

Please note: The audio recording failed and an alternate source was used to transcribe these minutes. It is difficult to hear certain individuals, therefore, please excuse any errors or omissions.

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl 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. Garfield, Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

Mr. Terrance Vogt, P.E., P.P., C.M.E. was sworn.

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 2190AA Bais Medrash of Medina Road Inc**
1213 Medina Road Block 189.07, Lot 4
Amended Change of Use/Site Plan Exemption

A motion was made and seconded to approve the resolution.

- 2. SP 2167 Congregation Lutzk**
520 New Egypt Road Block 251, Lot 16.01
Amended Preliminary and Final Major Site Plan for a synagogue

A motion was made and seconded to approve the resolution.

- 3. SD 2326 121 Somerset, LLC**
11, 25, 33, 45, 79, 87, 86, 72, 9, 13, 15, 29 Cherry St and 147, 159 N Oakland St
Block 189, Lots 118-123, 125, 126, 164-167, 182, & 185
Preliminary and Final Major Subdivision to create forty-four lots

A motion was made and seconded to approve the resolution.

- 4. SP 2277 Yeshiva Toras Yisroel**
1357 & 1367 Lanes Mill Road Block 187.16, Lots 50 & 53.03
Preliminary and Final Major Site Plan for a school and dormitory

A motion was made and seconded to approve the resolution.

5. CORRESPONDENCE & OAK STREET CORE RESIDENTIAL DEVELOPMENT SUBDIVISIONS

- **SD 2008 Berkshire Investment Holdings, LLC** – request for clarification of variances granted

Mr. Rennert arrived.

Mr. Brian Flannery, P.E., P.P. was sworn. He said in 2015 they submitted a by right application and at that time, the board requested that the applicant provide a shul due to the amount of development in the area, even though one was not required. It was agreed upon that one of the duplex units would be converted into a shul and the board requested that the applicant provide as much parking as possible. It is his opinion that the board granted the relief needed at the time of approval. The applicant would be happy to build a duplex there but he agreed with the board to provide a shul and he will need relief for that. They are here for a clarifying resolution that the board intended to grant the relief. They need 5 parking spaces which are provided at the front of the building. They can provide parallel parking and if Route 9 does get widened and they need to eliminate the parking, more people will have to walk.

Mr. Herzl said they need a variance as the parking is too close to Route 9, not for the lack of parking spaces.

Mr. Flannery confirmed.

Mr. Herzl would rather grant the variance and keep as much parking as possible.

Mr. Flancbaum asked if any other relief is requested.

Mr. Flannery said that William Schwarz wrote a letter dated 2/6/18 indicating variances are required for minimum lot area, width, front yard, side yard and rear yard setbacks. He doesn't feel they need the variances but if the board feels they are required then they would request those variances.

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer

No: Mr. Garfield,

- **SD 2204AO Vine Property Holdings, LLC**, Block 1025, Lot 1
- **SD 2339AO Edgcomb Duplex, LLC**, Block 1016, Lot 7

Mr. Vogt confirmed no variances are required for these applications.

A motion was made and seconded to approve.

All were in favor.

- **SP 2241 Congregation Talmud Torah, Inc**
- **SP 2184 Yeshiva Shaarei Oorah**

John Doyle, Esq. said these were applications for Yeshivas in the Oak Street Corridor where there will be sewer in approximately 18 to 24 months. Due to the number of students attending these schools, sewer is required rather than septic. He is asking that the board allow them to phase the development with limits to the number of students

and where appropriate, the number of students in dorms so that during that transitional period, they could get by with septic and that will then hopefully coincide with when sanitary sewer comes in.

Mr. Herzl said phase 1 would be to maximize as much as the health department would allow on septic and phase 2 would be the maximum amount of students requested originally.

Mr. Jackson said he spoke to Abe Auerbach concerning this. He indicated that the Yeshiva would be two stories and as a safe guard, the second story would be constructed as a shell and would not be sheet rocked, have finished plumbing, electric, etc. He thinks they should have an ironclad resolution that gives very specific details and that no CO would be issued for the second story and that it would be separately delineated. He thinks with those safeguards in place and also a pledge from the applicant that they would not use it until they have full sewer/septic.

Mr. Abe Auerbach was sworn. He agreed, the first floor and basement will be used. The second story will not be finished and would not be occupied. He said the common space for SP 2184 would need to be finished as it will be used for egress.

Mr. Jackson said he would look at the plans with Mr. Vogt.

Mr. Vogt said no CO should be issued for the second floors without public sewer being in place.

Mr. Auerbach agreed.

Mr. Herzl said the approval should be subject to the board engineer going over the plans and ensuring this will not exceed whatever is allowed by agencies.

A motion was made and seconded to approve phasing for these projects.
All were in favor.

6. PUBLIC HEARING

1. SP 2280 Torah Links

1301 Central Avenue Block 12.04, Lot 48
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington & Vernick Engineers dated May 14, 2018 was entered as an exhibit.

Mr. Flancbaum stepped down for this application.

Ms. Morris said this is a continuation from the last meeting. It was agreed upon that the hall would not be rented, the white pine buffer along the parking spaces would be replaced with something more compact and it would not be a minion factory which would be open to the public.

Mr. Herzl opened to the public.

Ms. Inna Starovoytov, 38 Circle Place. She said the neighborhood consists of mostly one story homes. She purchased the property specifically because it was on a dead end so it is quiet and has limited traffic. She is very concerned about the variances requested and how it may affect her quality of life. She would like the neighborhood to stay a quiet residential neighborhood. She further explained that she is concerned about the noisy construction, drainage, and the septic being close to her well.

Mr. Lines said the applicant is proposing to plant evergreens along the entire property line. The parking lot is one lot away from her property. The dumpster is on the other side of the school from her, she is also concerned about the height of the building.

Mr. Herzl asked where the trees would be.

Mr. Lines said they would be on the north side between the unnamed street and about 100 ft to her westerly property line as that is the piece where her property abuts. They would agree to increase the size of the trees.

Mr. Rennert suggested they could make the trees denser.

Mr. Lines said one of the comments at the last meeting was concerning the trees expanding over into the parking lot so they agreed to provide something more compact but they would go over it with the board engineer.

Mr. Rennert said he assumes someone lives on the other side where the dumpsters will be.

Mr. Lines said there will be landscaping along the entire property.

Mr. Rennert asked if they would make that portion dense as well.

Mr. Lines said they would agree to make it denser.

Mr. Herzl asked if there are any variances.

Mr. Lines said there may be a variance to the paper street where the building is 50 ft from the paper street but the patio is not, it is about 25 ft. The building is fully conforming.

Mr. Herzl asked about the septic being close to the well.

Mr. Lines said there is water and sewer on Central Avenue so they would not have septic. They would do a records search to see if there was septic for the existing house. If so, they would need permits to close it.

Mr. Sabel asked how the garbage trucks would maneuver to empty the dumpster.

Mr. Lines said they would have to go all the way to the parking space on the left side and then back in because Public Works now wants compactors rather than dumpsters so instead of coming once a week, they come once a month with compactors.

Mr. Franklin doesn't think it will work as it is very tight.

Mr. Lines said Public Works already approved the plan. He has no problem going back to them to ensure they can get the truck in there.

Mr. Franklin said the dumpster may have to be pushed back a bit.

Mr. Lines said they have room and they could look into it.

Mr. Sabel said there were concerns from the neighbors about cars speeding in and out. He asked if speed bumps could be provided in the parking lot.

Mr. Lines said there is stop sign and with the traffic on Central Avenue, he doesn't think anyone will be speeding through the parking lot. The concern was the sidewalk out on Central Avenue.

Mr. Sabel said it would be another safety precaution as people will slow down for a speed bump.

Mr. Lines said he is not a fan of speed bumps because when there is a stop sign there, he doesn't think a speed bump anywhere but right at the driveway is going to help and then it makes it tougher to plow snow.

Mr. Herzl said whoever doesn't stop for a stop sign would slow down for a speed bump.

Mr. Sabel said there needs to be striping in the parking lot for pedestrian crossings.

Mr. Lines said there are sidewalks on the east side of the parking lot.

Mr. Sabel said it would help if there is some striping across from the entrance.

Mr. Lines said they can do that.

Mr. Herzl closed to the public.

Mr. Sabel asked if the entrance could be limited to right in/right out only.

Mr. Lines said it is a County road so it would be their jurisdiction.

Mr. Doyle is concerned that the County would require something else and then the applicant would be stuck.

Mr. Rennert said they could come back under correspondence.

Mr. Herzl doesn't see why the County wouldn't agree.

Mr. Vogt said generally they would follow the Township's recommendations.

Mr. Meyer asked if there are sidewalks along the paper street.

Mr. Lines said yes, it is shown on the plans.

Mr. Meyer said if there is not, then sidewalks should be provided.

Mr. Vogt said comments actually came back from the Ocean County Planning Board today which he read onto record.

Mr. Jackson said the decision is to limit turns to right in/right out and if they run into problems with the County, they would come back under correspondence.

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

2. SD 2216 Gofar Drake, LLC

Serenity Way Block 251.01, Lots 32.19 & 32.20
Preliminary and Final Major Subdivision to create three lots

A review letter prepared by Remington & Vernick Engineers dated April 11, 2018 was entered as an exhibit.

Mr. Rennert stepped down for this application.

Mr. Vogt said the submission waivers are supported since all of these items were addressed with the Serenity Estates major subdivision project.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said variances are requested for minimum lot area and minimum front yard setback. A design waiver is required for a proposed non-radial side lot line.

Mr. Brian Flannery, P.E., P.P. was sworn. He said this was a property which was subdivided to create the cul-de-sac years ago as a cluster type of subdivision. Based on the ordinance, they must comply with R-20 bulk requirements where they take two lots that are oversized for this development and oversized based on the R-20 bulk requirements and they are proposing to subdivide them into three lots. Exhibit A-1 is the map submitted, A-2 is the map showing the initial subdivision and A-3 is the tax map. They are proposing to subdivide the lots into a 24,000 sf lot along Drake Road which would be conforming, a 16,000 sf lot and a 16,669 sf lot along Serenity Way. They are requesting a 25 ft front yard setback consistent with the setback relief granted because it is narrow in that area. The area behind it is the Crystal Lake Preserve so there isn't much space to go back and to get a nice house. With respect to the lot sizes, on A-2 he marked in blue all of the lots which are virtually 15,000 sf lots at the time of the application where the board said 15,000 sf is the smallest they would go, in green are lots between 15,000 sf and 20,000 sf so 75% of the lots are less than 20,000 sf. What they are trying to show is they are looking for the norm of the neighborhood and these lots certainly fit in. Minimum lot area variances are requested for two of the lots being under 20,000 sf. He referenced sections of the Master Plan and MLUL to support the variances requested. This applicant brought in public sewer, improved Drake Road with curb and sidewalk and really made this a nice development with a stormwater facility in the back. This application would provide one additional house on the cul-de-sac consistent with the other houses. He also pointed out that the Master Plan recommended that this area be rezoned to an R-12. The applicant has met with the neighbor and they are happy with the buffer being provided and that only three lots are being created, not four. Looking at the engineer's report, they would comply with off-street parking requirements and stormwater management as well as any other comments.

Mr. Sabel asked if sidewalk is being provided.

Mr. Flannery said they would provide sidewalk along the lots which are not developed.

Mr. Sabel asked if they could set back the houses a bit further to eliminate the variance.

Mr. Flannery said they could but the houses would be narrower. He believes the neighborhood would benefit from having larger houses and he doesn't think it is noticeable whether it is 25 ft or 30 ft.

Mr. Herzl 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.

3. SP 2284 Hal Stickel Inc

1991 Rutgers University Boulevard Block 1609, Lot 34
Preliminary and Final Major Site Plan for an addition to existing warehouse

A review letter prepared by Remington & Vernick Engineers dated May 21, 2018 was entered as an exhibit.

Mr. Vogt said a submission waiver is requested from providing a traffic study. The waiver can be supported since the scaled down traffic report submitted demonstrates such a small increase in traffic produced from the site. The B-site feature waivers including topography, contours and man-made features within 200 ft can be granted since there is enough information provided for design, the environmental impact statement waiver can be granted since all proposed improvements would be on the developed area of the property. Testimony should be provided justifying the request from providing a landscaping plan.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said a minimum lot width variance has been requested, however, it appears the required lot width of 300 ft is provided at the 100 ft front setback line. The applicant's professional shall confirm no minimum lot width variance is required. The existing front yard setback is 94.2 ft. The 100 ft minimum front yard setback may be reduced to 50 ft with approval by the Lakewood Industrial Commission. A minimum side yard setback variance is requested as well as the existing free-standing site identification sign is nonconforming with respect to setback.

Mr. Jan Wouters, Esq. said in addition to the front yard setback, there is a nonconforming side yard as currently it is 29.4 ft whereas 30 ft is required.

Mr. Vogt said design waivers are requested from providing sidewalk, a shade tree/utility easement and street trees along the site frontage. An additional design waiver has been requested with the revised submission from constructing curb along the rear of the parking lot.

Mr. Flancbaum is curious to know what the owner of this building thinks of sidewalks in the Industrial Park in general.

Mr. Wouters doesn't believe they have an opinion either way.

Mr. Flancbaum knows that many property owners within the Industrial Park have asked that no sidewalks be installed.

Mr. Wouters said the current owner of the property has been in the building for 15 years so they are used to being there without sidewalks. He thinks if they were asked whether they would prefer sidewalks or not, he believes not because they have been there for 15 years without seeing a need for sidewalks.

Mr. Herzl said there are now schools in the Industrial Park.

Ms. Morris pointed out that there is a school right next door.

Mr. Herzl said Lakewood isn't the same that it was 15 years ago and he believes sidewalks are a necessity.

Mr. Garfield asked what kind of goods are handled in this warehouse.

Mr. Wouters said it is a family owned business and they are involved in the supply of packaging supplies, equipment, janitorial and material handling products. They don't manufacture anything, it is brought there and then distributed out. A site identification variance is required as it is currently setback 4 ft whereas 15 ft is required. The variances requested are due to how the building was constructed 15 years ago. The proposed 16,000 sf addition will be used for warehouse space and additional parking will be provided in the back. There will be no changes to the landscaping as they are covering existing impervious surface and there are mature landscaping/trees on the property.

Mr. Herzl asked if they are losing parking.

Mr. Wouters said for this use, no. No parking variances are being requested and there will be no increase in vehicular traffic. They just need more warehouse space.

Ms. Jennifer Schwenker P.E. was sworn. She agrees with Mr. Wouter's comments and said the addition is proposed in the rear on an existing paved area. They are actually reducing the amount of impervious coverage on the site so therefore they are not impacting any stormwater management (inaudible).

Mr. Sabel said the site identification sign would have to be pushed back if sidewalk is installed.

Mr. Wouters understands.

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

A motion was made and seconded to approve the application with the condition that sidewalks be provided. All were in favor.

4. SP 2244 Khal Meor Chaim

270 Miller Road Block 9, Lot 3.01 & 6

Amended Preliminary and Final Major Site Plan for a synagogue

Mr. Adam Pfeffer, Esq. said during resolution compliance it was discovered that the architectural plans showed a proposed second floor landing, exterior stairs and canopy encroaching into the required minimum side yard setback. The applicant is now seeking variance relief for these side yard setbacks. Additionally, the proposed front patio for the synagogue encroaches into the front yard setback and the applicant is also seeking a variance for same. The stair case and landing encroaches into the setback 5.6 ft whereas 10 ft is required. They had originally asked for 13.2 ft whereas 30 ft is required for the front steps.

Mr. Garfield commented that there is not much room between the entrance/exit and the street.

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

Affirmative: Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Meyer

No: Mr. Garfield:

- 5. SD 2323 Yecheskel Piotrovski**
30 Gudz Road Block 11.30, Lot 13
Minor Subdivision to create three lots

A review letter prepared by Remington & Vernick Engineers dated June 6, 2018 was entered as an exhibit.

Mr. Vogt said variances are required for minimum lot area and width.

Mr. Joe Kociuba, P.E., P.P. was sworn. They were before the board previously for a 4 lot subdivision but at that time the comments from the board was to come back for 3 lots.

Mr. Herzl asked if this is the lot with drainage issues.

Mr. Kociuba said the developer installed some drainage on the property without permission as there was some agreement with the Township.

Mr. Herzl asked if it was straightened out.

Mr. Kociuba believes it is still in the works and this subdivision is part of that agreement. A minimum lot area variance of 11,540.88 ft whereas 12,000 sf is required for proposed lot 13.02 which is the corner lot on Gudz and Oasis. A minimum lot width variance of 78.22 ft and 88.39 ft whereas 90 ft is required for proposed lots 13.01 and 13.03. The lot on Jule Court is just barely non-compliant and is an angular odd lot and the lot on Gudz widened out to the rear of the property but due to the unique shape of the property, it makes development with conforming lots impossible. He further explained why the variances can be granted under both the C-1 and C-2 criteria.

Mr. Herzl asked if sidewalks are being proposed.

Mr. Kociuba said yes.

Mr. Herzl asked how many parking spaces are proposed.

Mr. Kociuba said 4 spaces per lot.

Mr. Herzl asked if there are any drainage issues as far as he knows.

Mr. Kociuba said no. He doesn't think there was ever a drainage issue, it was mainly the installation of drainage on private property.

Mr. Herzl opened to the public.

Mr. Salzer, 17 Oasis Court, was sworn. He believes this application is taking what should be a single family lot and turning them into three lots. He did not object when they were previously before the board due to any drainage issues but because they are trying to create undersized lots. He does not want any variances granted as he believes it will change the nature and character of the block. He feels this would be a detriment to the neighborhood.

Mr. Nathan Schlesinger, 21 Oasis Court, was sworn. He said that the houses on Oasis Court only front on the left side and the other side are all backyards. He requested that instead of the applicant putting in sidewalks along Oasis Court, they put in landscaping so they do not have to look into someone's backyard. They were going to come before the board to ask that the sidewalks be waived on that side of Oasis Court.

Mr. Rennert asked if that is part of a different application.

Mr. Kociuba said yes, that applicant was going to come back and ask for a waiver from the requirement to install sidewalks on the north side of Oasis Court. His client has no objections to putting bushes behind the backyard.

Mr. Vogt asked if they would be within the right-of-way.

Mr. Kociuba said they could put them within the shade tree easement.

Ms. Morris doesn't think the board should be considering what they would do if they were to grant a sidewalk waiver for a different project that they are not likely to grant. The board is not in the habit of granting sidewalk waivers and this is a separate application, it is currently under construction and it has nothing to do with the application before them.

Mr. Schlesinger wants to make sure this application will not delay his bond being released in any way. *(Very hard to hear as he is not speaking into the microphone.)*

Mr. Kociuba said the applicant does not intend to do that and they would certainly work it out. He believes the concern they have is essentially the rear of lot of 13.03 and they would have no objection to providing standard shade trees or a row arborvitaes in the shade tree easement to block the rear yard from Oasis Court.

Mr. Vogt said they are proposing buffering with the shade tree easement, not the right-of-way.

Mr. Kociuba confirmed.

Mr. Vogt said the sidewalk is not part of this application.

Mr. Kociuba said if the adjacent subdivision wasn't granted a waiver from providing sidewalk along that side, there would be a 60 ft gap.

Mr. Franklin would like to keep the sidewalks. If the applicant for Jule Court wants to come back for relief, he can do that but right now, he would like to see sidewalks as per the plan.

Mr. Kociuba agrees and should the waiver request come in, they will gladly not install the sidewalks.

Mr. Vogt thinks the board should vote on what is before them now. The applicant for Jule Estates has the right to come back before the board to request that waiver.

Mr. Herzl closed to the public.

Mr. Rennert asked if the applicant agrees to put in the sewer and water within 90 days so Mr. Schlesinger's bond isn't being held up.

Mr. Kociuba said they cannot promise to do the work within that time frame as it is NJAW's jurisdiction but they promise to make application within 90 days.

A motion was made and seconded to approve the application.

Affirmative: Mr. Garfield, Mr. Franklin, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert

No: Mr. Meyer

6. SP 2289 Yeshiva Ohr Yehuda
110 Franklin Blvd Block 500, Lots 19, 34, 41, & 42
Preliminary and Final Major Site Plan for a school

A review letter prepared by Remington & Vernick Engineers dated May 21, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for topography, contours and man-made features which are supported as well as from providing an environmental impact statement. The waiver request can be supported since no known environmental constraints exist per NJDEP GIS mapping. In addition, a tree protection management plan has been submitted.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said a variance is required for minimum rear yard setback, testimony shall be provided concerning whether or not a maximum building height variance is being requested, relief is required from providing a 20 ft wide buffer to adjacent residential uses or districts and from providing off-street parking facilities within the required buffer. Testimony shall be provided for the pool as no offsets were provided.

Ms. Miriam Weinstein, Esq. said some of those are changing after discussion with the neighbors. This application is for a major site plan for a boy's elementary school proposed in two phases. Phase 1 will consist of the two-story building as shown on the plans as well as all of the paving, sidewalks and parking areas. Phase 2 will consist of the addition to the building as noted on the plans. The pool and the 7 parking spaces shown behind lot 18 are being removed such as to preserve a 20 ft buffer at the request of the owner of lot 21. They will also be providing an 8 ft white vinyl fence on the side that backs up to lot 21 as per the request of lot 21 who has a pool and tennis court on the other side. They will supplement the parking with 4 addition parking spaces in the main parking area such that there will be 59 parking spaces whereas 58 are required. The requirement of the 58 parking spaces is after the full build out which includes phase 2. The intent is the applicant is hopefully going to acquire lot 18 and they would be back for a pool and additional parking. The total number of students proposed at the need of the build out of phase 2 is 400 students, there are currently 5 buses for phase 1 but the site can handle up to 12 buses. Drop off and pick up times are staggered with the upper grades coming in for morning prayer services at about 7:40 am and primary through 5th coming in at 9 am. Most students will be bused other than the occasionally boy who misses the bus or has an appointment. The dismissal times are also staggered, 3 pm for primary, 4 pm for grades 1 through 4 and 4:45 pm for grades 5 through 8. There are two variances being requested as well as buffer relief other than the side that abuts lot 21 where they would be keeping the existing vegetation in its current state. They are requesting a height variance of 38.5 ft due to the design of the property as well as a rear yard setback which is for the phase 2 addition for a little over a foot off of the required 30 ft setback.

Mr. Glenn Lines, P.E., P.P. was sworn. This is a boy's elementary school on Franklin Boulevard which is the extension of James Street. Access in and out of the site onto Cross Street is at that signalized intersection. They are providing parking per ordinance and buffering along lot 21. They have spoken to the owners of the adjacent lots and they have no objections to requesting waiver relief to the rear and sides but they are providing fencing. The lots are very large so they all have 15 to 30 ft of trees on their side of the property line. Buses will come in the easterly driveway, park in the front and come out the westerly driveway and back out to Franklin Boulevard. They have been adjusting the grading and currently the building is proposed to be at 34.9 ft whereas 35 ft is permitted.

Mr. Jackson said he would put in the resolution that a height variance is granted to allow a height of 38.49 so they must stay below that.

Mr. Lines said a variance is also being requested for minimum rear yard setback of 28.65 ft whereas 30 ft is required as the architect was very adamant they need that additional 1.35 ft which he believes is di minimis.

Mr. Herzl asked if there will be a dormitory.

Mr. Lines said no.

Mr. Herzl asked if there will be any outside Simcha halls.

Ms. Weinstein said there will be no Simcha hall.

Mr. Lines said they are on septic so their limit right now is a maximum of 200 gallons per day from the school so whatever combination of students and staff that is, they must stay below that.

Mr. Herzl said it is subject to approval from the Ocean County Health Department.

Mr. Lines said they would be able to build phase 2 when sewer is available in the area.

Mr. Herzl wanted to confirm the board will be approving both phases but they would not build phase 2 until the sewer is put in.

Mr. Lines said that is correct.

Mr. Rennert asked if the buses will have any issues turning in and out of the parking lot on Franklin Boulevard.

Mr. Lines said no, there will be no problems.

Mr. Herzl asked if there are left turns allowed out of the eastern driveway as they are too close to West Cross Street.

Mr. Lines said they are 380 ft away from West Cross Street so there won't be any issues even if a car is making a left.

Mr. Rennert said it is a signalized intersection.

Ms. Weinstein said yes, it is a continuation of James Street.

Mr. Herzl asked about trash pickup.

Mr. Lines said they received the review from Public Works and they recommended it should be private pick up but they are going to go back to them to see if there is anything they can change as they would like public collection. The trash compactors are located at the end of the parking lot so the truck would have to back up. They may relocate them in order to get DPW approval. The AC units will be on the roof and will be set back a minimum of 10 ft from the parapet so screening won't be required.

Mr. Vogt said since there will be parapets, the units will be partially obstructed.

Mr. Lines confirmed.

Ms. Weinstein said that is why they do not believe screening should be required.

Mr. Garfield is concerned about the traffic on Cross Street as there are already numerous schools with new ones being built.

Ms. Weinstein said they can't take into consideration schools which are coming in the future because it is based on actual traffic counts so the traffic is based on what's there now. She argued that the buses can go right out to James and not on West Cross at all.

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

Ms. Weinstein asked that all of the requirements they spoke about concerning the 20 ft undisturbed buffer adjacent to lot 21 and the 8 ft white vinyl fence be included in the resolution.

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

- 7. SD 2334 David Herzog**
E Kennedy Blvd, 1127 E Co Line Rd Block 183, Lots 1, 2, & 4
Preliminary and Final Major Subdivision to create seven lots

A review letter prepared by Remington & Vernick Engineers dated June 11, 2018 was entered as an exhibit.

Mr. Vogt asked if the waiver from providing proof of submission to the Ocean County Planning Board is still being requested.

Mr. Pfeffer said no, it is not.

Mr. Brian Flannery, P.E., P.P. was sworn. The old application was deemed incomplete but it was submitted and this is virtually the same impact on the County road.

Mr. Vogt said submission waivers are also requested for topography, contours and man-made features within 200 ft, an environmental impact statement, a tree protection management plan, architectural drawings and a street lighting design. The B-site features are supported since enough topography is provided by an updated survey, the environmental impact statement waiver is supported as long as the site contains no environmental constraints, the waiver from providing a tree protection management plan is supported for completeness purposes only provided a tree protection management plan is required as a condition of approval, a partial submission waiver is requested from providing architectural drawings. Four basic house designs are required for a subdivision of this size, while only two designs have been submitted. As discussed at the plan review meeting, the street lighting design must be finalized or a waiver requested. The waiver is required since the proposed street lighting design has not been finalized. The half width of Major Avenue has been proposed for improvement. However, street lighting has not been proposed.

Mr. Flancbaum stepped down for this application.

The board granted the submission waivers as recommended by the Board Engineer and Planner.

Mr. Vogt said variances are required for minimum lot area, width, off-street parking relief will be required for all new lots. The revised plans propose to improve the half-width of the Major Avenue right-of-way which is acceptable provided a temporary turnaround is designed for the eastern terminus. A design waiver is required from providing street trees along the Major Avenue project frontage and a partial design waiver is required from providing sidewalks along the entire East County Line Road frontage.

Mr. Jackson questioned if there is a res judicata issue.

Ms. Morris said there was previously a denial for this property. She believes the layout is the same but now they are proposing to pave a half width of Major Avenue.

Mr. Jackson said the applicant must show something is different otherwise the board can determine that this is the same application which was previously denied.

Mr. Flannery said the layout did change. In the prior application, the majority of the lots were less than 15,000 sf and were not conforming. In this application, the majority of the lots are conforming to lot area. Additionally, the layout has changed as there is a big lot in the back so it is a totally different application. They are also improving Major Avenue.

Ms. Morris asked if the right-of-way dedication required by the County may increase the magnitude of the area variances.

Mr. Flannery said their anticipation is that there will not be a right-of-way dedication and that any additional area that's needed can be done with a road widening easement. They do not have a complete application to the County so they haven't gotten to that point. If there is a problem with reducing the lot areas, they know they would have to come back to this board. The problem with the County right-of-way in this area is the County consultant they hired changes every few months where the proposed right-of-way is going to be.

Mr. Rennert asked if sidewalks are being provided along County Line Road.

Mr. Flannery understands that the board does not grant waivers for sidewalks so they would provide them. The engineer's report also indicates they are asking for a parking variance which is not the case. These are going to be custom homes and they will have enough room to fit parking. The ordinance states they must submit typical plans so this is not what is going to be built because when you have custom lots like this, you have no idea what the architectural plans are going to look like.

Mr. Rennert asked if sidewalks are proposed along Major Avenue.

Mr. Flannery said the plans do not show sidewalks along Major Avenue. Exhibit A-1 is a tax map of the area, A-2 is the tax map on the other side of the street showing undersized lots. The applicant would agree to improve his side of Major Avenue so that whoever comes in on the other side can finish the road. A turnaround will be provided in case someone comes down there.

Mr. Rennert asked if sidewalks are being provided along the applicant's property frontage on Major Avenue.

Mr. Flannery said he would ask for the waiver but he knows the board does not like to grant waivers for sidewalks.

Mr. Rennert asked if sidewalks are proposed along Clayton Street.

Mr. Flannery confirmed, they are installing sidewalks on their side. Variances for minimum lot area are being requested for lots 1.04 through 1.06 with areas ranging from 12,007 sf to 12,326 sf. The other four lots proposed are all over 15,000 sf. The other variance required is for minimum lot width for lots 1.01 through 1.07 with proposed lot widths between 63.23 ft and 75.07 ft whereas 100 ft is required. Those variances are consistent with others in the neighborhood as well as the lots across the street.

Mr. Rennert asked what the lot widths are across the street.

Mr. Flannery said they are around 77 ft wide and their lots are 75 ft.

Mr. Rennert argued they are proposing 63 ft and 67 ft wide lots.

Mr. Flannery said it is consistent with the area and the goals of the Master Plan. The 63 ft wide lot is the kind of lot that when you look at the configuration, it is not going to stand out as being unusual as it is behind other lots that are very deep. He referenced sections of the Master Plan and MLUL to support the variances requested.

Mr. Herzl asked if there is anything in the engineer's report they do not agree with.

Mr. Flannery said they are no longer asking for a parking variance. There is a comment requesting to revise the lot layout so there is no jog but it is his testimony that jogs are di minimis in nature and provide for a good layout of the property. There would be notification to the property owners that it is there. Lastly, they would agree to recommendations 'b' and 'c' from the Shade Tree Commission but do not agree to 'a'.

Mr. Sabel questioned why it helps that they are only improving half of Major Avenue.

Mr. Flannery said the next person that comes in would only have to build half.

Mr. Sabel asked about cars coming down as it would only improved half way.

Mr. Pfeffer said the road doesn't go anywhere.

Mr. Flannery said it would be used for extra parking for the end lot.

Mr. Sabel said the plans do not show a turnaround.

Mr. Flannery said they have agreed to provide a hammerhead in order for vehicles to turn around.

Mr. Rennert asked if sidewalks are proposed on the other side of Clayton Street.

Mr. Flannery said they are putting in curb. The property is owned by the Township and they will be running sewer and water into Clayton.

The board agreed that sidewalks should be required along Major Avenue.

Mr. Flannery said a traffic report was submitted showing a level of service 'C'.

Mr. Herzl asked if Clayton is a right in/right out only.

Mr. Flannery said no, it is a full intersection. There will be probably be an interconnection out to Ridge Avenue eventually.

A motion was made and seconded to deny the application.

Affirmative: Mr. Sabel, Mr. Meyer

No: Mr. Franklin, Mr. Herzl,

Abstain: Mr. Franklin, Mr. Rennert

The motion failed.

Mr. Rennert asked if there is something they can do about lot 1.07.

Mr. Sabel said they should eliminate the lot.

The majority of the board would approve the application if lot 1.07 was eliminated.

Mr. Pfeffer hears the board concerns and requested that the application be tabled so they can be addressed.

8. **SD 2318 Congregation Maalos Hatorah**
1544 & 1552 Salem Street and Gates Ave Block 1159, Lots 31, 32, & 46-48
Minor Subdivision to create six lots

Ms. Morris said inadequate noticed was provided for this project. The application will be carried to the July 24, 2018 and a new notice will be provided.

7. **APPROVAL OF MINUTES**
8. **APPROVAL OF BILLS**
9. **ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary