

## **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 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. Sabel, Mr. Herzl, Mr. Isaacson, Ms. Zografos

## **3. SWEARING IN OF PROFESSIONALS**

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

## **4. MEMORIALIZATION OF RESOLUTIONS**

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

A motion was made and seconded to approve the resolution.

- 2. SD 2070B Adil Homes, LLC**  
East County Line Block 190, Lots 73.25-73.26, 73.29-73.36, & 73.40  
Amended Preliminary and Final Major Subdivision to adjust approved lots

Mr. Jackson read from the resolution ‘Ms. Leeds testified that the applicant has to go through her property which is contaminated in order to provide water and sewer to get to her property. The applicant confirmed they cannot do anything on Ms. Leeds property without her written permission per the DEP, an outside agency approval. Ms. Leeds said she would like the plans revised to not show the pipe going through her property.’ Ms. Leeds had asked him to include that in the resolution that the applicant cannot go through her property and he agreed to make the notation that she did not give permission and that the applicant would have to obtain permission but that is really not the board’s concern.

Mr. Herzl asked if there is a pipe going through her property now.

Mr. Jackson said there is no pipe, Ms. Leeds would like the resolution to say that the applicant cannot go through her property. She would like to address the board.

Ms. Laurie Leeds does not want them to be able to submit another application to go through her property.

Mr. Herzl said they would still need her permission to go through her property.

Ms. Leeds said this has been going on for three years and has cost her a great deal of money. It was in court and then they submitted another applicant under a different name to the DEP. She needs to be assured that this applicant is not going to try doing this again.

Mr. Jackson believes the resolution is adequate. In order to go through someone else's property then they would need a court order. As far as whether the applicant can make a future application, anyone can apply and then it would be up to the board to address it at that time. He doesn't think what Ms. Leeds is asking for should be in the resolution and his recommendation is that the resolution is satisfactory.

A motion was made and seconded to approve the resolution.

- 3. SP 2018AA Bnos Bracha Inc**  
1655 Corporate Road Block 1160.05, Lot 49  
Amended Change of Use/Site Plan Exemption to add a pool to a previously approved school

A motion was made and seconded to approve the resolution.

- 4. SP 2062 Yeshiva Ruach Hatorah, Inc.**  
1252 Ridge Avenue Block 189.03, Lot 35  
Extension of a Preliminary and Final Major Site Plan for a school campus

A motion was made and seconded to approve the resolution.

- 5. SD 2335 1303 River Holdings, LLC**  
Blue River Way, 1303 River Ave Block 1077, Lots 39.01, 39.41, & 39.42  
Preliminary and Final Major Subdivision to create eight lots

A motion was made and seconded to approve the resolution.

- 6. SP 2286 Excel Corporate Park IIA, LLC**  
575 Prospect Street Block 409, Lot 1  
Preliminary and Final Major Site Plan for an additional warehouse building

A motion was made and seconded to approve the resolution.

- 7. SP 2080 Erez Holdings LLC**  
Pine Street & 100 Boulevard of Americas Block 961.01, Lots 2.03 & 2.06  
Amended Preliminary and Final Major Site Plan for an office building

A motion was made and seconded to approve the resolution.

**8. SP 2297 Congregation Tiferes Shulem**

Joe Parker Road Block 189.04, Lot 188.01  
Preliminary and Final Major Site Plan for an addition to a school

A motion was made and seconded to approve the resolution.

**9. SP 2288 Congregation Machzikei Hadath**

347 Ocean Avenue Block 246, Lot 38  
Preliminary and Final Major Site Plan for a synagogue

A motion was made and seconded to approve the resolution.

**5. PUBLIC HEARING**

**1. SD 2314 David Herzog**

1052 West County Line Road Block 25, Lot 62  
Preliminary and Final Major Subdivision to create eight lots

*A review letter prepared by Remington & Vernick Engineers dated July 31, 2018 was entered as an exhibit.*

Mr. Franklin stepped down from the dais as he was not present at the last meeting.

Ms. Morris believes on March 20th they had left off with an objector's testimony.

Mr. Herzl asked if Mr. Franklin can ask questions.

Mr. Jackson said Mr. Franklin can participate but cannot vote. Alternatively, the board can put off the vote until such time he has an opportunity to listen to the recording.

Mr. Michael York, Esq. said he is representing an objector.

*6:32: The audio recording shut off.*

Mr. Andrew Feranda, P.E. was sworn. He will be providing testimony on behalf of the objector. He had reviewed the plans, reports, review letters and other documents. He would first like to start with the roadway network. The application is for an eight lot subdivision for single family residential homes along a County roadway. He referenced traffic counts which were submitted and prepared by Morgan Engineering.

There was discussion as to when the traffic counts were performed.

Mr. Feranda said West County Line Road is a high volume road and he went on to describe other roadways within the vicinity. West County Line Road has no shoulder on the east bound side and this prevents a sight issue for vehicles that want to turn right into the site. This is not uncommon for other intersections along this roadway. He discussed vehicles making left turns into this site as well as the intersection of Cedar Row being unsignalized. Cars will be going 45 mph and would have to stop for pedestrians at the cross walk. This would cause a queue of vehicles which will create an additional traffic condition. Other documents requested and reviewed include police accident reports. He went through the accident reports which occurred within the vicinity of this proposed project. Nine

crashes occurred within 200 ft of the proposed cul-de-sac. Most of the accidents involve movements at intersections. He provided a summary of what he found within the reports to the board.

Mr. Herzl asked if they can take traffic into consideration if this was a variance free application.

Mr. Jackson said that's not what this is but even with a by-right application you can use the data to see if sight triangles are needed, if the road should be widened, access should be changed, etc.

Mr. Herzl said sight triangles would be the County's jurisdiction.

Mr. Vogt said they are satisfied with the layout for purposes of local improvements but this is a County road. The ultimate design of the access would be subject to their approval. This information is something that should be shared with the County. He asked Mr. Feranda if he agrees with the conclusion statement in the traffic report prepared by McDonough & Rea Associates, Inc.

Mr. Feranda said within the parameters of the data that was analyzed, he agrees with the level of service. His concern is the accident analysis that wasn't necessarily looked at. The first traffic report provided relies solely on outside data. The board had concerns about certain movements and his analysis is saying is that their concerns are verified. He wants to make sure the board has the information to make their decision.

The applicant will be coming back with a conforming application.

*7:34: The audio recording was turned on.*

Mr. Vogt said if the applicant is going to come back with a seven lot subdivision which meets zoning requirements, the applicant is still going to need to justify the lack of sidewalk on one side of the road.

Mr. Flannery said they will provide sidewalks on both sides of the cul-de-sac.

Mr. Vogt said then they are anticipating submitting a completely conforming subdivision.

Mr. Flannery confirmed.

Mr. Sabel asked him to include all issues raised including right in/right out subject to the County.

**A motion was made and seconded to carry the application to the November 27, 2018 meeting.**

Mr. Jackson suggested opening to the public as this application has been carried a few times already.

Mr. Edward Eichorn, 1441 Cedar Row. He said he had been here four times already.

Mr. Pomerantz, 1483 Cedar Row. He is happy they have gotten to this point and the applicant will be revising the plans. He requested that the road be shifted to the west side away from Cedar Row.

Mr. Herzl said people living on Parkside are going to want the road closer to Cedar Row.

Ms. Robin Gavin, 1514 Parkside Drive, discussed traffic issues in the area.

**2. SP 2294AA Minyan Ashenaz of Chestnut**  
1150 Mackenzie Court Block 1051, Lot 50.05  
Change of Use/Site Plan Exemption to convert a house to a synagogue

Ms. Morris said this is a continuation from a previous meeting. She believes the applicant had finished their testimony but there were some concerns from a neighbor about the accuracy of the existing survey.

Mr. Adam Pfeffer, Esq. said there was discussion at the last hearing regarding the pool and fence which was not shown on the change of use plan. They have since updated that plan and have provided it to the board.

Ms. Morris announced that Mr. Meyer arrived but since he was not present at the last hearing, he will have to sit out for this application.

Mr. Herzl listened to the recording from the last meeting and there was some concern that the pool was on another property which would effectively create a subdivision.

Mr. Pfeffer said there was testimony that the pool was not shown on the site plan or on the application.

Mr. Jackson believes there was a residential property behind this and that person wanted to keep the pool and use the pool for the residential property and the pool would remain on the subject property which he doesn't think is appropriate. That could be considered effectively a subdivision because you have the improvements on one property which are benefiting a different property.

Mr. Herzl suggested they leave it open for both properties to use.

Mr. Jackson said that is unconventional.

Mr. Brian Flannery, P.E., P.P. said the first plan submitted did not show the pool in the back as the survey was done last year before a permit was issued. A permit was also issued for a 6 ft high vinyl fence with 6 ft of chain link on top that has the green privacy strips. This was built as a pool on a residential lot which is an accessory use to any of the permitted uses including schools and houses of worship. They will be leaving it as an accessory use to the shul on the same property. If you look at the plan, there is a gate to the shul property and there is also a gate to the rear property which the property owner owns both lots. As Mr. Jackson points out, it is a bit usual but it is a permitted accessory use and it does not violate any laws. The pool will not be opened to the public and there will be no memberships for it. It will just be a private swimming pool on the same lot as the house is on which will now be used as a shul.

Mr. Pfeffer asked him to confirm if the existing property has access to the pool.

Mr. Flannery confirmed. The plan clearly shows access to the residential structure which would remain. This is a conforming application including parking as they will be leaving the driveway as is. The relief required was with respect to buffering which is to the existing driveway and house but there is an existing 6 ft high vinyl fence which does provide buffering.

Mr. Jackson asked why they can't take out the pool.

Mr. Flannery argued there is no reason to. The pool is a permitted accessory use as it is listed in the ordinance for the R-12 zone.

Mr. Jackson said it is not on the residential lot, it is on the shul lot.

Mr. Flannery agrees and it is an accessory use to the shul. The property owner will use the pool as an accessory use to the shul.

Mr. Jackson questioned if that presses the boundaries of credibility to say a shul is going to be using a swimming pool.

Mr. Flannery doesn't believe it does. There are many schools that have swimming pools.

Mr. Pfeffer pointed out that no variances are required for this application. The only relief necessary is for the buffer.

Mr. Herzl said they would have to eliminate parking in order to comply but he prefers to have as much parking as possible.

Mr. Herzl opened to the public.

Mr. Panday, 1155 Mackenzie Court, was sworn. He lives across the street from this property and has concerns including traffic, noise and parking along his street. Cars have been parking in front of his mailbox and garbage cans so it could not be picked up. He is not in favor of this application.

Mr. Ralph Laks, 1166 Mackenzie Court, was sworn. He is in favor of this application.

Mr. Herzl closed to the public.

Mr. Pfeffer said there are neighbors who will be praying at this synagogue present and he believes they do hear his concerns that they should not be blocking anybody's driveways, mailboxes, etc.

Mr. Jackson asked what the existing side yard setbacks are.

Mr. Flannery said 12.4 ft on each side.

Mr. Jackson asked how wide a driveway is typically.

Mr. Flannery said about 9 ft.

Mr. Jackson said cars could go through that side yard and park in the back if there was no pool there.

Mr. Flannery said it wouldn't be good for two-way traffic so you would have to put a driveway on each side and you would be taking a site that looks residential and fits into the neighborhood and making it look out of place.

Mr. Jackson asked if they will meet the parking requirements if that is done.

Mr. Flannery said they already meet the parking requirements which is zero and they have exceeded it by two.

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

**3. SD 2288 Locust Holdings, LLC**

Locust Street Block 1086, Lot 6-15, 29, & 30

Preliminary and Final Major Subdivision to create twenty-nine lots

*A review letter prepared by Remington & Vernick Engineers dated August 8, 2018 was entered as an exhibit.*

There was discussion as to whether Mr. Sabel believes he should step down as he lives in the area. He believes it will not affect his judgment and would be able to be unbiased in his decision.

Mr. Vogt said a submission waiver is requested for an environmental impact statement which is supported since the applicant's engineer has provided freshwater wetlands investigations which indicate there are no known freshwater wetlands on or adjacent to the property which would impact the property.

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

Mr. Vogt said lot area variances are requested for several of the lots as well as maximum building coverage and a side yard setback for the proposed end unit on lot 9. Design waivers are required from the improvement of Evergreen Boulevard and it must be improved to be RSIS compliant. As currently designed, the proposed number of units would create in excess of the 250 maximum average daily trips, thereby requiring a second means of access. A design waiver is also required for non-radial and perpendicular lot lines which is common.

Mr. Adam Pfeffer, Esq. said this application has been in the works for approximately two years. They are back before this board for a similar application. At the time of the original application, Harrogate was an objector but they have worked very hard together and with the neighbors to make sure this is the best application possible.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a copy of the tax map, Exhibit A-2 is sheet 3 of the plan submitted showing the layout of the proposed duplexes and the one triplex building. The original review was from September of 2016 with the first hearing being December 23, 2016 where Harrogate objected to the application. The objection is very simply to understand as Harrogate's entrance is right across from Evergreen Boulevard. Their original application showed Evergreen Boulevard being improved so that they would have conflicting traffic across the street. On January 11, 2017, he wrote a letter to the board and submitted a conceptual plan and Harrogate has some property which has become part of the application so that they can have a buffer along Locust Street and not have an entrance directly across from them. There have been a lot of moving parts working with Harrogate, the Township and bringing other owners in to get this block and have this come out here so that when the other network is developed, there would be a complete network. The applicant has an agreement with Harrogate and part of that agreement is that the preservation and vegetative enhancements the buffer yard, which is along Locust Street, will be as per that agreement. Harrogate requested very particular landscaping including saving certain trees.

Mr. Herzl asked where Harrogate's entrance is located.

Mr. Flannery said it is right across from Evergreen Boulevard. Harrogate is a beautiful place and they want the corridor around them to be beautiful as well. Also per the agreement, no vegetation, trees or shrubs shall be removed from areas beyond the limits of disturbance shown on the plans and symbols will be used for the existing trees so that they are not ambiguous and it would be clear. A key will be added so that none of the vegetation that is supposed to remain gets removed. No vegetation shall be removed off-site particularly in the areas within the agreement and potential future buffer along Locust Street. No vegetation except that which is minimal required by Ocean County should be removed or pruned within the buffer yard and there will be a statement noting where pruning would suffice to meet the requirements, it's preferential to removal of trees. Additionally, tree protection fence detail shall be revised to reflect that protection and shall be installed at the maximum practical distance from the tree trunks, not the drip line. Detailed information on the intended and retained protection grouping of trees and shrubs as opposed to isolated trees and also the plan changes to reflect the disposition of each existing tree. The trees will be numbered as to whether it's to be preserved or removed so it will be perfectly clear to everybody which trees are supposed to stay.

Mr. Herzl asked if Harrogate does not want Evergreen to be paved.

Mr. Flannery said they do not want it improved across from their entrance. They want to look out their entrance and have a buffer of woods going straight across.

Mr. Herzl questioned why they should approve it on the other side and eventually tie it into Temple or Route 70.

Mr. Flannery said it will get tied in either through June, Farry or Temple out to Evergreen and Route 70. The rest of these treed areas will develop and those other paper streets will be improved. There is no reason to develop the paper street between June and Locust because what they have done, in affect is relocated that with the agreement with Harrogate. So they will have the same access out to Locust they would have had but they just offset it from their entrance.

Mr. Vogt said they have estimated that the proposed number of units would create in excess of 250 trips per day which would mean it is not RSIS compliant unless there is a second means of access. He asked how they intend to satisfy RSIS.

Mr. Flannery thinks the trips in excess of that would be a de minimis exception but he also feels it is a temporary situation and they could provide for emergency access because a lot of times that's what gets done. They would prefer to provide some sort of emergency access and at the time of construction they would provide that access so there is another way to get out. There are other developments being designed in that area so there will be the availability to have the emergency access in a location that's consistent with future development.

Mr. Vogt said if the board acts favorably, the applicant agrees to provide a second emergency access per applicable Township standards.

Mr. Flannery agreed.

Mr. Herzl asked how far this is from Route 70.

Mr. Flannery said about 150 ft. Route 70 is really not where this should come out to.

Mr. Herzl questioned where the second means of egress would be located.

Mr. Flannery said based on the development he knows will be occurring would be down Evergreen, out June to Vermont. The hammerhead would provide emergency access so it would be cleared and graded with some sort of gravel so when there is future development, it can be extended. There is a comment under zoning stating that duplexes are not a permitted conditional use in the zone. Therefore, the zoning data shown based on Section 18-1014 is not relevant. Section 18-1014 states that if you have a conditional use of townhouses and a conditional use of duplexes, duplexes can be built on 8,500 sf as long as the townhouse density is not exceeded. The logic for that was why would they want to push these buildings together and have townhouses when they can have a much nicer development with them apart and with the same density. In fact, they could get an extra unit if they proposed all townhouses.

Mr. Jackson thinks Mr. Flannery's analysis is correct. He believes the reason behind this is that where townhomes are allowed, there is a smaller area required if you want to do the alternative of duplexes. It makes sense if you look at it in that context.

Mr. Flannery said when this was originally submitted two years ago, it was accepted in the board engineer's report according to Section 18-1014 and other applications within Block 1081 across the street were approved in accordance with that also. He went through the UDO further explaining why duplexes and townhouses are permitted conditional uses in this zone. It is his opinion they do not need all of the variances listed in the engineer's report and the only variance being sought is a side yard setback for the triplex unit. A side yard setback of 20 ft is required whereas 8 ft is being proposed. They will be providing a nice buffer and a side yard setback that is consistent and is appropriate. The applicant has worked hard for two years to come up with a design which the neighbor across the street is good with and that means it will also be good for the area which is part of what you need to show in order to get that variance. He referenced sections in the Master Plan and MLUL to justify the variance requested. The applicant has worked with Harrogate and the Township Committee so they would see the benefit of vacating portions of Farry and June Streets.

Mr. Herzl asked about bus circulation.

Mr. Flannery said there is a hammerhead with a 40 ft radius if the bus wanted to turn around. The bus will stop on Locust Street.

Mr. Vogt asked if there is ample room within the cartway that a bus could pull off and stage.

Mr. Flannery confirmed but it will be a temporary situation because once that adjacent property gets developed, you will have that circulation.

Mr. Isaacson asked if 'no parking' signs could be put up so no one parks in the hammerhead.

Mr. Flannery said they could petition the Township asking for that but they can't put them up themselves.

Mr. Sabel said if there are children on the bus then it is illegal to back up.

Mr. Flannery believes this bus should stop on Locust.

Mr. Herzl has an issue with hundreds of kids standing along Locust.

Mr. Flannery said the people buying these homes have young children so by the time they are grown and going to school, that other street will be improved.

Mr. Sabel is concerned as Vermont is basically a highway and having people making a left turn onto Vermont will be extremely dangerous.

Mr. Flannery said they shouldn't be doing that. They would come in on Vermont and come out onto Locust.

Mr. Sabel asked if they can make it a one way street.

Mr. Flannery said it would be up to the Township.

Mr. Sabel said until that happens there will be no buses being able to go inside.

Mr. Flannery confirmed.

Mr. Sabel said that means about ten buses a day on Locust stopping and picking up and having 300 kids waiting on Locust.

Mr. Flannery said as he testified, what he has seen is that the people who buy these types of units either have no kids or have young kids so their kids aren't going to be going to school and within a year that other development is going to be in.

Mr. Sabel disagrees. Locust is very heavily trafficked and he would be scared to have his children standing there.

Mr. Flannery said they would have to work with Harrogate as they are part of the application to incorporate a bus stop on Locust.

Mr. Flannery thinks that would make sense.

Mr. Herzl asked if there is enough room for a full cul-de-sac as opposed to a hammerhead so that way the buses can make a full turn.

Mr. Flannery said the buses would be able to as long as no one is parked there.

Mr. Vogt said the cul-de-sac bulb is a larger area but it comes down to enforcement. If people park there illegally, there are going to be problems no matter what.

Mr. Sabel said people are going to park in the hammerhead too.

Mr. Vogt said there would certainly be more space as a cul-de-sac bulb is RSIS compliant.

Mr. Herzl asked if they could put in a cul-de-sac bulb which would eventually extend out.

Mr. Flannery said they could do that and when the other development comes in, they would convert their portion of the bulb to the hammerhead that is shown.

Mr. Herzl said not a hammerhead, a regular road.

Mr. Jackson said the board could require the applicant to go to the engineer and see what would be preferable from an enforcement and design standpoint if it is better to have a cul-de-sac.

Mr. Herzl wants the cul-de-sac to eventually connect to June as Evergreen will be paved in the future as well.

Mr. Vogt said if the board wants to do the bulb, then there should be notes on the plan clearly stating that this is a temporary bulb and that it will be extended at a future date.

Mr. Flannery said the applicant would be agreeable to whatever the board wants. They can do either or some combination and they would put all the notes on the plans which would satisfy the Township engineer. They can even make the bulb 45 ft.

Mr. Isaacson asked how wide they can make it.

Mr. Flannery said they will make it as wide as possible. He knows the 45 fits which is 5 ft more than RSIS and they will put notes on the plan and they will petition the Township to have no parking along there.

Mr. Pfeffer said there will be no curbing along that bulb to allow for future access.

Mr. Sabel asked if he agrees that improving Evergreen would be a tremendous benefit to the kids and community, except for Harrogate. This is putting so many children up further the development, even if it is only a right turn, onto Vermont which is extremely careless, reckless and dangerous. He understands Harrogate won't be happy but they should figure out a different way.

Mr. Herzl said the board wants to work with Harrogate but the best layout would be to pave Evergreen and to go back out onto Locust.

Mr. Flannery said that would not be RSIS compliant because the two roads are too close as the County requires 250 ft from centerline to centerline. Harrogate is part of this application so if they take their property out then they go back to only having one road coming out and it comes out across from Harrogate's entrance.

Mr. Sabel said it would then connect to Farry and June and it will be beautiful.

Mr. Flannery doesn't believe it is dangerous because there will be one entrance on Vermont and one entrance on Locust.

Mr. Isaacson said there has been testimony that plans will be submitted for the adjacent property to develop June. He asked if they can get together with that applicant to pave the entire road from June all the way to Evergreen.

Mr. Jackson said the board certainly has the authority and jurisdiction to make them develop the half width of that road.

Mr. Herzl said they should improve Evergreen to June which goes out to Vermont. The problem is, they want to try and connect the road grid over here by not making hammerheads or cul-de-sacs so the buses can come in on Locust and go out Vermont and vice versa.

Mr. Isaacson said there should be a way in and a way out, not a hammerhead.

Ms. Morris questioned why the board doesn't require the applicant to improve the portion of Evergreen which connects to June.

Mr. Herzl said that is what the board is looking for.

Mr. Flannery agrees to that. The applicant cannot agree to go out to Locust as they have an agreement with Harrogate.

Mr. Herzl asked if the other application proposes June being paved out to Vermont.

Mr. Flannery confirmed.

Ms. Morris asked if the applicant will be paving Evergreen from June to Farry.

Mr. Flannery confirmed. The other comment in the letter is concerning the recommendations from the Shade Tree Commission. They would agree to do items a. and c. but do not agree to item b. which is not required by ordinance. The applicant would provide landscaping and buffer in accordance with the desires of the future buyers.

Mr. Herzl questioned if the board should wait until they see the other application to see exactly what is going on.

Mr. Pfeffer said that is a separate application. They are willing to provide either a temporary cul-de-sac or hammerhead and will be paving Evergreen south all the way to June.

Mr. Herzl feels comfortable if a temporary cul-de-sac is provided and the applicant agrees to pave to June.

Mr. Franklin asked if there will be curb and sidewalk.

Mr. Flannery said they would provide curb on both sides and sidewalks along their frontage.

Mr. Sabel thinks it is a crazy idea to force all of the buses, cars and residents in this entire neighborhood which could be a couple hundred families either through that new road or June. Vermont and Locust is very dangerous and there is a serious accident almost every day.

Mr. Scott Kennel, traffic expert, was sworn. He said as far as Locust Street, the traffic volumes are in a lower order as compared to many of the other streets in the area via New Hampshire or Vermont where they are in a range of two way traffic flow of 350 to 370 during peak hours. That was evident when they performed their level of service analysis at the site access without consideration for all of these alternative access out to Vermont but considered all access to and from Locust where it projected to be a 'B' level of service.

Mr. Sabel asked if he took all of the new housing being built into consideration.

Mr. Kennel confirmed including all of the new houses on Locust out to Route 70. He had a meeting with Ocean County and they are currently designing a traffic signal at Vermont and Locust and plan on doing that in the short term which could be a year to two but they are in the design process right now. That is tied into all of the other improvements they will be doing on Locust Street. They are going to look into other ways to improve traffic flow

and safety along Locust as he knows there are some issues with parking along certain sections of Locust and that is all being parceled to the intersection improvements which they have recognized for many years that Locust and Vermont needs improvements.

Mr. Franklin said that would hopefully work out timing wise with the construction of this project.

Mr. Kennel agreed and with the new traffic light on Locust and the other traffic light at Route 70, it helps to platoon and organize the traffic to help provide the gaps that are not created now so in his opinion it will be a better situation when that traffic signal is installed. There will be benefits of other developments whether on Vermont or Locust with the traffic signal as you create the interruptions on a regular basis mechanically not only for the intersection but for the adjacent driveways.

Mr. Pfeffer asked what level of service this project would work at.

Mr. Kennel said the site access will operate at a level of service 'B' or an average delay of eleven seconds and left turns into this development will be a level of service 'A'.

Mr. Pfeffer asked if this traffic flow will work for a school bus.

Mr. Kennel believes it will based on the discussion earlier concerning the 45 ft radius on the cul-de-sac, it is his opinion this plan as presented will operate safely and sufficiently.

Mr. Sabel asked how many school buses will be over there.

Mr. Kennel said there could be close to ten in the morning and afternoon. If the design is provided for a 45 ft radius which accommodates a full size bus then this operates safely.

Mr. Sabel asked how long a school bus is.

Mr. Kennel said it is a 40 foot wheel base and the total length of the bus is approximately 50 ft. The bulb would be 45 ft radius or 90 ft diameter.

Ms. Susan DiMaria, Esq., representing Harrogate, is concerned as to whether Mr. Sabel should be sitting on this application.

Mr. Jackson said it was concluded that he was not biased, it would not affect his judgment and it does not preclude him from having a robust analysis and taking a hard look at any application which he thinks is any board member's right and duty. He asked if she has any objections to Mr. Sabel hearing this application.

Ms. DiMaria just wants to put on the record that she was surprised by certain comments made by Mr. Sabel.

Mr. Jackson said either she objects or she doesn't object.

Mr. Herzl doesn't believe he should be disqualified because he is asking hard questions and is concerned about safety.

Discussion further ensued as to whether Mr. Sabel should step down due to a conflict of interest.

Mr. Charles Benjamin, Executive Director of Harrogate, was sworn. He provided some general information about Harrogate. Half of their population are independent residents including their own transportation so when they sat down with the applicant, they were concerned about the aesthetic. If you drive by Harrogate, it is set back and there is a wooded buffer. They do not object to the development as they knew it was coming but they would like to maintain the aesthetic appearance of the community but when they sat down and looked at the plans, they noticed the road was a direct line from their entrance/exit. They have about 150 drivers of an average age of 88 and their opinion was having Evergreen improved directly across from their entrance could pose some potential safety hazards for all involved. He implored the board to look at this project closely as they have spent the past two years not only for the best interest of Harrogate but for their future neighbors.

Mr. Sabel believes there should be a right in/right out only on Locust as it is very dangerous making lefts. He also thinks the same for Evergreen.

Mr. Benjamin understands.

Ms. DiMaria said that is not up for discussion as it is not part of this application. They own lot 29 but there is nothing going on at Harrogate.

Mr. Sabel argued that Harrogate doesn't want Evergreen extended so perhaps making it a right in/right out or removing the island, landscaping to make it safer.

Ms. DiMaria reiterated that is not part of this application.

Mr. Sabel said they have the ability to make this safer for everyone.

Mr. Benjamin said adding a new element to the residents could be problematic.

A motion was made and seconded to carry the application to the September 20, 2018 meeting.  
All were in favor.

**6. APPROVAL OF MINUTES**

**7. APPROVAL OF BILLS**

**8. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary