and driveways are.

Mr. Borden said 24 ft.

Mr. Neiman opened to the public.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. He asked if there will be another entrance or exit other than the one used by the carwash.

Mr. Neiman said no.

Mr. Hobday asked how many rooms and parking spaces.

Mr. Borden said 97 rooms with 105 parking spaces. The Township ordinance is 1 space per room.

Mr. Hobday said a hotel this size would need adequate services. He asked if this will interfere with the business of the car wash.

Mr. Neiman said testimony was provided that it would be adequate.

Mr. Vogt is not aware of any Township restrictions in terms of shared access. They're fairly common if you have mixed use developments. In this particular case, the design engineer has testified that the access is adequate.

Mr. Shea said the shared access also has to be approved by the NJDOT as they have jurisdiction.

Mr. Vogt asked if the internal layout will be reviewed.

Mr. Borden said no, just the access, use, traffic generation.

Mr. Vogt said he thinks the question is whether the internal function of this driveway is going to be adequate.

Mr. Borden testified that it will be. It is important to note that the applicant is purchasing the property from the car wash so they are working together. Based upon knowledge of the car wash operations, they do not anticipate any impacts of both using this common drive area.

Mr. Borden said no.

Mr. Hobday believes it is unusual that this application is not being heard at the Zoning Board.

Mr. Neiman said if they were putting something on the site that wasn't permitted then they would have to go back to the Zoning Board.

Mr. Rennert asked if the ordinance only mentions rooms or does it say specifically guest rooms.

Mr. Vogt said to the best of his knowledge, the ordinance says rooms only.

Mr. Rennert said there are offices and other rooms as well. Perhaps the number should include those as well.

Mr. Shea believes the ordinance states guest rooms.

Mr. Flancbaum recused himself.

Mr. Ron Gasiorowski, Esq., on behalf of Hotels Unlimited, said it is his understanding is the car wash is located immediately to the east of this site. He asked if the driveway on Route 70 is public or private.

Mr. Borden said it is private.

Mr. Gasiorowski asked if the driveway was part of the car wash application.

Mr. Borden said yes.

Mr. Gasiorowski said it is his understanding that if a hotel has more than 100 units then it is entitled to a liquor license.

Mr. Shea said yes.

Mr. Gasiorowski asked if the applicant agrees, that if at a later date, they intend to increase the number of rooms from 97 to 100 or more, they would have to come back before this board.

Mr. Shea said they do agree.

Mr. Gasiorowski argued that this board does not have jurisdiction to hear this application and that it should go back to the Zoning Board, particularly in light of the fact that there is a shared driveway which is part of the original site plan.

Mr. Urlaky said a lot area variance has already been approved by the Zoning Board. At this point, the applicant has jurisdiction at this board for a site plan application as it is a permitted use.

Mr. Gasiorowski thinks this is an amended site plan as they are utilizing the shared driveway.

Mr. Urlaky said it his understanding that the Zoning Board has approved the subdivision. It is now an approved lot subject to a permitted use being developed.

Mrs. Morris said if some improvements were proposed to that shared driveway on the portion of the car wash property, then that property would have to be included as part of this application on a technicality and in that case, this application would probably going back to the Zoning Board. Since this application is entirely on that individual lot and they are not proposing any changes to the car wash lot, she personally feels this is before the correct board.

Mr. Vogt said he did the review of the Zoning Board application and sat on the meetings. His recollection is the reason why the prior application was in front of the Zoning Board is that the minor subdivision was approved by the nature that you were taking some property away from the original car wash property by definition, intensified an existing non-conforming use which was the car wash. That was the nature of the subdivision at the Zoning Board. Now that the lot is going to be created, it is a free standing lot.

Mr. Shea said for the record, they made the application to this board but were advised it must be heard at the Zoning Board. The Zoning Board, upon granting the subdivision, found in its resolution, directed them to go back to the Planning Board for any site plan on this lot.

Mr. Rennert would like clarification as to how the ordinance calculates the number of parking spaces.

Mr. Borden said 1 space per guest room. It does go on to say that any accessory uses should be separately tabulated. That is why the question of a use like a restaurant is very relevant.

Mr. Shea said it is their testimony that this is a fully conforming application. They are not seeking any variances except for signage.

Mr. Neiman closed to the public.

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

- 3. SP 2161 TJ Realty Enterprise, LLC**
River Avenue Block 430, Lot 10.01
Preliminary and Final Major Site Plan for a building addition

Mrs. Morris said this is an application that had received approval from the board on March 15, 2016 and prior to the resolution being memorialized, they had come back for some changes. They have abandoned those changes and are going ahead with the original approval. Being they had made the legal announcement to carry it to tonight, she wanted to notice for the public.

6. CORRESPONDENCE

- **SP 2145 & SD 2089 Somerset New Hampshire LLC** - revisions to approved building footprints and removal of proposed park space

Mr. Neiman asked if any additional units are being added.

Mr. Brian Flannery, P.E., P.P. said no additional units or variances.

Mr. Adam Pfeffer, Esq. went through the changes as depicted

Mr. Flannery displayed the approved and proposed plans to the board. The first item was there was a park area shown in the back of the units. After speaking with the builders and realtors, that would be a big imposition on those homeowners. The proposal would be to extend the backyards. Another proposed change is making the retail building 5 ft bigger. They have provided 149 parking spaces and they are making so they use all of those spaces. Additional retail was added to the second floor and 8,000 sf of retail to the other building to max out the parking available on site.

Mr. Neiman asked if a parking variance will be required.

Mr. Flannery said no. The supermarket will have basement storage which doesn't require any additional parking but it makes it a much more efficient operation.

Mr. Neiman said the basement would only be used for storage.

Mr. Pfeffer said the applicant has no objection to that.

Mr. Rennert asked where the playground will be relocated.

Mr. Flannery said there are other playgrounds shown on the playground.

Mr. Vogt asked if there was an issue with not using the basement space.

Mr. Flannery said no. There was never an issue on this. They are not proposing that on the general retail building but they would on the supermarket building.

Mr. Vogt thought he had spoken to the Township attorney as there was a concern if the basement was useable space with the 7 ft ceiling height.

Mr. Rennert recalls that there was some opposition to this application.

Mr. Flannery said residents of Leisure Village came out and there was an agreement reached. None of this changes any of the conditions of that agreement.

Mr. Flancbaum said they had drainage concerns.

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

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

- **SD 1752 1275 River Holdings** – landscaping changes and waiver requested

Mrs. Morris said this item was heard at the last meeting. One of the board members had concerns as no notice was sent to the neighbors.

Mr. Glenn Lines, P.E., P.P. said the board approved the revised landscaping and buffers except for the eastern edge of the property. They have noticed the three adjacent neighbors.

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

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

- **SD 1428** – removal of previous requirement to post a bond for sewer and water connections

Mrs. Morris said this is a minor subdivision to create 3 lots. The board recently passed a resolution removing the requirement that the applicant provide a bond for connecting the public sewer and water on only one of the lots.

Mr. Neiman asked why this request was made.

Mr. Morris said the applicant did not want to connect to public water/sewer and would provide septic/well instead. One of the other lot owners had written a letter asking that the bond for the water/sewer be removed on their lot. Unfortunately, no contact information was provided on the letter so she was unable to reply to them. Being that a revised resolution was prepared, she is not sure if they required noticed for the first lot.

Mr. Neiman said they will hold this off until the property owner contacts them.

- **SD 2025** – reaffirmation of Board approval

Mrs. Morris announced that this item will not be heard.

7. PUBLIC PORTION

Mr. Walter Lucas, Newport Avenue, said with all of these approvals the board should be aware of what is going to happen in the near future as the zoning will change. He said fences, sidewalks, curbs are very important. He said in southwest Lakewood there are about 20 schools which occupy about 50 acres. He expressed concern about future zoning changes

8. APPROVAL OF MINUTES

9. APPROVAL OF BILLS

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary