

## 1. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Franklin, Mr. Herzl, Mr. Neiman, Mr. Follman, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

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

## 4. MEMORIALIZATION OF RESOLUTIONS

### 1. SP 2161 TJ Realty Enterprise, LLC

River Avenue Block 430, Lot 10.01  
Preliminary and Final Major Site Plan for a building addition

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

### 2. SD 2118 Yehoshua Frenkel

River Avenue Block 534, Lot 7  
Preliminary and Final Major Subdivision to create fourteen lots

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

### 3. SP 2165 Yehoshua Frenkel

River Avenue Block 534, Lot 7  
Preliminary and Final Major Site Plan for an office building

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

### 4. SP 2171 Excel Corporate Park IA, LLC

Prospect Street Block 411, Lot 82  
Preliminary and Final Major Site Plan for a proposed industrial building

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

**5. SD 2127 47 Linden, LLC**  
Linden Avenue Block 189.02, Lot 170  
Minor Subdivision to create two lots

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

**6. SD 2129 Miriam Klein**  
Miller Road Block 12, Lot 201  
Minor Subdivision to create two lots

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

**7. SD 2130 New Central Properties, LLC**  
New Central Avenue Block 11, Lot 1.17  
Minor Subdivision to create two lots

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

**8. SP 2172 Center 101, LLC**  
Clifton Avenue Block 90, Lot 9  
Denial of Preliminary and Final Major Site Plan for an office and retail building

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

**9. SP 2173 Congregation Birchas Yaakov**  
Ridge Avenue Block 186.03, Lot 1.07, 1.09, & 1.10  
Preliminary and Final Major Site Plan for a new school building

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

**10. SD 2024A Prospect 54, LLC**  
Prospect Street Block 411, Lots 30, 35, 36, 40, & 43  
Amended Preliminary and Final Major Subdivision to create 79 lots

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

**11. SP 2183AA Yeshivas Ohr Olam**  
Cross Street Block 499, Lot 1  
Denial of a Change of Use/Site Plan Exemption to convert existing dwelling into a school

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

- 12. SD 2057A Avenue of the States, LLC**  
Avenue of the States Block 961, Lot 2.01  
Amended Minor Subdivision to create three lots

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

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

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

- 14. SP 2178 Cheder Masores Hatorah**  
Bellinger Street Block 804, Lot 2  
Preliminary and Final Major Site Plan for a school

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

- 15. SP 2184 Yeshiva Shaarei Orah**  
Albert Avenue Block 1159, Lots 76 & 77  
Preliminary and Final Major Site Plan for a school

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

- 16. SP 2179 Yeshiva Philip Hirth Academy, Inc.**  
Oak Street Block 1151, Lot 1  
Preliminary and Final Major Site Plan for a school

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

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

Mrs. Morris said this application was originally approved for a school and a dormitory. They have since removed the dormitory from their approval voluntarily as the OC health department was giving them a hard time. This resolution is to revise the number of students to a maximum of 105.

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

## 5. PUBLIC HEARING

### 1. SD 2125 Mark Properties, LLC

Providence Avenue Block 1051.09, Lot 4  
Preliminary and Final Major Subdivision to create 5 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 2, 2016 was entered as an exhibit.

Mr. Vogt stated variances are being requested including minimum front and rear yard setback. A design waiver is required from improving the Brighton and Ostend Street right-of-ways.

Mr. John Doyle, Esq. said this is consistent with the Master Plan zoning ordinance application for 2 duplexes and 1 single family home. Front and rear setbacks are requested only for the single family lot due to the configuration of the street.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is a property that is in split zones. The westerly portion of the property is in the B-3 zone which permits duplex dwellings, the easterly portion is in the R-12 which permit single family dwellings. They are proposing 2 conforming duplex structures on zero lot line lots. The single family lot exceeds the 12,000 sf required. Relief is being requested for the front setback of 25 ft whereas 30 ft is required and a rear yard setback of 15 ft whereas 20 ft is required consistent with the duplexes next door. If the board grants this relief, they would be allowed a 36 ft deep house which really is not a deep house to being with.

Mr. Neiman asked if the road is improved.

Mr. Flannery said it is not. This is a major subdivision so the road would need to be improved or bonded before any construction could start. Relief is being requested on the two paper streets because the streets just go to Presidential Estates which is already built with houses. These are C-2 variances where they must demonstrate that the benefits outweigh the detriments. If these variances are granted, they would be able to build a 36 ft deep house which would look consistent with the adjoining houses and that is certainly a benefit.

Mr. Franklin asked about drainage.

Mr. Flannery said there were some revisions needed and they would agree to satisfy the board engineer.

Mr. Jackson said another benefit would be that they are lining up the single family home with the duplexes.

Mr. Flannery said that is correct, even the extremely shallow depth of the lot would certainly qualify under a C-1 variance.

Mr. Jackson asked if there are any negatives.

Mr. Flannery said there are none. The positives are a more normal house consistent with the others.

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. SP 2176 Cedarbridge Equity, LLC**

Boulevard of the Americas Block 961, Lot 2.01  
Preliminary and Final Major Site Plan and Minor Subdivision for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated June 15, 2016 was entered as an exhibit.

Mr. Vogt said this application is for both a minor subdivision and major site plan. There are pre-existing variances which were granted for lots 2.02 and 2.03 for the minor subdivision. For the site plan, a variance is being requested for off-street parking front yard setback as well as a design waiver for buffer width and shade tree/utility easements along Boulevard of the Americas.

Mrs. Miriam Weinstein, Esq. said this is another application for an office building in the Cedarbridge Redevelopment area. As the board engineer pointed out, this application is for a minor subdivision upon which an office building will be built on one of the lots and that is typical for this area. The only variance requested is for off-street parking front yard setback.

Mr. Jason Burneyko, P.E. was sworn in. The lot in question is the centerpiece of the Cedarbridge Redevelopment zone. Due to the nature of the shape of this lot where they have various curved property lines, it creates a pinched area where the building converges with the drive aisle in the front of the building as well as the drive aisle parallel to Boulevard of the Americas. These parking aisles start to get very small. If they were to push this to the required 50 ft setback, it would create a very inefficient use of this area as well as an unsafe condition.

Mr. Neiman said they are not asking for a variance for the number of parking spaces.

Mr. Burneyko said no, only for the setback.

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

A motion was made and seconded to approve both the minor subdivision and major site plan. All were in favor.

**3. SD 2135 Congregation Kol Aryeh of Lakewood, Inc.**

Hope Chapel Road Block 26, Lots 8 & 8.01  
Preliminary and Final Major Subdivision to create 3 lots and a cul-de-sac

A review letter prepared by Remington, Vernick & Vena Engineers dated June 15, 2016 was entered as an exhibit.

Mr. Grunberger arrived at the meeting.

Mr. Vogt said there was an issue with the cul-de-sac stem as currently designed. They have a recommendation to extend the right-of-way easement around such that you can have sidewalk. Variances include minimum lot area and a design waiver is requested from providing sidewalks along the entire Broncos Way frontage.

Mrs. Miriam Weinstein, Esq. said they have been before the board before with a concept sketch which looked somewhat like a flag lot. The board did not like it so they came back with the redesign.

Mr. Glenn Lines, P.E., P.P. was sworn in. They are proposing a 3 lot minor subdivision on a new cul-de-sac. The proposed lot areas are 10,676 sf. On the tax map, they have identified all of the lots that do not comply with R-12 requirements. Lot sizes range from 11,000 sf down to 8,000 sf so their lots are in general conformance with what is in the area. Those are the only variances requested for the subdivision. With regard to the sidewalks and right-of-way easements, they have provided a 40 ft right-of-way with a 30 ft wide road coming in off of Hope Chapel Road which is in compliance with RSIS for a rural roadway. Sidewalks will be provided on one side as well as a retaining wall as lot 7 is lower. There is a comment in the review letter recommending that the cul-de-sac stem be shifted 3 ft northward and the proposed right-of-way easement extended on both sides of the stem for length of the new road. There are two concerns with that, it would make this even more non-conforming and it is being suggested in order to provide sidewalks along the entire cul-de-sac but a retaining wall will be constructed on one side as lot 7 is lower. The owner of lot 7 is not interested in selling his lot but sometime in the future if he does decide to sell, the first thing a developer is going to do is subdivide the lot. The sidewalks should be provided by the person who they will benefit. Also, if he moves the cul-de-sac over and provided an easement all the way down the property line, the owner of lot 7 will never be able to get to the street and therefore make his lot landlocked.

Mr. Vogt said there a couple of potential issues if this design is left as is. First of all, there is 6 ft fence going up to the front yard property which obviously you can't have. Secondly, there is a sight triangle that appears both portions of the fence and retaining wall might conflict with.

Mr. Lines said they cannot provide a sight triangle on that side.

Mr. Vogt said it is a County road so they would need their approval.

Mr. Lines understands. He has no problem moving the fence back so that it complies with the sight triangle on the other side of the street.

Mr. Vogt asked about the sight triangle on the west side.

Mr. Lines said they do not own the property. If someone comes in to subdivide that property, they would have to get approval from the County.

Mr. Vogt said the County has to review and approve this. It is not this board's concern. If this is the alignment the applicant wants and the board is comfortable, then it would be between them and the County.

Mr. Rennert said how he could be comfortable with this if there is no sight triangle.

Mr. Lines said this is under County jurisdiction.

Mr. Rennert said this board doesn't like it. Someone could come out and get hit by a car.

Mr. Lines said the house is set back about 50 ft from the road. There is no problem with sight distance.

Mr. Rennert asked if there will be any other obstructions.

Mr. Lines said no.

Mr. Vogt asked for the height of the retaining wall.

Mr. Lines said the wall ranges from 0 to 4 ft.

Mr. Vogt asked if it would be a visual obstruction.

Mr. Lines said no. The wall makes it so they can bring the road out straight instead of having a big dip.

Mr. Vogt understands. He asked if it creates a visual obstruction for people who may be traveling northbound on Hope Chapel Road.

Mr. Lines said no, the road is higher than the wall.

Mr. Franklin asked if a turn is needed by lot 14 as there is quite a grade difference.

Mr. Lines said yes. On the grading plan, it shows the retaining wall extending from the property all the way to the rear.

Mr. Franklin asked if a turn is required.

Mr. Lines said no. They can grade off the rear yard.

Mr. Franklin said there is a drain basin there. They would be grading on other people's property.

Mr. Lines said they have 30 ft to grade the back yard of that property.

Mr. Franklin said they have a grade at 93.80 in the back corner.

Mr. Lines said that ties into the low spot. The contours that go off their property is 94 so they are creating a dish in the back corner with that inlet.

Mr. Franklin said when you look at lot 7, the contour lines are 92 and 91. They have to protect the surrounding lots.

Mr. Lines said that is why they are putting in the retaining wall.

Mr. Franklin said they do not have any elevations on the top of the retaining wall.

Mr. Lines said the back of the retaining wall is 94 and goes to a maximum elevation of 96 in the middle of the property and then it will slope back to 94.

Mr. Franklin said back at the basin, the wall should be returned on their property so they are not doing anything to the neighboring property. The plan shows 95 at the property line and the neighboring property is at 92. The wall won't protect lot 14.

Mr. Lines said everything grades from lot 14 into a swale and then down into the inlet.

Mr. Franklin said to provide at least 15 ft back from the basin so they can trap it in that corner.

Mr. Lines said they would look into it.

Mr. Rennert asked about trash pickup.

Mr. Lines said trash will all be curbside. There is a 45 ft radius cul-de-sac which is in compliance with township requirements.

Mr. Franklin said the residents won't be happy when the snow plows come through as the snow will all be in their driveways.

Mrs. Weinstein said they have already met with Public Works and received their approval.

Mr. Franklin asked if the drainage pipe in the back will be owned by the homeowners. Public Works will not be maintaining those.

Mr. Lines confirmed.

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.

**4. SP 2180 Congregation Somerset Walk**

Canary Drive

Block 830 & 830.04, Lots 1.06 & 30.01

Preliminary and Final Major Site Plan for an addition to an existing synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated June 15, 2016 was entered as an exhibit.

Mr. Abraham Penzer, Esq. said this is a variance free application. As the board is aware, the Somerset Walk area originally was cut in half and was only supposed to be for the seniors. A smaller shul was built but now as families are growing, they have run out of space. The Township put up property for sale behind it which is used for parking and recreation and it works great. He has worked with the neighbors and the only change is that they would be providing a berm.

Mr. Vogt confirmed that no variances are being requested. There is an issue with regard to the parking layout redesign and where the parking is relative to adjoining lot 29.01. If it is less than 5 ft, a design waiver is required.

Mr. Glenn Lines, P.E., P.P. was sworn in. Currently the traffic pattern is from the south side of the building, around the back through the parking lot and out to Canary Drive. They are changing the traffic pattern going the other way. That is an existing parking area that was approved under the original application and all they are doing is taking the stripes from the easterly end of the parking lot and flipping it over.

Mr. Vogt asked if it is new paving.

Mr. Lines said no.

Mr. Vogt asked if any perimeter buffer relief is required.

Mr. Lines said they are leaving buffering on the cemetery side. They will be leaving a substantial amount of trees.

Mr. Penzer said it is a very heavily wooded site.

Mr. Neiman asked about the berm.

Mr. Lines said one of the requests from a neighbor is a landscape berm on the property line adjacent to new lot 1.07 in order to shield his view of the parking lot through the trees.

Mr. Penzer said after their lot, there is another vacant wooded lot and then the neighbor.

Mr. Neiman asked how many parking spaces are being provided.

Mr. Lines said they currently have 54 striped spaces where 49 are required by ordinance. As indicated on the plan, the basketball court can be used for overflow parking. Per a comment in the engineer's letter, they did provide an access to that so they would have to lose one of the spaces along the south side of the parking lot to gain access to the court.

Mr. Neiman asked if there will be a Simcha hall.

Mr. Lines said there already is and they have far fewer spaces than they are providing now.

Mr. Lines said the Simcha hall is going to be expanded and the 54 spaces addresses the requirement for the proposed building and hall.

Mr. Follman asked if the Simcha hall will be rented out to the public or it is for residents only.

Mr. Penzer said there is plenty of room for parking even if a resident is having a huge bris. There is no one else around at the rear of the property besides the cemetery and vacant wooded land.

Mr. Follman said the roads inside the development are narrow.

Mr. Penzer does not believe so. He parked there yesterday and there seemed to be plenty of room along the rear yard of the property bordering the woods. It goes straight down for quite a distance.

Mr. Jackson asked if the Simcha hall will be permitted to host outside events.

Mr. Penzer does not want to limit it as it is a way of getting income.

Mr. Neiman said if the residents are not happy with the Simcha hall then they're not renting it out. These are people in a very close knit community.

Mr. Herzl asked how many cars can fit on the basketball court.

Mr. Lines said about 15 to 20 cars.

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.

**5. SD 2136 Aaron Finkelstein**

Somerset Ave

Block 189.31, Lot 153

Minor Subdivision to create 2 lots

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

Mr. Vogt stated that variances include minimum lot area, width and side yard setback. Possible relief may be necessary for one of the lots with regard to off-street parking.

Mr. Brian Flannery, P.E., P.P. was sworn in. A tax map was displayed showing lots with similar variances in the area. This is across the street from Linden Gardens which was approved by this board last year. Those units had duplexes on under 8,000 sf lots. This is a 13,000 sf lot in the R-10 zone.

Mr. Neiman said they want to construct to single family homes as opposed to a duplex.

Mr. Flannery said that is correct. It is his testimony that this is smart growth and it is consistent with the area. The board can grant these variances without any detriment to the zone plan or zoning ordinance. The applicant intends to occupy the new lot that will be built and he would like to have side setbacks to allow for a maximum width house consistent with the R-7.5. The Master Plan does suggest rezoning this area to R-7.5. The Linden Garden units are 10 ft apart. They are showing 7 ft to the existing house, if they show 7 ft on the other side it would be consistent with the area.

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.

**6. SD 2137 Jediedjah Moshe Rodrigues Pereira**

County Line Road East

Block 186.04, Lots 6 & 7

Minor Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 13, 2016 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt said variances include minimum lot area, width and front yard setback. There are a number of questions regarding potential relief necessary for some of the accessory structures.

Mr. John Doyle, Esq. said this is an application in the Raintree development. The Raintree development is 40 years ago. The original plan was not a typical grid like plan with rectangular lots. They had curvilinear streets and irregular lots. There have been historically in this area, a number of subdivisions that have created smaller lots as they show on the tax map. They come here tonight for a minor subdivision of an existing, Raintree 40 year old lot configuration is not unique, not the first time and not the only one. In terms of lot size, it is not unique, not the first time and not the only one. Each of these lot owners have a house on their respected existing lot. One house on the corner is a house that was constructed in 2005 and it has a shul downstairs. It was constructed in a way to try to minimize its impact and to stay totally within the required setback lines. These two lots total over 40,000 sf and would allow for three lots that are larger than if you use the traditional standard on what are doable variances and what is over the top variances being do they at least conform with the next standard

down, which this does. This is a subdivision to create 3 lots, 1 lot for each of the existing houses with the lot lines done so that no new variances are created. The lots proposed will create parallel rectangular lots leaving a sufficient building envelope upon which a new home will be built. This application meets the standards of the MLUL and does not do substantial detriment to the zone plan or the zoning ordinance.

Mr. Glenn Lines, P.E., P.P. was sworn in. This application is on County Line Road East which is a dead end road that goes through the Raintree development and goes to the County maintenance yard. A tax map showing similar sized lots in the area was displayed to the board. A subdivision was approved on the corner of Alvarado and Lanes Mill with similar sized lots. There are 4 lots out of 19 total lots within 200 ft so more than 20% of the lots are non-conforming and what is interesting is they are all undersized corner lots. Those lots actually stand out more than these lots.

Mr. Neiman asked if there are homes on those lots.

Mr. Lines said yes, they are all developed. Their corner lot is going to be 14,386 sf, just slightly under the 15,000 sf requirement in order to provide a large enough lot in between the existing homes. Their corner lot will be larger than the one across the street and the lot on the other side of 6.01. With regard to the zone plan, they did not go down a full zone past what the R-12 standards would be. They are just 5,000 sf short in order to create 3 conforming lots.

Mr. Doyle asked if it is a better zoning alternative to have this configuration than to have, given the growth of Lakewood, a vacant lot.

Mr. Lines believes it is.

Mr. Doyle asked if this application presents a substantial detriment to the zone plan, zoning ordinance or public good. He understands that every variance can be argued to some detriment.

Mr. Lines does not believe subdividing these lots with the variances requested would cause substantial detriment to the zone plan or zoning ordinance.

Mr. Jackson asked for testimony as to how the benefits outweigh the detriments.

Mr. Lines believes the benefit of providing one additional lot is the recommendation of the zoning ordinance. It will provide two more dwelling units and as the Master Plan indicates, housing is at a premium.

Mr. Doyle asked if there are any detriments.

Mr. Lines does not see any.

Mr. Herzl asked what is existing on those lots.

Mr. Lines said on lot 6 there is a house. There is a walkway that extends from Todd Court through the properties to a building used as a library.

Mr. Herzl asked if that is part of the school.

Mr. Lines said yes.

Mr. Neiman asked if that was part of an approved application.

Mr. Doyle said as he understands it, the former shed has been used in a very productive public way to provide an area to find, borrow, read books for the community. There is a century old house nearby and he believes building this new home would help and encourage to revamp that house. He asked if the proposed lot 6.01 was created, could a house consistent with the neighborhood meeting setback requirements be built.

Mr. Lines said yes.

Mr. Doyle said this application would be subject to County approval. One of the conditions from the County may be that they do not want people backing out on to County Line Road East. He asked if they could fashion T driveways or circular driveways on lots 6.01 and 6.02 to meet safety requirements for the County and this board.

Mr. Lines said yes.

Mr. Herzl does not understand how people are walking from lot 7 to the building/library in the back on lot 6.

Mr. Grunberger asked if it is going to be on lot 6.03.

Mr. Neiman said he is not sure if that building received any sort of approvals to be used as a library.

Mr. Doyle said it is a shed.

Mr. Lines said there are no sidewalks along County Line Road East. He thinks they connected that walkway in order to connect the shul to the library.

Mr. Grunberger asked if sidewalks are proposed.

Mr. Lines said yes and they would have to do any other improvements that the County would require. There are no objections to any of the comments in the engineer's review letter.

Mr. Pereira was sworn in. He said about 10 years ago they bought the 100 year old house and there was an empty lot next door. They built a shul for the neighborhood on that lot. He explained how the street looks odd as there is a house, a huge space and then another house. This application will beautify the street and create a much normal looking neighborhood.

Mr. Doyle asked him to describe the library/shed and what would be made of it if this application was granted.

Mr. Pereira said if the application is granted then the walkway would be removed and there would just be an entrance from the street.

Mr. Neiman asked what is currently in the 100 year old house.

Mr. Pereira said a family lives there. The garage in the back was already there and they turned it into a library for the neighborhood.

Mr. Neiman asked if people are going to continue to walk through this new lot to get to the library.

Mr. Pereira said no. Sidewalk will be provided along County Line Road.

Mr. Doyle asked if he foresees that old house staying there.

Mr. Pereira said no. It will probably be removed which will be a plus for the neighborhood. He understands Raintree is a nice quiet neighborhood and he would like it to stay that way. All they want to do is build a home on a huge empty lot.

Mr. Neiman opened to the public.

Ms. Linda Halm, 1383 Pasadena Street, was sworn in. She objects to this application. It is not a quiet little street as it is the main divider between two neighborhoods. The County uses this street to get access to their equipment. She is not aware of a family living in that 100 year old farm house, she has only seen young men. She believes it is being used as a dormitory as there are 5 garbage cans and 3 recycling cans.

Mr. Jackson asked how many men she has seen living there.

Ms. Halm thinks 4 or 5. She is worried that the proposed house is going to be a dormitory as well. She can't imagine they will be able to sell a house with a sidewalk through the backyard for people to get to the library. The 100 year old house is in terrible condition and she does not understand how anyone is living in it but they are.

Mr. Jackson asked why she believes it is a dormitory.

Ms. Halm says she walks her dog by there every day and has never seen parents or adults, just young men. They leave the house to go to the shul and then they go back. She also didn't know what the shed was being used for until this meeting. She is concerned if the board approves the lot size as it will set a precedent. She is unsure why this is being described as an ugly lot. It just looks like an extension of his backyard and a big backyard is never ugly, it's the house from the 1900's that is an eyesore. She is concerned about the parking as the plans do not propose any. Street parking should not be allowed as it is a busy road.

Mr. Tracey Tift, 1380 Pasadena Street, was sworn in. He said these variances are a big difference when you are talking about County Line Road. There is a lot of traffic that flows through here with cars parked on both sides of the street so there is barely enough room to get two cars down when people are using the street as a parking lot. He asked for the definition of a shed and wonders if it can be used for a library. If so, would it have to conform with fire, safety codes. He does not believe a family is living in that house, the lights are constantly on and there are never any cars in the driveway. He does not believe the lot looks horrible but the property owner should be taking better care of it so it doesn't look in such disarray. He has no issue if a house is built on that proposed lot but is concerned that it will be used as a school or dormitory.

Ms. Pamela Spinelli, 1217 Todd Court, was sworn in. This is not part of the Raintree development, it is Glenn Pines. The lots, when purchased, were divided so everybody has approximately the same amount of footage except two lots at the end of the cul-de-sac. The applicant's lot was originally a one family lot and now it has two homes on it. Originally it was a tax paying lot, now it is tax exempt and a third building would put more of a strain on taxpayers having three non-paying tax exempt residences.

Mr. Doyle objected.





**9. SP 2188AA Yeshiva Ohr Olam**

Cross Street and Newport Ave

Block 499, Lot 1

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 16, 2016 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. said as the board recalls, this was an application for a site plan exemption to convert an existing residence on the corner of Newport Avenue and West Cross Street into a boys high school. The application was denied mainly because Newport Avenue was not wide enough to handle the additional traffic that would have been generated by the school. The applicant has met with his next door neighbor and the three points agreed upon is that all buses will enter and exit from Cross Street, curb will be installed all along the front on Newport Avenue so that vehicles cannot enter the property from Newport Avenue. She does want to clarify that the engineer's review letter states the driveway along Newport Avenue is going to be eliminated. That was not the agreement. The agreement was that the driveway could remain but no access could be to that area via Newport Avenue and the installation of the curb would prevent that.

Mr. Vogt said that is what the plans show.

Mrs. Weinstein believes it was changed.

Mr. Neiman said they were told the agreement was to remove the existing driveway and construct a solid curb along Newport Avenue across former driveway entrances. That was his understanding as to what the two sides agreed to.

Mrs. Weinstein said it is not her understanding and she was privy to the conversations. She does not believe the driveway was going to be torn out, just that curb was going to be installed and there was to be no access from Newport Avenue. The third point would be that a 6 ft high vinyl fence will be installed along the southerly property line, abutting lot 7.

Mr. Herzl asked why they want to keep the exiting driveway on Newport.

Mrs. Weinstein was told that in case there is some event there, then they would have the ability to use that area as parking.

Mr. Joe Kociuba, P.E., P.P. was sworn in. He said they would like the ability to use the pavement that is there for parking.

Mr. Neiman said that is fine as long as the applicant is agreeing to install a solid curb so that no cars can get in there and that access is only from Cross Street.

Mr. Rennert asked how the cars would get to that driveway.

Mrs. Weinstein said they would have to use the driveway along West Cross Street.

Mr. Rennert said they will be driving on the grass to get to that driveway.

Mr. Vogt said that is an important point. He is looked at the plans and seeing a bunch of mature trees in between.

Mr. Kociuba said they would extend a small driveway there to allow for access.

Mrs. Weinstein said it is mainly for the boys to play there.

Mr. Kociuba said a portion of it will be used for recreation.

Mrs. Weinstein said the main point is it is going to cost the applicant additional money to tear out the driveway.

Mr. Neiman said they need to look at the plan because it does say to remove the existing driveway.

Mrs. Weinstein understands but they are requesting that the driveway remain.

Mr. Neiman does not want to overturn whatever was worked out with Justin Flancbaum. If Justin tells the board engineer that he has no issues with the driveway remaining, then that is fine.

Mr. Kociuba said they had met with the County and they did agree to this particular layout. The application requires 3 parking spaces. Their plan currently proposes 8 spaces in the front and 3 on the side. They would like the ability to either relocate or eliminate the 3 spaces on the side as they are well over parked for what the ordinance requires. These 3 were inadvertently shown and he wants to ensure it is not an issue during resolution compliance.

Mrs. Weinstein said it is a boy's high school with 1 classroom, at best there will be 4 classrooms. The boys are not allowed to school and would be bused.

Mr. Neiman said no dormitory.

Mrs. Weinstein said that is correct.

Mr. Neiman said there was a dormitory shut down today as well as one a few weeks ago because there was no approval granted by the Planning Board. It is imperative that approval is granted by this board so it meets all the regulations and ordinances that are required.

Mr. Rennert asked if the 3 year time limit is still in effect.

Mrs. Weinstein said it was 5 years as that is usually the point where they have first year Bais Medrash and they require a dormitory so that is when they will have to come back to this board because they will have to put in a dormitory.

Mr. Neiman opened to the public.

Mr. Walter Lucas, Newport Avenue, was sworn in. He has no objections to the school. He indicated that major zoning changes are coming. He is concerned about the septic.

Mr. Neiman said that is an outside agency approval.

Mr. Lucas asked about any new structures or trailers should come back to the Planning Board.

Mr. Neiman agrees with that.

Mr. Lucas expressed the importance of sidewalks.

Mr. Neiman said they would require sidewalks when they come back with a full site plan. At this point, they are installing curbing.

Mr. Kociuba said the curb is being installed as per a request from a neighbor.

Mr. Lucas said the property should be fenced on both sides of the property.

Mr. Neiman closed to the public.

Rabbi Berkowitz was sworn in. He said the Yeshiva went all out in order to appease the neighbors as they do want to be good neighbors and are looking forward to developing a nice relationship.

Mr. Neiman said there have been other Yeshivas in rural communities like this, specifically on Drake Road, where the students in the Yeshiva were trespassing on neighbor's backyards because there was no supervision. He stressed that there must be supervision.

Mr. Berkowitz understands and is in agreement.

Mr. Rennert believes sidewalks should not be required now because when the applicant comes back for a full site plan, the board will be requiring them to widen the road to 32 ft.

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

**10. SP 2062 Yeshiva Ruach Hatorah**

Ridge Avenue

Block 189.03, Lot 35

Extension of a Preliminary and Final Major Site Plan for a school campus

Mrs. Weinstein said the reason the map was not filed is because it is a complicated approval and they are awaiting financing which is complicated due to the nature of the approval. She requests a 1 year extension as it was granted for the other campus application.

A motion was made and seconded to grant a 1 year extension.

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

No: Mr. Rennert

**11. SD 2076 Joan Hertz**

Miller Road

Block 11.01, Lots 3.01 & 4.08

Extension of a Minor Subdivision to realign lot lines

Mrs. Miriam Weinstein, Esq. is unsure why this map has not yet been filed. She reached out to the engineer's office about a month ago inquiring as to why it was not filed and she was advised they would ask for an extension. It was a very simple minor subdivision and she believes it may have gotten lost in the engineer's office.

A motion was made and seconded to grant a 1 year extension.

All were in favor.

- 12. SD 2051 Lakewood Associates, LP**  
New Hampshire Avenue                      Block 1600, Lot 5  
Extension of a Minor Subdivision to create two lots

Mr. Jan Wouters, Esq. said this was a minor subdivision in the industrial park for two industrial buildings. The properties originally were separated then consolidated. the buildings were construct in the late 80's. The reason why the map was not filed is because after the approval, unfortunately the property owner got involved in very extension litigation on a title issue that is affecting a number of properties in Lakewood. He asked for three 1 year extensions as they are right in the middle of litigation.

A motion was made and seconded to grant three 1 year extensions.  
All were in favor.

- 13. SD 2078 Nathan Lowinger**  
Park Terrace                                      Block 208, Lot 152  
Extension of a Minor Subdivision to create two lots

A motion was made and seconded to grant a 1 year extension.  
All were in favor.

- 14. SD 1977 Shimshon Bandman**  
Linden Avenue                                      Block 189.01, Lot 189  
Extension of a Minor Subdivision to create three lots

Mr. Glenn Lines, P.E., P.P. said one of the conditions was to obtain sewer approval from NJAW. They are getting close but really can't do anything until they approve it.

A motion was made and seconded to grant a 1 year extension.  
All were in favor.

- 15. SD 2028 Michael & Rivka Wenger**  
Princeton Avenue                                      Block 147, Lot 1  
Extension of a Minor Subdivision to create two fee-simple duplex lots

Mrs. Miriam Weinstein, Esq. said this is a subdivision that slipped through the cracks because the permit extension act was in place. She asked for a 1 year extension.

A motion was made and seconded to grant a 1 year extension.  
All were in favor.

- 16. SD 1963 Nachman Taub**  
Read Place    Block 855.02, Lot 26  
Extension of a Minor Subdivision to create two lots

A motion was made and seconded to grant a 1 year extension.  
All were in favor.

**17. SD 1949 Aaron Finkelstein**

Congress Street & Bruce Street                      Block 250, Lots 2-5  
Extension of a Minor Subdivision to create six fee-simple duplex lots

A motion was made and seconded to grant a 1 year extension.  
Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Neiman  
Abstain: Mr. Rennert

**18. SD 1983 Hendi Friedman**

Towers Street    Block 855.03, Lot 25  
Extension of a Minor Subdivision to create two lots

The applicant indicated that they are waiting on County approval.

A motion was made and seconded to grant a 1 year extension.  
All were in favor.

**19. SD 2063 Eli Schwab**

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

Mr. Glenn Lines, P.E., P.P. said they are having a hard time obtaining County approval.

A motion was made and seconded to grant a 1 year extension.  
Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Herzl, Mr. Neiman  
Abstain: Mr. Rennert

**20. SD 2119 1495 East Spruce, LLC**

East Spruce Street    Block 855.01, Lots 26 & 29  
Preliminary and Final Major Subdivision to create seven lots

Applicant failed to submit revised plans in time for this meeting. This application will not be heard.

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

**21. SP 2181 River 1161, LLC**

River Avenue    Block 1064, Lot 4  
Preliminary and Final Major Site Plan for an addition to an existing grocery store

Plan revisions did not satisfactorily address the previous technical review meeting and review letter. As such this project will be carried to a later meeting date and this application will not be heard.

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

- 22. SD 2117 Yechezkel Pam**  
New Central Avenue Block 11.02, Lots 9, 10, & 27  
Preliminary and Final Major Subdivision to create 5 lots

Applicant has requested to carry this project to a later meeting date. This application will not be heard.

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

- 23. SD 2133 David Birnbaum**  
Ocean Avenue Block 249, Lots 10 & 11  
Minor Subdivision to create 4 lots

Applicant has requested to carry this project to a later meeting date. This application will not be heard.

- 24. SD 2134 Linda Wajsborn**  
Hudson Street Block 108, Lots 3 & 15  
Minor Subdivision to create 3 lots

Applicant failed to submit revised plans in time for this meeting. This application will not be heard.

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

## **6. CORRESPONDENCE**

- **SD 2069** - revisions to approved lot lines and alignment

Mrs. Morris stated this is a previously approved major subdivision. The applicant is proposing some changes to the approved lot lines. She does not believe there is any change to the unit count.

Mr. Brian Flannery, P.E., P.P. confirmed that is correct, there will be no change to the number of units or road layout. Some of the units have been shifted slightly. They are asking for some additional variances which relate mostly to the decks. A 15 ft rear yard setback is being requested for the townhouses as well as a few other units. Rear yard setback variances are being requested for the following end units: a 6.6 ft setback to the deck on lot 4.05, an 8.43 ft setback to the deck on lot 4.08, a 7.94 ft setback to the deck on lot 4.09. Additionally with the coverage, the ordinance requirement is 30% and they are asking for 26.97% to 40%.

Mr. Neiman asked if they noticed for this.

Mr. Flannery confirmed they did.

Mr. Jackson said the board can't just grant variances under correspondence. The applicant needs to provide the proofs and the positive and negative criteria.

Mr. Flannery said the board has done this in the past. The majority of the variances are due to the decks. The ordinance used to exempt the decks from the setback then there was a definition change that wasn't enforced but now that it is being enforced. If you look at the benefits outweighing the detriments, it is a very simple

situation in that either they will have patios with steps coming down or they construct a deck like everybody else has them. The reason the definition was changed is due to the decks being built right up to the property line.

Mr. Jackson said he believes they are making an amendment to the plan. Testimony should be provided and the applicant must meet the positive and negative criteria as well as notice property owners within 200 ft.

Mr. Flannery said they did notice to surrounding property owners and the board should certainly open to the public. The changes are certainly insignificant. It is a C-2 variance where the benefits outweigh the detriments.

Mr. Jackson understands what he is saying but he strongly recommends that this is not the right way to do this. To come in and ask for this number of variances including building coverage going up to 40%, this is taking it a step way too far.

Mr. Flannery said it is the same plan. The 30% coverage is intended for the site. The coverage variance is being requested for the individual lots and he does not believe it was the intent of the ordinance to have that 30% requirement on individual lots but just to be conservative, they are asking for that variance so that everybody is clear.

Mr. Jackson reiterated that this is not the right way to do this.

Mr. Franklin asked why this wasn't done on the original application.

Mr. Flannery said on the original application, they certainly should have pointed out the issues with respect to the coverage. The issue with the decks is one that has come up and it is an interpretation of the definition of the building setback lines. The engineer's office is interpreting it in the most conservative sense. The last few meetings, the board has seen other applicants come back under correspondence with respect to the decks. It used to be that the setback did not apply to the deck and if you read through the ordinance he could argue that because there are other provisions in the ordinance that say the deck doesn't count but there is one provision where it states the deck does count and that definition was specifically changed by the Township. At this point, the board has to grant a variance for any deck that doesn't comply with the setbacks but the past precedence of the board is that if the decks are placed in a normal fashion where it meets the criteria that the Township Committee was trying to avoid, the variances have been granted.

Mr. Franklin said a couple of them are pretty close. They would have never passed on the original approval.

Mr. Flannery said the issue was on the original plan, they didn't show the decks. If the board doesn't like the 3 lots that are too close on the decks, they can certainly come back on those. He requested that the board act on the slight realignment of the lines. If the board feels more comfortable, like they did for the past few meetings, they would agree to have the decks no closer than 10 ft to the property line.

Mr. Neiman said the board would be more comfortable with that.

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

Mr. Rennert understands the board has granted similar variances at the last meeting but the intent of the ordinance change was to keep the decks 15 ft away from the property line. He wanted to grant these variances but when will it stop.

Mr. Flannery said as part of the Master Plan update, the decks would be treated as accessory structures. That would accomplish the goal of not building them to the property line. In the meantime, before the governing body fixes this, every application coming in will be requesting setback variances on the decks. He reiterated that the board would comply with at least 10 ft from the property line to give the board more of a consistency with the prior approvals granted at the last few meetings.

Mr. Rennert asked what the variance would be if it were an accessory structure.

Mr. Flannery said 10 ft.

Mr. Jackson asked what the harm would be in submitting revised plans and having them scrutinized by the board engineer and doing this in the regular manner. Mr. Flannery has not been under oath for any of the testimony, they are asking the board to grant variances without any testimony. He asked how many properties are involved with this.

Mr. Flannery said the ordinary procedure for fixing these decks has been to come back under correspondence.

Mr. Jackson said under the Municipal Land Use Law, when you have to apply for variances, you make an application for it. You don't come in with a letter asking for at least 75 variances. There are application fees, submission requirements, etc.

Mr. Flannery said this is a situation which was created by an attempt to fix some ambiguity of language in the ordinance and this is just to clarify the intent of the application. The ordinance change was two years ago. The interpretation of it started at the end of last year and the realization that there was a different interpretation only happened a few months ago.

Mr. Jackson said his question was why not go through the normal process.

Mr. Flannery said the applicant is asking for a courtesy.

Mr. Jackson asked what the emergency is.

Mr. Flannery said it would be the same as prior builders had. The process has started and they would like to continue moving forward.

Mr. Follman said he would side with his board attorney as he feels very strongly about this.

Mr. Flannery said if they submit a full application then they would have to wait 6 weeks.

Mr. Follman said perhaps they could schedule this on the next available agenda as a courtesy.

Mrs. Morris said the engineer had started a review for this and all of the variances that were turning up in the review did not match their notice so the review was halted. An amended application would get everyone on the same page.

Mr. Vogt asked that a detailed application rider be submitted indicating what was previously approved and what is now being proposed.

Mr. Jackson is not opposed to this and granting any kind of waiver but he believes granting variances under correspondence is going too far.

The applicant will come back with a full application.

- **SD 1393** - revisions to approved recharge system

Mrs. Morris said this is an older minor subdivision. Back when minors were approved, the applicant often submitted specific improvement plans that they don't necessarily require now per ordinance requirements. Being that this one had a specific drainage plan design is less feasible nowadays in the way they typically construct. The township engineer wanted to make sure the board was ok with the changes to the drainage design.

Mr. Brian Flannery, P.E., P.P. said this was a 3 lot subdivision. There was an existing house on one of the lots and the plan shows a recharge pipe down the property line where there is currently landscaping. Neither property owner wants that landscaping ripped down to put a pipe in there. This applicant is asking to put a drywell in the backyard which will accomplish the same purpose without knocking down the trees.

Mr. Vogt asked if they are providing the same volume.

Mr. Flannery said they would give calculations to the township engineer.

Mr. Vogt said whomever looked at this way back when for purpose of a subdivision asked to have on lot drainage and they will be substituting one pipe for another.

Mr. Flannery said that is correct.

Mr. Vogt is amendable with the changes.

A motion was made and seconded to approve the changes to the drainage system.

Affirmative: Mr. Herzl, Mr. Neiman, Mr. Follman, Mr. Rennert

No: Mr. Franklin

## **7. PUBLIC PORTION**

### **Subdivision and Site Plan Extensions**

Mrs. Morris said in general, the board has not seen extensions applications too much recently. The permit extension act has been in place for a number of years and recently expired in December. There was a certain time period that allowed some approvals to last, even though the permit extension act ended in December, the dead line for filing and the final expiration for some of these approvals was extended until June 30, 2016. A number of these applications no longer have the leisure of waiting until they feel like filing their subdivision maps are either in a rush to either get an extension or get the map filed. Site plans do not have a filing deadline for filing a subdivision map, however, site plans do still have a specific time period that they are valid for and protected from zoning changes. If the site is not constructed and they're sitting on the approval and years down the line the zoning changes because the committee made changes, it could invalidate that site plan approval.

Mr. Neiman asked how long these approval should be extended.

Mr. Franklin said he believes it should be a year.

Mrs. Morris said especially for minor subdivisions where typically the filing deadline is 190 days which is 3 months from the date that it was approved by the Planning Board. If the permit extension act had not been in place, these would have needed to be filed within 6 months of the board approving them so extending them for 3 years may excessive but perhaps in the case of a site plan it may be more applicable depending upon the nature of the approval and whether they think the zoning may turn.

Mr. Neiman said they would grant 1 year extensions.

Mr. Jackson said the applicant would need a reasonable reason for the delay. That is all they really have to show as the approval was already granted.

- 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