

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Grunberger, Mr. Franklin, Mr. Hibberson, Mr. Herzl, Mr. Rennert, Mr. Flancbaum

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2167 Congregation Lutzk**
Whitesville Road Block 251, Lot 16.01
Preliminary and Final Major Site Plan for a building addition

A motion was made and seconded to approve the resolution.

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

Abstain: Mr. Rennert, Mr. Flancbaum

5. PLAN REVIEW AND PUBLIC HEARING

1. **SP 2168 Lakewood Conference Center, LLC**
401 Madison Avenue Block 93, Lot 17
Site Plan to convert existing office to a combined office and synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated March 16, 2016 was entered as an exhibit.

Mr. Vogt stated that they are not aware of any variances. As the board is aware, this is a pre-existing facility. The issue at hand is a change of use on what is currently approved.

Mr. Vogt stated that the original approval was for a three story office building in 2006 (SP 1839). A variance was granted for parking spaces whereas 17 were proposed and 29 were required. As part of the approval and as agreed by the applicant, there were also going to be 12 off-site facility spaces from a local Econo-Lodge. Based on the 29 spaces, the board granted approval to the non medical office building. In 2012, the application was amended with respect to the 12 off-site parking spaces from the Econo-Lodge that had gone out of business. Representatives of the applicant had requested that 12 spaces be reserved in the Township's 5th Street parking lot. In 2014, the applicant came back to the board in July and November. It was presented at that time that the applicant wanted to have a change of use. At that time, the applicant's attorney offered an additional 20 off-

street spaces to sway the board's approval. Per their records, there were two hearings but no action was taken at either hearing. Based upon that information, it is his opinion that the existing approval was and is a three story non medical office building.

Mr. Rennert asked if any parking spaces were designated by the Township.

Mr. Vogt said nothing was specifically designated. There is a letter in the file from the prior Township solicitor which basically indicated that the Township was willing to allot them the 12 spaces that were originally allotted at the Econo-Lodge.

Mr. Ron Gasiorowski, Esq. requested that the engineer also recite to the board what the zoning is and whether or not in this application as it stands, the applicant is seeking any variances and what that means in terms of compliance with the ordinance.

Mr. Vogt said he believes he had answered earlier that he is not aware of any specific variances at this time.

Mr. Rennert said the reason there are no variances is due to the off-site parking.

Mr. Vogt said the existing facility was deemed to need 29 parking spaces. He is sure the applicant's team is going to make cases on behalf of the UDO that says they want to change to these various uses and what the UDO says per each use. The board typically looks at parking on a case by case basis whether it meets the UDO or not, particularly with schools and religious facilities.

Mr. Herzl asked if there were any parking calculations completed for this change of use application.

Mr. Vogt said based on the UDO requirements, their estimate was 23 spaces. What is currently provided is the 17 on-site and the 12 off-site. Again, it has been common place with the board, depending upon where an application is. Particularly a school, a shul, a Kiddush room or catering hall. At the end of the day, the board has to be satisfied as to whether or not the parking is or is not adequate.

Mr. Ron Gasiorowski, representing the application, intends to call two witnesses, a traffic consultant and a licensed planner. He believes the controversy surrounding this application really has to do with a great deal of mis-information that has been provided to the public as well as the Township officials. Their position is the use that is presently on this property, office, synagogue and Kiddush hall are in fact all permitted uses. The board engineer referred briefly to parking which is available. There are currently 17 spaces on site as well as 12 spaces which are located in a municipal parking and are specifically marked for permitted parking only and that was only arrived at by the consent of the governing body in 2012. In addition, in order to appease any of the concerns this board and the public may have, his client also secured an additional 15 parking spaces on the corner of Madison Avenue and Fifth Street which his applicant has entered into a 10 year lease for. That would total 44 parking spaces for this site. The engineer has indicated, per ordinance, 22 or 23 parking spaces are required. Because of his clients concerns, he is providing 44. The applicant has done everything within his power to satisfy concerns of the board and residents. He wants to conform to the law and be a good citizen.

Mr. Andrew Thomas, P.E. was sworn in.

Mr. Gasiorowski asked what steps he took to familiarize himself with the existing conditions as well as the governing ordinances.

Mr. Thomas said he reviewed the zoning ordinances of Lakewood Township, he visited the site on several occasions as well as preparing an aerial exhibit showing the site and the two properties where additional parking is available to the site specifically.

Mr. Gasiorowski asked how many parking spaces are provided in the lot on the corner of Madison Avenue and Fourth Street.

Mr. Thomas said 17 parking spaces are provided.

Mr. Gasiorowski said the spaces are clearly marked.

Mr. Thomas said that is correct.

Mr. Gasiorowski said there is another lot specifically set aside for parking on the corner of Madison Avenue and Fifth Street. He asked how many parking spaces were provided.

Mr. Thomas said 15.

Mr. Gasiorowski provided a copy of a lease agreement between RYLB and Bais Horaah of Lakewood. He asked if it identifies a specific number of parking spaces that are going to be leased.

Mr. Thomas said yes. It states that the tenant shall use the property solely for the parking purpose of 15 vehicles. The lease was signed in May 2015 and is for a period of 10 years.

Mr. Gasiorowski asked if the tenants of this building are utilizing those spaces.

Mr. Thomas said the spaces are marked specifically for Bais Horaah.

Mr. Gasiorowski said the leased Township parking is located in the same block as this property.

Mr. Thomas said that is correct. It is on the corner of Fifth Street and Clifton Avenue.

Mr. Gasiorowski asked what the total number of parking spaces are at that location.

Mr. Thomas said this is a municipal parking lot with a total of 43 spaces.

Mr. Gasiorowski asked how many spaces are set aside for permitted parking specifically for this application.

Mr. Thomas said 12.

Mr. Gasiorowski said that means the applicant has provided a total of 44 parking spaces.

Mr. Herzl asked if only the tenants of this building are allowed to park there.

Mr. Gasiorowski does not know but it is specifically marked permit only. The amended resolution gives the applicant the right to utilize 12 parking spaces in that Township lot.

Mr. Rennert would like to look at this as a new application. The original resolution states that only 17 people will be occupying the building. He would also like to look at this application without the municipal parking lot.

Mr. Gasirowski said when the original application came back in 2006, he had provision for 'X' number of parking spaces in the Econo-Lodge lot. The Econo-Lodge was subsequently foreclosed and therefore they went to the governing body. At that time, the township attorney said the applicant would have the right to utilize 12 spaces in that municipal lot. In addition, this board passed a resolution in 2012 which specifically states that this property owner has the right to use 12 spaces in that lot.

Mrs. Morris said the board does not have the ability to tell the Township what they can and can't do with their properties. The board may have agreed to the removal of the reference to the Econo-Lodge spaces from the original approval, however, the board in no way shape or form as previously discussed with the Township Attorney, has the ability to tell the Township what they can or cannot do with their parking spaces.

Mr. Gasirowski said that resolution was predicated upon the letter from the Township attorney that the Township consented.

Mrs. Morris said that may be the case but she is saying that the Planning Board are not the ones who granted anyone permission to use spaces at the municipal lot.

Mr. Gasirowski said the permission was granted by the Township of Lakewood.

Mr. Vogt said they all agree with that fact.

Mr. Gasirowski said that is correct. Once the Township agreed then the board accepted that.

Mr. Rennert said the applicant would have sufficient parking without utilizing Township parking.

Mr. Gasirowski said that is correct. He said to put aside the municipal parking right now and look at what they have provided which are 17 spaces on the site as well as 15 off-site spaces which is in excess of the ordinance requirements.

Mr. Herzl said the Township spaces are not specifically for the Bais Horaah.

Mr. Gasirowski said that is correct. Understanding that, his client did not just simply rely on using the municipal lot, he went out and acquired 15 more spaces.

Mrs. Morris said this is the first they have seen of this lease agreement allowing the 15 spaces.

Mr. Vogt said the lease indicates 15 dedicated spaces. He asked if anyone looked at this property and inquired if they are above and beyond what is necessary for the RYLB facility to operate per UDO standards. If the applicant does not have excess parking to give to another use, he does not see how the lease can be practically valid. He asked if spaces are available at this facility above UDO standards that they would be available to service another facility.

Mr. Gasirowski's understanding is that they are. With regard to this application this evening, he gave notice to everyone who is within 200 feet of the second parcel of land.

Mr. Vogt said the opinion of his professional is that this RYLB facility has an additional 15 spaces or more above UDO standards that would be available.

Mr. Gasirowski said yes, because of the nature of the use that is there.

Mr. Vogt said he has no information on the property. That is why his is asking the question.

Mr. Herzl asked if this parking lot is paved.

Mr. Gasiorowski said it is paved, striped and it is identified strictly for the Bais Horaah.

Mr. Rennert asked what is on the RYLB property.

Mr. Gasiorowski said it is a cleaners. He thinks they all recognize that all businesses, professions, houses of worship have the right to utilize the municipal parking lot realizing that it could cause a concern. His client then said he does not want to be dependent upon taking parking away from someone else. He wanted to provide adequate parking on his property as well as the second piece of property which he leased. He has listened to some of the concerns about the availability of parking and has also done an analysis of the parking surrounding this use.

Mr. Thomas said the exhibit shows a number of municipal parking lots within a 3 to 4 block area surrounding the site. On Fifth Street, there are 12 leased municipal parking spaces on the site. Behind the Ocean County Administration Building, there are 49 parking spaces. The municipal parking lot on the corner of Fourth Street and Clifton Avenue and also Third Street, there are 151 parking spaces. That does not include the designated spaces for the police and municipal employees. Across the street on Third, there are 111 spaces. Proceeding to the West on Third Street between Clifton Avenue and Madison Avenue there is a lot with 21 parking spaces. Across the street on Third, from that particular lot, there are 67 parking spaces. Moving south to Second Street, there are 192 spaces. That totals 675 parking spaces.

Mr. Gasiorowski said in this immediate area, there are over 600 public parking spaces available and they are not impacting any of them. As he said earlier, there was a great deal of misinformation with regard to the use of this property. The next question is did they break down the number of individuals or worshippers to this site.

Mr. Rennert said some lots are fuller than others throughout the day. The lot between First and Second Street is usually not full during the day. If the Township is looking to dedicate spaces, perhaps they should look at that lot.

Mr. Gasiorowski said that is a possibility but they already have adequate parking on the site plus on the lot on the corner of 5th Street and Madison Avenue.

Mr. Thomas said they broke down the time, the activity, potential number of people and the potential number of vehicles that would travel to the site which is shown in exhibit 5. From 8 am to 9 am Monday through Thursday, which is typically the minion prayer, potentially 10-20 people and in consultation with the applicant, the potential number of vehicles would be 10.

Mr. Rennert said this is starting to look like the first resolution where the testimony was there were not going to be more than 17 people in the building. Now there is a school, he would rather not look at this exhibit.

Mr. Gasiorowski said the first resolution stated there would never be more than 17 employees, not people. The resolution is predicated upon the square footage of the building and it was solely office use. With regard to the proposed use being a synagogue, office and a Kiddush hall, the requirements for parking are less. Per ordinance, the total number of parking spaces necessary are 22 or 23. They are providing 32.

Mr. Flancbaum said they should focus on what the board engineer is tell them, that 23 parking spaces are required. As to looking at the number of people coming in would be very arbitrary.

Mr. Gasiorowski said this is a worst case scenario.

Mr. Rennert said no, this is not a worst case scenario because there will be more than 20 people there. This is why they are going to run into problems again.

Mr. Gasiorowski said they satisfy the requirements of the zone by more than fifty percent. They are here before this board as required under the zoning ordinance. A site plan is only necessary if in fact as a result of the uses proposed requires an additional variance.

Mr. Thomas said that is correct.

Mr. Gasiorowski said under the original approval, the office use was a permitted use.

Mr. Thomas said that is correct.

Mr. Gasiorowski said under the existing ordinances, the uses which are presently there including the office, synagogue and Kiddush hall are all permitted uses.

Mr. Thomas said that is correct.

Mr. Gasiorowski said with regard to those uses, there is a specific provision that deals with how you would satisfy the parking requirements. The township engineer has reviewed that ordinance and has advised this board that given what is presented tonight, the maximum number of spaces necessary are 22 or 23.

Mr. Rennert said one of the exhibits shows a school. He asked if one is proposed.

Mr. Gasiorowski said no.

Mr. Flancbaum said that is the kolel, not a school.

Mr. Gasiorowski said that is correct.

Mr. Thomas read section 18-601.02 onto record.

Mr. Gasiorowski said they have an application that is a permitted use and it's being changed to another permitted use.

Mr. Rennert asked if the board engineer feels this is a site plan exemption even though they do not have the sufficient parking on-site.

Mrs. Morris said she did receive a site plan exemption application from Mr. Gasiorowski quite some time ago. She sent him an email stating that the board does not have jurisdiction over the site plan exemption. She indicated if the Zoning officer was not comfortable approving the change because the prior site plan approval explicitly prohibited that change without board approval then they would need to come back before this board for an amended site plan approval rather than an exemption/change of use.

Mr. Vogt said based upon the UDO requirements, it is their interpretation that a variance for parking is not required. As the board is aware, there have been times, case by case, depending upon the specifics of the use and location. To the best of his knowledge, they do not require any variances.

Mr. Rennert said then they are comfortable moving forward without a site plan.

Mr. Vogt said it is a site plan application with no site improvements currently proposed. It is a nuance of the UDO.

Mrs. Morris said technically what their professionals are saying and what her initial interpretation of the application was that if this building did not have the previous stipulations in the resolution which specifically states no change in owner or occupancy without the Planning Board's approval, this would have just been approved by the Zoning officer because there are no variances. However, because the Zoning officer has a prior resolution and she won't just sign off on a change of use and this board does not have jurisdiction over a conforming change of use from one to another where there is no variance, they are in fact considering an amended site plan application.

Mr. Gasiorowski said that is correct. He had received an email from Mrs. Morris. She suggested submitting an amended site plan which he did and what they provided is what is essentially an as-built. This is not a site plan showing what they propose to build but rather this is a site plan showing what is currently existing. When the applicant came before the board, he did in fact submit architectural plans to the construction official which is exhibit 2. The architectural plans do show the synagogue. In 2014, the construction official issued a certificate of occupancy as shown in exhibit 14 based upon the architectural plans that he was given. That facility operated for 6 months to a year until someone raised this issue arguing that his client had done something nefarious.

Mr. Rennert said this is definitely not was approved by the board.

Mr. Gasiorowski said it was not approved in 2006 or 2012 as an office, synagogue and Kiddush. They are accepting everything that has been told to them, they want to be in compliance. There has never been an issue with regard to the construction of this building.

Mr. Flancbaum wants to talk about the individual uses which are being proposed in the building. There is a 1,700 sf Kiddush hall in the basement. He asked if they are proposing to use the Kiddush hall strictly on Shabbos.

Mr. Gasiorowski said the Kiddush hall is only to be utilized in conjunction with religious services or celebration of religious services. It is not a catering hall being offered to the public.

Mr. Flancbaum said the board may want to regulate the times the Kiddush hall can be utilized. On the first floor is the main sanctuary and the second floor is the women's section. He is assuming they will have services during the week and on Shabbos.

Mr. Gasiorowski said yes.

Mr. Flancbaum asked how many services there will be throughout the day.

Mr. Gasiorowski said at most two services and a lot of the time just one.

Mr. Flancbaum asked that he describe the office space on the third floor.

Mr. Gasiorowski said it is identified as a bank but it is not a bank building. It is office space where there are presently four employees working for Sovereign bank.

Mr. Flancbaum asked where the Bais Horaah actually sit.

Mr. Gasiorowski said in the sanctuary.

Mr. Herzl said he thinks the hall should only be used after 6:30 pm for night functions only and not throughout the day when the Bais Horaah and employees are there. It could be used all day on Saturday.

Mr. Gasiorowski agrees.

Mr. Herzl said they have to be considerate to all the stores in the neighborhood who don't have enough parking. A bris cannot be made in the middle of the day for example.

Mr. Flancbaum said every synagogue needs a Kiddush room or a Simcha hall but the board regularly regulates the time and days.

Mr. Herzl said the parking lot on Second Street is usually pretty empty.

Mr. Flancbaum said the chairman's recommendation of parking down the street would be better than right next door.

Mr. Herzl said the municipal parking lot is usually full and there are a lot of stores in the area. They must be considerate of that.

Mr. Gasiorowski said he does have a witness that polled nearby store owners, all of whom support this application but if the board feels those 12 spaces should be moved to another municipal lot further south, that is acceptable.

Mr. Herzl said there are a bunch of cubicles on the third floor.

Mr. Gasiorowski said they are not being used.

Mr. Herzl said the applicant is limiting the office to 5 people. He said they should get rid of the extra cubicles.

Mr. Flancbaum asked if they are being stored there.

Mr. Gasiorowski said yes. It was being laid out for a much bigger operation.

Mr. Herzl said they do not have parking for a much bigger operation.

Mr. Rennert said the board may want to limit it to 4 or 5 employees but he would like to hear from the public first.

Mr. Gasiorowski asked if this approval would have any adverse impact on surrounding properties and the community at large.

Mr. Thomas said no.

Mr. Alexander Litwornia, traffic expert, was sworn in. He said it would be a good idea to move the 12 spaces from the municipal lot within the same block to one located further south.

Mr. Gasiorowski said it would still be walking distance.

Mr. Litwornia said he visited the site on Friday and there were at least 50 open spaces within the 5 lots in the area. He also visited today around 5 o'clock and there were 71 open spaces. Obviously, the lots that are closer to the storefronts are packed. He wanted to make sure there were enough vacant spots besides what they are providing in case there was an overflow and how many spots do they need. The ordinance states that you are supposed to look at each of the uses and come up with the parking by adding them up. In reality, these uses are not going to happen at the same time.

Mr. Gasiorowski said his applicant willingly agreed to place whatever notices or restrictions for his congregants in order to inform them not to park in a certain lot.

Mr. Herzl said he has no objection if the congregants parked in that lot after 6:30.

Mr. Litwornia said he had visited the parking lot which is leased by this applicant and he determined that there would be 15 spots available. Part of the lot is gravel where other cars are parking.

Mr. Franklin said the lot needs to be paved.

Mr. Gasiorowski said they have leased 15 paved parking spots.

Mr. Vogt asked what specific times Mr. Litwornia visited the site.

Mr. Litwornia said around 1:50 and 5:00.

Mr. Vogt asked if he anticipates those to be the peak times.

Mr. Litwornia said it was indicated to him by the applicant that those times would be expecting the most people utilizing the site, especially in the afternoon when the office would be full and the synagogue would be in use.

Mr. Vogt said then based upon what he has testified to and based upon the agreement for the Kiddush hall not to be used until after 6:30 pm, does he see any adverse impacts with this application during any time of the day.

Mr. Litwornia said no because of the types of uses that are in the building. Actually, changing it from all office to these uses, you have less of an impact in the area than previously.

Mr. Flancbaum said 1 and 5 on a Friday are not reflective of the busiest times for the downtown area.

Mr. Rennert asked if he feels the impact would be the same on other days.

Mr. Litwornia said there would be a bigger impact if it were all office and there are enough people walking for this use.

Mr. Rennert said Friday is definitely a bad time to visit the site.

Mr. Gasiorowski said they are not going to be parking there. The lot where they have leased 12 spots may be one of the busiest lots. Because of that, they would not park there and utilize a lot further south.

Mr. Herzl wants to know how they would change the leased Township spots.

Mrs. Morris said they are talking about the parking lot between First and Second Street which is the southerly most lot on the exhibit. Her understanding is that the board may be able to condition their approval upon the applicant obtaining some sort of lease or parking agreement from the Township but she believes the governing body would need to grant that.

Mr. Gasiorowski said it might very well be that the Township would welcome that because it would mean that a lot of this aggravation would go away.

Mr. Rennert did speak with the board attorney about a potential conflict he may have with Mr. Herskowitz and he was advised that he could sit on this application.

Mr. Rennert opened to the public.

Mr. Herskowitz, 1496 Cedar Row, was sworn in. He said he is not here to oppose the kolel, he is here because they want the kolel in the downtown area. The problem was that people got involved whom were not caring about other people's businesses and livelihood and because of that, things ended up spiraling out of control. No one at any time went to the inspection department and told them to evict anybody. The eviction happened because the original approval was based on an untruth, whether it was from the owner or lawyer. The original approval was for a single use building with 17 employees and they thought it was a Bais Horaah. He received many calls from merchants asking what happened to their parking and they believed there was a kolel in the building. He then called the people who ran the kolel and told them they are happy to have a kolel but do them a favor, since these businesses have been around for so long, they asked them to please park by the Muster Zone. He is very familiar with parking in the area and he knows which lots will have parking and when. The Muster Zone is the area where the day laborers are waiting for jobs. They told them they would try to accommodate and then they didn't listen or care. He had to watch his friends businesses suffer and they thought they didn't have any other options because they thought the kolel was there permissibly. When the building inspector came in to issue a CO, he questioned why there were four uses in the building. Therefore, fines were issued and ignored which resulted in eviction. None of the merchants were aware of this and once they were evicted, the owner called up surrounding merchants asking that they tell the Township that they never hurt their businesses and they would be allowed back in the building. So they had a meeting and at that meeting they were told to please find parking and to park in the Muster Zone until that time. A year went by and they still did not find any additional parking nor were they parking in the Muster Zone as asked. His business personally was not affected but his friends businesses were. Had the applicant come before the board and told the truth, the board never would have approved it. Now they are at a point where they have added services to the building. He has spoken to people in the kolel and they told me they are promising to park in the Muster Zone which is what they had asked them to do from the beginning. He reiterated that they do want the kolel in the downtown area but he asked that they keep their promise.

Mr. Bill Hobday, 30 Schoolhouse Lane, was sworn in. His understanding is that the original permit was granted based on promises. The promises were that there would be 17 employees with a light number of parking slots and they know that has expanded somewhat. What they didn't know about is the school, the catering hall and the synagogue. He does not think these are related businesses. A synagogue is a house of worship. You can't have other businesses in the same place. It's a holy place.

Mr. Rennert said it is on a different floor.

Mr. Hobday said it is a synagogue and should stand alone. He said the Lakewood Development Corporation filed an objection to the change of use on the grounds that such change would have significant impact on the available parking for the surrounding parking lots. He heard testimony that there are over 600 parking spots in the area but there is still inadequate parking. He said you can't approve a promise. It must be done based on facts submitted to this board. He assumes the zoning officer is unable to approve the change of use therefore a new application including fees and paperwork should be submitted.

Mrs. Morris said that a new application was filed with the board.

Mr. Hobday asked what the application is for.

Mr. Flancbaum said a 1,700 sf Kiddush hall in the basement, a 1,370 sf main sanctuary synagogue on the first floor, 1,289 sf women's section on the second floor and office space on the third floor.

Mr. Hobday asked if the catering hall will still be in operation.

Mr. Flancbaum said there is a Kiddush hall in the basement and the board always regulates days and times of when the catering hall can be utilized.

Mr. Hobday said a catering hall is a proposed use.

Mr. Flancbaum said he is not calling it a catering hall. It is a Simcha or Kiddush hall. Most synagogues have an accessory use which is a Simcha or Kiddush hall and they always regulate when and what type of parties can be performed.

Mr. Hobday asked about the school.

Mr. Flancbaum said it is not a school. It is a place of study for married men to come study during the day. It is not a school with teachers, students and classrooms. It is called a kolel.

Mr. Rennert said the application says office, synagogue, Kiddush hall.

Mr. Hobday asked if there were similar sites where they would have these three uses in one building.

Mr. Flancbaum said this type of synagogue would be used in the morning for about an hour and then the kolel students would come in to study. On Saturday, when the services are longer, there is no kolel.

Mr. Eliezer Suna was sworn in. He said they have a Bais Horaah that keeps the beauty of Lakewood Township in such a high level. He supports the kolel.

Mr. Chanick, 400 Madison Avenue, was sworn in. He believes the more people in Lakewood the better for all of the businesses. He is said it is a beautifully building and he is proud to have a business across the street. The Simcha hall is only used for a short time. His own son studies there every day. He has no objections to this application.

Mr. Gedayle Haberfeld, 350 Madison Avenue, was sworn in. He said he owns a house across the street on Madison Avenue. He thinks Mr. Gluck built a beautiful building which and the community owes him a tremendous amount of gratitude.

Mr. Yehuda Plym, 409 8th Street, was sworn in. He has tremendous admiration for the Bais Horaah. He said it is a very important institution.

Mr. Jeffrey Menachad was sworn in. He acknowledged that the Bais Horaah does beautiful work for the community. However, it should not come at the expense of damage to others. He has a business on Clifton Avenue and he hears complaints from customers daily about the parking situation. There are not enough parking spaces at the end of the day to accommodate the use of the building. The downtown area is struggling as it is.

Mr. Rennert said to that affect, the board does agree and they have requested to eliminate those 12 designated spots in the municipal parking lot where it is always congested. They will be moving the spots down by First and Second Street.

Mr. Herzl said the board will be restricting use of the Simcha hall until after 6:30 pm.

Mr. Abraham Blumenthal was sworn in. He is a member of the kolel. He said there are at least 18 members that walk or get dropped off every day. Every single member of the kolel is very careful and do not park in the Bagel Nosh parking lot. He said they will be having meetings periodically to encourage and remind the members not to hurt anybody's businesses. They feel that they did everything they could but they were still closed down. Rabbi Gluck is very good to the community.

Ms. Demeo, 50 Jumping Brook Drive, was sworn in. She said the synagogue is tax exempt. She wants to know what portion of this building is being taxed.

Mr. King said that is not the purview of this board.

Mr. Herzl said the tax assessor pro rates the building. If there is one floor that is tax exempt and the other floors are not, they would charge them for that floor. Even if it was tax exempt it would only be the synagogue portion.

Ms. Demeo said whomever took down the boards are not law abiding citizens.

Mr. Gasiorowski said he advised his client to take the boards down. If not, he would have done it personally.

Mr. Shloime Isaacson was sworn in. He is a member of the kolel. He asked if there is more parking available since the building has been shut down. He has driven by everyday and it looked full to him. The kolel members signed a paper stating they would not park in any municipal parking lot. The members didn't have a problem with it because it wasn't affecting what they usually do as they never did park in those spots. He feels the kolel does a tremendous service to the community.

Mr. Neiman was sworn in. He works for Federal Savings Bank on the third floor. There are three of them, sometimes four. When the building was boarded up, he missed his brothers. He would go downstairs and study with some of them and they are some of the holiest people he knows. The bank rents four parking spots and the kolel is really respectful of that and do not use them. Anything to keep them going will help his business as well.

Mr. Frankel was sworn in. He has been a member of the kolel for many years. He reiterated that the kolel promised not to park in specific municipal parking lots and none of them did so. They worked very hard to respect the businesses. He has been in the Clifton area for a few years and the peak hours in the morning seems to be around 10 or 11 am and morning prayers are around 9:30 am. In the afternoon, it is pretty quiet as it is after 2 pm and everybody has picked up their kids from school. If they were to have a bris, it would typically end around 9 or 9:30 am. The times they are there, Clifton is basically empty. Friday would be the only exception as businesses open earlier.

Mr. Aaron Taplin (sp?) was sworn in. He said there is a reason that there is a huge crowd here tonight. That is because they are offended that some of them have their own agendas although he does support the kolel.

Mr. Zev Wilner was sworn in. He said he lives 10 minutes away and walks every day to the kolel. He said Lakewood has grown so much that the parking lots are expected to be full. They should not be blaming it on Bais Horaah.

Mr. Avraham Aviat (sp?) was sworn in. He said the downtown area doesn't fill up until around 10 am. The board should take that into consideration regarding brises. He thinks that Gelbstein's Bakery also has problems with his business because people do not want to carry their dry cleaning so far from the car and the only spot in front of the store is a handicapped spot so people may be parking by Gelbstein's. A lot of stores near Gelbstein's do not really have spots and maybe there should be some type of consideration, perhaps move the handicapped spot to another location.

Mr. Rennert said this is in the B-2 zone. The Township bought up land to create the municipal parking lots.

Mr. Aviat said the average person is not going to want to park far away when going to the cleaners. He asked if they can designate a few spots in front. He does not believe the Bais Horaah is affecting the businesses but there is a cleaners around the corner where they reserved parking. There you can park close and not worry about lugging your dry cleaning a distance. He has an issue he has to work out.

Mr. Rennert asked if they can look into enforcing the two hour parking limit for those spots.

Mr. Peter Flum was sworn in. He said he has been in Lakewood a long time. One of the problems is parking. The Township is responsible to provide parking for everyone. They need to have some type of survey and change the parking patterns so this doesn't happen again in the future.

Mr. Moser Rodnickey (sp?), 207 First Street, was sworn in. He said the cleaners owner is a fine man. There are closer cleaners near his home but he makes a special effort to go to him because he really cares about the business and I'm sure he is not the only one.

Mr. Abraham Steinfeld was sworn in. He is a member of the kolel. He believes the kolel has helped the businesses. He never shopped at Bagel Nosh before but now as a member, he shops there.

Ms. Abraham was sworn in. She doesn't believe this meeting is against the Bais Horaah. It is more about the problem of the lack of parking spaces.

Mr. Rennert closed to the public.

Mr. Gasiorowski said there was so much time put into the preparation of this evening that frankly the board came up with a very simplistic answer, do not park in the municipal parking lot which is located in that area and

move further south which they have agreed to do. Seemingly, that would in fact solve the problem. There is great humility on the part of the kolel. They are here as citizens and residents. They perform a service to this community. The applicant has provided for more parking than is required by the ordinance.

Mr. Rennert said all of the members of the kolel signed a document stating they will park by First and Second Street.

Mr. Gasiorowski said that is correct.

Mr. King said it has not been submitted.

Mr. Rennert said the board was in agreement that the Kiddush hall can only be used after 6:30 pm, except for Shabbos. The offices upstairs would be restricted to 5 employees.

Mr. Herzl said there should be one prayer in the morning before 9 am and one in the evening after 6:30 pm.

Mr. Rennert said the approval should be subject to the Township allowing the applicant 12 designated parking spaces in the First and Second Street parking lot.

Mr. Gasiorowski said he will write a letter to the Township Clerk and Attorney requesting that.

Mr. Herzl believes the Township will go along with it because they want to clean up that area.

Mr. Flancbaum said the Kiddush hall can only be used after 6:30 pm, except for Shabbos. The kolel members agree to park in the parking lot between First and Second Street and that those spots be delineated. For the 17 on-site spaces, he would like them to be reserved for the employees which occupy the third floor, for the judges of the rabbinical court and for the litigants.

Mr. Gasiorowski said in the morning, when there is a bris, there is also sometimes a very small service in the Kiddush room. That would be the one exception they would request.

Mr. Flancbaum said the service in the morning must be finished by 9 am. If everyone is out by 9 am, that shouldn't be a problem but they should be very mindful of that because that's when the businesses are opening. The third floor shall be restricted to 5 employees and all the extra cubicles will be removed.

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

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

No: Mr. Hibberson

6. PUBLIC PORTION

Mr. Abraham Habercfeld thanked the board and everyone for coming today and supporting the Bais Horaah.

Mr. Lucas asked a few questions about zoning and handed out something to the board.

7. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary