

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. REAPPOINTMENT

The board unanimously voted to reappoint John Jackson, Esq. of King, Kitrick, Jackson & McWeeney, LLC as Planning Board Attorney until June 30, 2018.

3. ROLL CALL

Mr. Franklin, Mr. Isaacson, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Ms. Zografos, Committeeman Ackerman, Mr. Meyer

4. SWEARING IN OF PROFESSIONALS

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

5. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 2257 Yeshiva Even Yisroel**
50 Niemann Road Block 251.03, Lot 29
Preliminary and Final Major Site Plan for a school

A motion was made and seconded to approve the resolution.

- 2. SD 2295 Madison Second LLC**
Madison Avenue Block 72, Lots 7.05-7.08
Minor Subdivision to create 3 single-family lots

A motion was made and seconded to approve the resolution.

- 3. SD 2297 Lakewood Equity LLC & Township of Lakewood**
15 America Avenue Block 549.01, Lot 2
Minor Subdivision to create 2 lots and courtesy review of parking lot

A motion was made and seconded to approve the resolution.

4. SD 2299 Jonathan Rubin

319, 323, 327 Ocean Ave, Ocean Ave Block 246, Lots 40, 41, 42.01, & 67
Minor Subdivision to create seven lots

A motion was made and seconded to approve the resolution.

5. SP 2138 Flea Market Developers LLC

117 Route 70 & Locust Street Block 1077, Lots 22 & 23
Extension of Preliminary and Final Major Subdivision and Site Plan for a mixed use development

A motion was made and seconded to approve the resolution.

6. SP 2268 New Hampshire Avenue, LLC

1088 Route 88 Block 189.03, Lot 91.01
Preliminary and Final Major Site Plan for a car dealership

A motion was made and seconded to approve the resolution.

6. CORRESPONDENCE

- **SP 2069 Pine Belt Enterprises, Inc.** – administrative change to modify approved signage

Ms. Morris said this was approved a few years ago and they would like to make some changes to the signage. The resolution indicates that variances were granted for the signage but it wasn't really specific as to what those variances were.

Mr. Vogt believes this is a simple clarification of the previously approved variances to satisfy the zoning officer who issues the sign permits.

Mr. Bill Stevens, P.E., P.P. said this is for the Pine Belt Chrysler facility which is currently under construction. Phase 1 is constructed, open and being utilized and now they are working on phase 2. There are two changes to the existing signs the board originally approved. They would like to add the placards for Dodge and Ram to the front of the building. If the board looks at the building elevation submitted, it currently says Pine Belt, Chrysler and Jeep and they would like to add the Dodge and Ram placards. The pylon sign currently installed out in the front of the facility was originally approved to say Chrysler, Jeep and Dodge with a five star band underneath it and they would like to change it to Chrysler, Dodge, Jeep and Ram.

Mr. Herzl asked if there is any change in the size of the signs.

Mr. Stevens said they will stay the same with the exception of the pylon as it does change one inch in one direction and four inches in the other.

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

- **SD 1696 Mark Properties** – proposed lot line adjustments as required to accommodate new sewer laterals

Mr. Vogt said it is his understanding that they cannot get service with a conventional easement.

Mr. Brian Flannery, P.E., P.P. said they had met with New Jersey American Water a few years ago and they said an easement was fine. Now they have gotten to a point where the school who is developing next store is ready to go and they submitted to NJAW before they spent money to make it deeper to service this property and they came up with this recommendation. The two end lots are very wide and big but less than the 12,000 sf required and the corner lot had significantly more than the 12,000 sf requirement. This proposal actually balances the lot areas better and there is no difference in the building envelope. It just takes a 7 ft strip from the end lot and that takes it up from 11,002 sf to 12,700 sf. The middle lot takes a strip that doesn't go quite as far so that comes up to 11,500 sf and the end two lots lost a bit of area. They are really here because the property owner needs to spend \$90,000 if the board doesn't like this plan. If the board likes it then they would revise the plan and come back for approval.

Mr. Herzl asked if any new variances are being created.

Mr. Flannery said they would be creating less variances. A variance was granted for a lot size of 11,002 sf and the minimum size proposed here would be 11,385 sf. The lot widths will stay the same and it will look the same coming down the street.

Mr. Rennert asked if the other two lots are getting smaller.

Mr. Flannery said yes but they are still conforming. The corner lot which was 14,000 sf is now 12,900 sf, the two end lots which were non-conforming, one now becomes conforming and the other became more conforming. The middle lot which was 12,000 sf drops down to 11,385 sf. There would be a total of four lots, two would be conforming and two would be non-conforming.

Mr. Rennert has no issue with it.

Mr. Jackson said this is a just concept plan so the applicant can hear the board's comments. The board is not voting on this tonight.

7. PUBLIC HEARING

- 1. SP 2262AA Congregation Toras Emes**
577 James Street Block 370, Lot 1
Change of Use/Site Plan Exemption to permit school trailers

A review letter prepared by Remington & Vernick Engineers dated November 30, 2017 was entered as an exhibit.

Mr. Isaacson stepped down.

Mr. Vogt said this is a site plan exemption to convert an existing temporary school trailer into a permanent school trailer. The temporary trailer is attached to the existing school building and the site was previously developed under SP 1786 and SP 1856. Design waivers are required including providing an architectural floor plan and from providing shade tree and utility easements. Under the prior approvals, design waivers were granted for the site including providing curb and sidewalk along Ridgeway Place, providing street trees along Ridgeway Place, providing a landscape buffer along the west side of the existing driveway and from providing a 20 ft buffer between the school and a residential zone.

Mr. Samuel Brown, Esq. said these are prefabricated units which were brought in and have been on the site for quite some time and are being used in a permanent fashion. He has a child which attends this school and he can personally attest that it functions well, the circulation works and the parking is sufficient.

Mr. Brian Flannery, P.E., P.P. was sworn. As indicated, this is an application to make permanent modular structures that were brought in and approved on a temporary basis. He is very familiar with this property as he lived next door for over 30 years. This is a school that is run very nicely and the administration is very good at making sure they do not create any problems for neighbors. The modular structures have been there for many years and it works very well. The amount of parking required by ordinance is 19 spaces and 25 spaces are currently existing. There are always empty spaces in the back and the property has a very nice circulation pattern that comes in and provides access. The maximum number of students would be 240 students with 14 faculty members. There would be 6 buses which would bring the children to and from school. There are currently no future expansion plans for the site.

Mr. Herzl asked if there is only access from James Street.

Mr. Flannery confirmed. There is curbing which goes around the parking area so the only vehicular access is from James Street.

Mr. Herzl asked if a waiver was approved for curbs and sidewalks along Ridgeway.

Mr. Flannery said yes, at that time he was living next door and he testified at the meeting that Ridgeway has no other sidewalks. The board approved that waiver and at this time they are really not changing anything so they respectfully request that same waiver be granted.

Mr. Jackson pointed out that the condition that the trailers be temporary may have been a factor in the board's decision in not requiring those improvements.

Mr. Franklin asked if parents are parking along James Street to pick up their children.

Mr. Brown said no, they pull into the property. If you look at the site plan, there is a very long bulb and that gives enough room for a good number of vehicles to be circulating at the same time.

Mr. Jackson said he recently had a meeting with a few board members who have indicated things they would like to see at hearings and he thinks one of the things which may be helpful in a case like this is an aerial view with the site highlighted on the aerial view as part of a standard submission so the board can see what is around it and what the neighborhood looks like. It is something to consider in the future.

Mr. Flannery agrees that is a very good idea.

Mr. Jackson said it is routine in other towns.

Mr. Flancbaum agrees. He doesn't live too far from this site and he has personally never seen cars parking along James Street. It is a site that works pretty well from what he has seen.

Mr. Brown said Ridgeway, which is located in the rear of the property, is a rural road and sidewalks would be incongruous with the rest of that street. To the contrary, he thinks it would invite children out of the school premises onto a road that may be dangerous.

Mr. Flancbaum doesn't necessarily agree that sidewalks are not necessary on Ridgeway in general but he thinks with this particular application what they said a couple of years was that this was the end of the street and the street is primarily undeveloped and nothing else is there.

Mr. Flannery said his testimony as a neighbor was that the Crystal Lake Preserve is across the street to the east. Further to the south is a wetland area so that is not a property which will be developed. So it is an area that nothing else is going to develop that would extend the sidewalks and it's probably best not to invite children to walk in that area. With respect to the other items on the board engineer's report concerning the street trees, if you look at the street now, the trees are going to stay on both sides of the street.

Mr. Herzl asked if the area behind the school from Atlantic to Ridgeway is wooded.

Mr. Flannery confirmed. The area across and the area towards James Street has wetland and environmental considerations. The area to the north will be developed but directly across the street and the adjoining properties will not.

Mr. Rennert asked how the board engineer feels concerning granting of the waivers.

Mr. Vogt said the board voted to grant the waivers at the time of these being temporary trailers. He thinks it is clearly within the board's discretion whether or not they want to continue some or all of the waivers now that the trailers will be permanent. There has been talk in the Township to try and ensure they have long term infrastructure. The board has to balance that with the fact that this is a school and not-for-profit.

Mr. Rennert believes the board requires sidewalks for all schools.

Mr. Vogt said it is required on the checklist and the board would have to approve the waiver.

Mr. Brown said the site was originally designed many years ago with access from both James Street and Ridgeway Place and after having the professional look at it and some people at the Township, it was asked of the applicant that they limit access to only James Street and to leave Ridgeway in its rural state.

Mr. Vogt said that was in 2007, this is 2018. Some of the board members may feel differently and would like to see some or all of these improvements as part of a permanent facility. He would question whether this is a material change to the operation of this facility or if conditions changed since the original approval.

Mr. Rennert asked if it required that any time someone is building along an unimproved road that it must be improved.

Mr. Vogt said that is a UDO requirement which is why they sought the waivers in 2007.

Mr. Rennert asked if there is any other unimproved street which has frontage to this property.

Ms. Morris said it looks like the streets were vacated in 2006 and 2007.

Mr. Flannery confirmed, the school requested vacations. Just so the board is aware, when the school came in and the waivers were granted it wasn't for the trailers, it was for a full blown school. The original approval was to use a house as a school and then they came in for a full approval to put an addition on each side. The applicant put an addition on one side and then came back for a temporary trailer instead of putting the addition on the second side.

Mr. Rennert asked if there are any other streets which front this lot.

Mr. Flannery said no. The two streets this property fronts are James Street which is fully improved and Ridgeway Avenue. The two side streets which are called out as streets shouldn't be as they were vacated.

Mr. Vogt said there is one other street on the survey which is also shown as vacated.

Mr. Flannery said that is correct. Exhibit A-1 is the plan submitted and A-2 is a tax map. This property doesn't touch Atlantic Avenue because when it was vacated, the other 25 ft went to the owners on the other side.

Mr. Brown said this property is isolated from Ridgeway and there is no access whatsoever. He is always in agreement when the board asks for sidewalks because of safety or other concerns that make the property more usable. In this case, it is an isolated property that fronts on James Street which is fully improved.

Mr. Jackson said in time, these properties will be developed and if every property owner puts the sidewalks in front of their street it will fill in and there will be sidewalks for everyone.

Mr. Herzl asked what would happen if the school wants to expand and utilize Ridgeway.

Mr. Jackson said they would need to submit a new site plan and it would come back before the board.

Mr. Herzl said they could ask for sidewalks at that time.

Mr. Brown said technically the board is within its purview to ask for sidewalks now. In this case it makes no sense just like it didn't make sense when they started this project ten years ago. The difference between then and now is they are before the board asking for structures which were temporary in nature and would now like to make them permanent.

Mr. Rennert said the town has changed drastically since then as there is a lot of development and the sidewalks do have to be filled in.

Mr. Flannery said if you look at the plan and the aerial, there is about 60 ft from that parking lot to Ridgeway and it is all wooded and there is a grade drop of about 6 ft. So in order for this applicant or another school to come back and connect to Ridgeway, they would have to tear up the parking lot due to the grade change. This current administration wants to leave the school as is. The other side of Ridgeway is the Crystal Lake Preserve which was deed restricted by the Township. There is also wetlands towards James Street so that won't get developed as well.

Mr. Rennert asked where Ridgeway goes to.

Mr. Flannery said it goes out to James Street.

Mr. Rennert asked where the parking lot is located.

Mr. Flannery said it is close to 60 ft from Ridgeway. On the east side of the school toward James Street, the first property is owned by the Township and is impacted by wetlands and the Township also owns property on the other side.

Mr. Rennert asked about the other way.

Mr. Flannery said it is all developed.

Mr. Rennert asked how someone walks to James Street on this dangerous road. That is his concern and at some point there has to be sidewalks along Ridgeway.

Mr. Flannery said he lived there many years at it his testimony that there is no reason to walk along there. There is access to James Street through a development which will have sidewalks and there are sidewalks on James Street which were put in by this applicant.

Mr. Herzl opened to the public.

Mr. Klein was sworn. He said applicants are trying to take advantage of not putting in sidewalks on almost every application. He explained it is not a good enough reason to say they don't want sidewalks in order to limit people from walking there. People shouldn't get barred from walking in certain areas and people are getting killed in this town. In 2016, the board permitted the waiver from installing sidewalks only if a bond was posted.

Mr. Herzl closed to the public.

Mr. Rennert asked if this trailer affects the buffer waiver in any way.

Mr. Flannery said no. The modular building is located in the middle of the site.

A motion was made by Mr. Rennert, seconded by Mr. Franklin to approve the application with the condition that sidewalks be installed along all project frontages.

All were in favor.

- 2. SP 2186 Bais Reuven Kamenetz of Lakewood, Inc**
Cedarbridge Avenue Block 1160.01; 1160.12, Lots 386 & 387; 261
Preliminary and Final Major Site Plan for a school

Mr. Jackson spoke with Mr. Doyle and Mr. Gasiorowski at length concerning this project. There are some complex issues with this case and there is also a waiver from providing a traffic study. Since this is on Airport Road right by the parkway entrance, there are some jurisdictional issues. He needs some more time to dig into those issues deeper and he also believes the board would benefit by having a traffic study for a particularly sensitive application like this. He recommends to adjourn this matter pending receipt of a traffic study.

Ms. Morris said at their plan review meeting, it was discussed and recommended by the professionals that the applicant provide a copy of the traffic report which was prepared by Mr. Kennel. That was back in October and they have not yet received it.

Mr. Herzl does not feel comfortable granting a waiver for the traffic study.

Mr. Jackson asked that the applicant's attorney provide him with a detailed chronology and argument as to why he thinks the zoning would allow this on the parcel where Judge Ford did not recognize the change in zoning.

Mr. Herzl asked if a traffic study will be ready for the next meeting.

Mr. Doyle wanted to point out that the two roads adjacent to this property are both County roads and ultimately will be governed by them. That doesn't necessary mean the board shouldn't look at traffic as it relates to the driveways. There has been an ongoing dialogue concerning this application with Mr. Gasiorowski. The application here is for a school and there is no more fundamental thing in this community than its schools. This particular school has been in existence for 20 years and the last 7 of them it has been at a very difficult site. For the past few years it has had a stable population of 350 students, kindergarten to 8th grades. The site is one that has engendered

some concerns from neighbors, people which are related to the airport and from the Industrial Commission. There was a meeting today with concerned neighbors and his client and hopefully that can continue and he hopes this site can be the location for a much better school than what currently exists.

Mr. Ron Gasiorowski, Esq. represents several property owners who have businesses in the immediate area. There has been some dialogue between the property owners and the client but he is still here because his clients are in fact opposed to this application. There is a significant jurisdiction question as to whether or not in fact a school is permitted in this zone. The application listed two lots and the notice referred to three lots so it is an important issue as to whether or not when this application was filed that it clearly reflected all of the properties in question.

Mr. Herzl said they should re-notice if there are any issues.

Mr. Doyle's concern is that the notice itself speaks to the two lots on which the building is to take place.

Mr. Jackson explained that is a legal issue and the board would rely on his recommendation.

Mr. Doyle waived any time constraints.

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

3. SP 2263 Kiddie Care NJ LLC
944 East County Line Road Block 208, Lot 9
Preliminary and Final Major Site Plan for a daycare

A review letter prepared by Remington & Vernick Engineers dated January 16, 2018 was entered as an exhibit.

Mr. Vogt said submission waivers are requested for a traffic study and an environmental impact statement. A copy of the traffic impact assessment was submitted and provided to the County.

Mr. Herzl asked if an impact statement provides enough information.

Mr. Vogt said for purposes of the hearing, yes. The board will hear testimony and if they are not comfortable with the level of detail provided then they can obviously ask for more information.

Mr. Herzl said County Line Road is one of the roads where a traffic study should always be provided.

Mr. Vogt said the County would ask for more details if the assessment is not satisfactory.

Mr. Rennert asked if the assessment was reviewed.

Mr. Vogt said yes, briefly. He recommends the board accept it for hearing purposes only and to let the applicant make their case.

Mr. Jackson asked if there is something which everyone would agree is considered a traffic study.

Mr. Vogt said there are towns which define what it is in an ordinance but Lakewood does not have that. In this particular case, it is a County road and they require a traffic impact assessment.

Mr. Franklin thinks the big thing with the traffic would be if the parents are dropping off and picking up their kids. That is the situation on Somerset Avenue and it gets totally jammed up. It will not work on County Line Road.

Mr. Vogt has discussed with the professionals that the board wants to hear this information prior to the hearing and going forward, with the board's support, it is their intention that on future tech review items they want written responses anywhere they are asking for testimony. That is going to be incorporated in any future reviews and if the applicant fails to do that, the board may not have sufficient information to hear the application. The second waiver requested is for an environmental impact statement and they are not aware of any environmental constraints on the property per review of NJDEP mapping. If approved, the applicant will have to comply with the tree protection ordinance.

The board granted the waivers as recommended by the Board Engineer and Planner for hearing purposes only.

Mr. Vogt said relief is requested for minimum combined side yard setback. A combined setback of 23.92 ft is proposed whereas 25 ft is required. A design waiver is requested with respect to buffer relief. This design waiver is located in the 800 section of the UDO, therefore they are interpreting it as a waiver. There are other buffer waivers for schools and places of worship in the 900 section which are the zoning standards.

Mr. Herzl said the board can ask the applicant to supplement the buffer area in order to allow the 25 ft.

Mr. Vogt confirmed.

Mr. Flancbaum believes the design waiver in this case is an important aspect of what the applicant has to present.

Ms. Miriam Weinstein, Esq. said they are before the board for approval to construct a two-story day care facility. There will be no basement as it will be built on a slab. Child care facilities in which a license is required from the NJ Department of Human Services are permitted in all zoning districts including the R-12 zone in which the property is located. This is in fact a licensed day care facility and there is only one variance requested for combined side yard setback. This day care facility is currently operating in this neighborhood in a school building on Somerset Avenue, perhaps the one Mr. Franklin referred to earlier. She pointed out that there are actually two day cares operating in that facility so the traffic he mentioned before is not just from this day care center but another day care operating in that building as well. By building a state of the art facility designed for this use, the traffic in the immediate neighborhood will not be exacerbated but will actually improve. The building the day care is currently located in is not suited for it and it does not have an appropriate circulation design as it was designed initially to be a Bais Medrash. The drive aisle and parking design will allow for more than 35 cars on the site at a time including parked cars so it will in fact permit the safe unloading of children without cars being double and triple parked. Drop off times are from 8:45 to 9:45 and typically pick up times are from 3 to 4:30 pm. The board engineer's letter makes reference to busing but this is not a facility in which the students are bused. This is a day care center where parents who are going to work, drop off and pick up their children by car. The applicant has received concerns from neighbors, has met with some of them and has gone to tremendous length to add landscaping and buffering.

Mr. Brian Flannery, P.E., P.P. was sworn. Exhibit A-1 is a rendering copy of the plan showing the proposed building, A-2 is a copy of the tax map. He believes most of the board is familiar with this section of County Line Road as it is not one that's conducive to residential. If you look at the development along the block between East End and Somerset, on the corner there is a shul, next to that is an office building, there is a vacant piece of property adjacent to the townhouse buildings from the Cabinfield Circle development, next to that is another office building, a shul, and a few more office buildings. There are two single family residential structures on this block, one of which is the subject of the application tonight and the other one directly next door with a nice basketball court and pool in the back. There are residential structures along Somerset Avenue and as Mr. Franklin pointed out, further down on

Somerset is the facility where there are two day cares running. Anyone driving down there knows it is a mess because there is not enough parking and people end up parking on the street so this will help alleviate that. A total of 27 parking spaces are being proposed to provide drop off areas, parking for the staff and to provide parking for parents dropping of their children.

Mr. Herzl asked how many spaces are provided for the staff.

Mr. Flannery said the requirement is one space per staff member. The ordinance specifies that you look at the parking and drop off parking. There is no stipulation on what you do for drop offs. This is a licensed facility already in existence so they know what they need. The maximum staff proposed is 15 so there is an additional 12 spaces beyond that. In addition, there is a drop off area in the front where 4 to 6 vehicles could stop. The driveways are wide enough that vehicles could stop before and after.

Mr. Jackson asked that he address if the ordinance requires an outside recreation amenity for students and whether they are providing it.

Mr. Flannery said there are requirements for licensed facilities but there are no ordinance requirements. There is a fenced in area behind the building.

Mr. Herzl asked how many children will be at this facility.

Mr. Flannery said 83 currently. The maximum would be 145 based on the guidelines for a licensed facility.

Mr. Herzl asked where the parents are parking if there are more than 12 cars at a time.

Mr. Flannery said there is room for 10 cars on each side and 4 or 5 cars in the front. His testimony is the parking facilities adequately accommodates it and additionally the traffic study indicates the existing movements on County Line Road are anticipated to operate at a level 'C' during both am and pm peak hours. It goes on to say 'it is concluded based on the analysis, the plans to construct a day care center can be approved and operate compatibly with existing traffic flows, the site access has been designed to be compatible with the future of Ocean County road improvements, the parking supply of 29 spaces is adequate to support the anticipated demand and has been designed in accordance with Lakewood Township zoning requirements'.

Mr. Vogt said they did review the traffic assessment and they're interpretation of the report, in reference to level of service 'C' was based on proposed existing movements after East County Line Road is improved.

Mr. Scott Kennel, traffic expert, was sworn. The report is based on a 10 year buildout which is a standard requirement of the County and there are plans to have this section of County Line Road as a 3 lane cross section which would comprise of one lane in each direction and a center left turn lane. Given the build year required by the County, the analysis was based on that criteria.

Mr. Franklin said that doesn't currently exist.

Mr. Kennel understands but they are providing widening along their frontage as required of all applicants along this section of County Line Road to offset the cost of improvements. They are providing that at signalized intersections and then they will fill in the pieces as they become available.

Mr. Vogt asked when the applicant expects this facility to be in operation if the board acts favorably.

Ms. Weinstein said the goal is to build this as soon as possible.

Mr. Flannery said realistically to get all of the approvals will take a year and then it will take another year to build it. He pointed out that this is a permitted use.

Mr. Vogt said assuming this was built in 2020 and the future improvements are not done by the County, how does this property function relative to traffic.

Mr. Kennel didn't conduct that analysis but he expects it to be level of service 'D'. There would be increased delays for traffic exiting the site and the delays may increase from 10 to 15 seconds per vehicle but he is speculating.

Mr. Vogt asked if the site would function within appropriate traffic standards prior to the improvements being done.

Mr. Kennel confirmed and all of this is subject to Ocean County approval. They provided an initial review and did not require any other study locations. This is consistent with other developments with this level of traffic generation that the County has approved.

Mr. Vogt asked if it is his testimony that if the improvements are delayed, this site would still function within appropriate parameters.

Mr. Rennert doesn't understand what appropriate parameters entails.

Mr. Kennel said it means will it have capacity, will it operate at a level of service 'F'. There will be a degradation from what they have shown but he does not expect it to be a level of service 'F'.

Mr. Herzl asked what the level of service currently is.

Mr. Kennel said it depends, there are different sections, intersections and uses.

Mr. Franklin said the biggest problem is the parents dropping off and picking up their kids as it is going to probably take 10 to 15 minutes.

Mr. Rennert asked how long it would take to update the traffic report to incorporate what the level of service would be if the improvements were not installed.

Mr. Flannery wants to point out that this is a permitted use.

Mr. Rennert said they are requesting a variance.

Mr. Flannery said if the board doesn't want to grant the lot width variance then they would make the building 1.5 ft smaller.

Mr. Jackson said design waivers are also requested for buffering as this is a non-residential use next to a residential use. That is a pretty significant design waiver.

Mr. Flannery knows the traffic on County Line Road now is bad so if this application isn't approved they will stay in that facility on Somerset. The same traffic will be there and it is a mess because the site wasn't designed for this

type of use. The parking lot has no circulation, no area for drop offs and insufficient parking and it has more than just this day care on the property.

Mr. Rennert said the board isn't denying this application, they are simply seeking additional information in order to make a decision.

Mr. Kennel said this day care center is going to alleviate the condition of that existing facility so that traffic is already there and they are not creating new traffic to the area.

Mr. Flancbaum questioned what is moving into the existing facility.

Ms. Weinstein doesn't know. They don't own the building.

Mr. Kennel said the basis of the analysis is consistent to what the County has accepted previously with the consideration for the center two-way left turn lane. If the board would like an amended analysis without the center turn lane then that is something which can be prepared within a week.

Mr. Flannery continued with the engineer's report. A minimum combined side yard setback of 23.92 ft is proposed whereas 25 ft is required. If you look at the site, it is a configuration that narrows and goes out again. It is 91 ft so the 66 ft building at the front has the 25 ft required and at the pinch point, it is 1.5 ft short.

Mr. Jackson said it isn't a hardship. He questioned why they can't make it comply.

Mr. Flannery didn't say it was a hardship. It is a C-2 variance where they have to show the benefits outweigh the detriments. The detriments are zero because they have a 91 ft wide lot in the front and the back so nobody driving down the street is going to notice it. It is a situation where each side is getting more than expected. You need 10 ft on each side and there is more than that. The only benefit is for the children that go to the facility as they will have a little more room.

Mr. Jackson said that gives more capacity and increases the traffic.

Mr. Flannery said it doesn't increase the capacity. You can take a couple of inches out of each room and have the same amount of capacity and parking.

Mr. Jackson said it just seems like it is something which can be complied with. The inclination is always just ask for the variance.

Mr. Flannery said day cares aren't something that come before the board on a regular basis but they are allowed in any zone. The reason for that is they provide a needed service. The other relief requested is with respect to the buffer. Section 18-803E reads 'all areas not devoted to parking structures or other uses shall be appropriately landscaped or maintained. Whenever reasonable natural features shall be preserved' and they have saved trees in accordance with that. In the next section it says 'buffering shall be required when topographical or other barriers do not provide reasonable screening and when the board determines there is a need to shield from an adjacent property'. Clearly there is a need to shield this site from adjacent properties and it goes on to say the board may require landscaping, fences or walls to ensure privacy. They are proposing landscaping and a fence and it is his testimony that landscaping and a fence as opposed to 50 ft of the existing trees is a much better situation. The applicant has met with the neighbors and they would do lighting which is shielded. As far as this being a non-residential use next to a residential use, it is only be utilized during the day unlike a school which may have students there 24 hours a day. This is a use that during the day it has a traffic impact but at night it is the best neighbor you

could ask for. The facility would be closed on Shabbos and on Sunday as well. This particular piece of property is not suitable for housing and is being redeveloped based on smart growth planning principles. With all of the traffic on that road, it is not the most desirable for houses which is why six different properties came into the Zoning Board. This application promotes the general welfare by providing the needed daycare and by eliminating a house on a busy road.

Mr. Herzl asked if there will be any large vehicles entering the site.

Mr. Flannery said no.

Mr. Herzl asked about garbage pickup.

Mr. Flannery said there is a dumpster in the corner. They had met with DPW and the trash will be picked up by a private hauler.

Ms. Weinstein said the garbage will not be picked up during day care hours.

Mr. Jackson asked how they would accommodate buses or large vehicles if anything changes down the road.

Mr. Vogt confirmed this site is not designed for a conventional bus.

Mr. Flannery said buses are not part of the use of this site. The applicant would agree to come back before the board if this building is ever intended to be used for anything other than a day care.

Mr. Flancbaum asked if they would have to come back before the board if the use changes.

Ms. Morris said if it is not in the resolution then the zoning officer can sign off on a change of use from one permitted use to another.

Mr. Vogt recommends that condition be included in the resolution.

Mr. Rennert asked if plan revisions are still required for the circulation plan.

Mr. Vogt said they are still going to require final circulation plans based upon what is going to be on site but he doesn't see any major changes needed.

Mr. Jackson said he can include in the resolution that due to safety reasons, the fact that this site was not designed to handle buses and that the applicant recognizes that, any use via school bus would be a violation of the site plan and they would be subject to a summons.

Mr. Herzl asked if any large delivery vehicles will be entering the site.

Mr. Flannery said any of the deliveries would be UPS or FedEx and those vehicles can fit.

Mr. Herzl asked if sidewalks are being provided.

Mr. Flannery said yes, curb and sidewalk are proposed. The only plan revisions he sees that if the board feels additional buffering is needed. They have met with the neighbors and there were comments with respect to the drainage to provide a change to the drainage inlets so that the offsite water can flow into their system and they are

agreeable to that. With respect to the buffering, a 6 ft vinyl fence up until the front setback along with landscaping is proposed. It was requested that Leyland Cypress be planted instead of the Arborvitae and the applicant is amendable to that and would be from 8 to 10 ft in height. Bollards along the edge of the roadway adjacent to the property will be provided so that the fence doesn't get hit. Lastly, the windows on the side of the building by the pool would be frosted so there are no privacy issues.

Mr. Rennert asked if a revised circulation plan needs to be submitted.

Mr. Vogt said they are going to require a final circulation plan to reflect the vehicles which the applicant agrees are going to be on site. One of the questions they had was concerning buses and they didn't know until tonight there would be no buses. If there are changes, he suspects they are minor in nature. They would review further during resolution compliance if the board acts favorably.

Mr. Rennert believes the board should get a complete plan that he is ok with.

Ms. Zografos said the NJ Administrative Code has minimum standard requirements for a day care facility and they do not address that in the review letter. One of the things she is not seeing is where there would be any outdoor play. She is not comfortable just saying the applicant is going to meet all of the requirements of licensing because if they are not crafting it properly in the resolution, the state licensing board can review that as the board giving the applicant a variance to what the licensing requires and that gives them the go ahead to circumvent what the licensing requires.

Mr. Herzl asked if there is a requirement for outside recreation for infants.

Ms. Zografos said yes, there is a legal requirement of outdoor time. It is in the administrative code and it is clear of how many square feet per child is required and if there is over a certain number of children then it has to be at least 350 sf. They have had a lot of testimony here about the danger of that road so it is not like you can take these kids down the road to give them their outdoor time. She asked that in the future, that portion of the administrative code of the legal requirements for building a day care be reviewed by their professional as part of the review letter.

Mr. Jackson asked if these requirements were reviewed.

Mr. Flannery said he hasn't but the applicant did. They are agreeing that this is a licensed facility and the resolution can have a condition that they have to meet those requirements.

Mr. Jackson thinks Ms. Zografos wants to see it first so it doesn't slip through the cracks.

Ms. Weinstein said there is 30 ft behind the building. It would just be open play area.

Mr. Flannery said it is similar to when a plan gets approved with septic. They don't provide all of the septic design to the board because the health department reviews that and if they don't meet their requirements they won't get approval. A condition in the resolution could indicate they are not asking for any relief with regards to that.

Ms. Zografos said they are also required to have an illness area dedicated to sick children. She is not seeing that on the plans. She doesn't want to go through all of these requirements but she asked that in the future, the professionals include it in their review letter.

Mr. Vogt said they are certainly capable as board engineer to review the site design elements. Certain things are not within their purview as board engineer. It would be something the applicant would have to demonstrate not

only during state review but to the satisfaction to the building department who reviews the interior building designs.

Mr. Herzl doesn't think the building department will pick it up.

Ms. Zografos said that is the concern. The other concern is there are requirements of what is a play area and an indoor play area cannot be counted towards square footage for how many children you can have in the building. Things like that which she thinks are important for them to review at this level. Especially if they are approving a 13,000 sf building that really shouldn't be 13,000 sf then that is something where the board failed.

Mr. Vogt suggested they review this requirements during the compliance stage (hard to hear).

Ms. Weinstein said in order for the applicant to operate this facility, the state is going to come down and inspect and make sure they meet every criteria listed in the administrative code and certainly the board can include in the resolution that this has to be a licensed facility and no one else can operate it. That way they know it is subject to that outside agency approval by the state the same way they deal with septic systems and other approvals.

Mr. Jackson understands but the architect should be brought in or someone who has expertise to address how it complies.

Ms. Weinstein said the architect does but he is not here to testify.

Ms. Zografos said they are talking more about what they are doing as a Planning Board, creating a culture of compliance and having people come with full, robust complete applications and to her she feels daycare is an area she feels she is failing as a board member and they need more information.

Mr. Jackson asked if she would be more satisfied to have the architect go through it and how it complies with the criteria.

Ms. Zografos confirmed, she doesn't like to do these blanket statements where the applicant says they would comply. She would like to see in the resolution not only are they required to meet the state requirements, the state can give variances and she thinks they should be considering what would be a variance and what they are willing to tolerate as a Township with regards to protecting the children in a day care. Just telling the applicant they have to comply means they are actually giving their ability to control how they are building to the state who is not vested in protecting the children. She feels the board should look at what the state can give a variance on in this type of situation and what they want to control in the building of this type of building.

Mr. Franklin is not in favor at all as the traffic is not going to work. He also thinks the buffering is not sufficient.

Mr. Herzl asked if they need an updated traffic study.

Mr. Franklin said it doesn't work, you can see that down on Somerset Avenue.

Mr. Jackson said in his experience, safety is paramount but the board can't be arbitrary and capricious and they can't make up standards. But he thinks if there is a legitimate concern that the traffic can't get in and out, it is on a dangerous curve or a driveway is in the wrong place and they can't fix it and he has had cases where there was a theoretically conforming application where he was an objector and the court affirmed the denial on it.

Mr. Rennert would like to know what this application would look like if it were a right in/right out only.

Mr. Flancbaum thinks the board should hear from the neighbors before asking the applicant to provide all of these things.

Mr. Herzl opened to the public.

Ms. Joan Miller was sworn. She understands it is a permitted use but just because it is permitted doesn't mean it is a good idea. She has lived on the corner for 14 years and the traffic has gotten increasingly more intense. She can't even get out of her driveway. It is not true that residential has not been on County Line. There was a row of townhouses built not too long ago and it is not true that this property is not appropriate for building a home. It is a long, deep piece of property and someone could build a very nice house and have a long buffer between them and County Line. She is one hundred percent opposed to this application as it will greatly affect her quality of life.

Mr. Klein was sworn. He believes the board is doing a good job but he is concerned as the members are speaking silently between each other. He doesn't think it is professional or legal. One of the issues he always brings up is why they have so many illegal basement rentals in Lakewood without sprinklers and he kept asking why this board doesn't do anything about it. This is the first time he has seen a review letter mention something about sprinklers but after hearing from the attorney that they could bring it up and it could be reviewed.

Ms. Menucha Furman was sworn. She has children who attend this day care and when she is picking them up, all the children are prepared to leave and it takes about five minutes. In the morning, the cars are more staggered. She is in favor of this application.

Mr. Balter, 944 Somerset Avenue, was sworn. He does believe they need a day care center but the question is the venue and the safety of the children. Somerset Avenue is very chaotic in the morning and now not only are they going to still have a backup from that other day care but they will also have more traffic on County Line Road. The most important thing here is the safety of the children. He questioned where all of these cars are going when parents are dropping off and picking up their kids.

Mr. Chaim David Schreiber was sworn. He owns a few parcels adjacent to this property. He met with the applicant's attorney, went through his concerns and were extremely amendable. He had brought up drainage as he was concerned that this new property curb line would trap water into his property on County Line Road and they would agree to help solve that issue. They also discussed a proper buffer along his property which would have to be 8 to 10 ft tall Leyland Cypresses 6 ft on center. That would be something which is fast growing and would grow higher to give him more privacy. Further, in the event that anybody driving into the facility decides to go around another parked vehicle and accidentally drive into the fence, they run the risk of having 150 children exposed to a large swimming pool so the applicant agreed to put bollards along the whole side. Lastly, they discussed that the windows facing his property would be frosted.

Mr. Herzl closed to the public.

Ms. Chaya Gerlitz was sworn. She has been operating the day care for about 5 years and recently have become a licensed facility. Inspectors come down to ensure everything is up to par and if not they can cite them and then come back to ensure everything is ok. They are required to give 350 sf of play area and currently have a plan for 3,000 sf.

Ms. Weinstein asked if there is a room for sick children.

Ms. Gerlitz said they would set a room aside for that.

Ms. Weinstein asked if she reviewed these plans with the architect taking into account the requirements under the administrative code and that they meet with those requirements.

Ms. Gerlitz confirmed. She will be providing these plans to the state to make sure they are in compliance.

Ms. Weinstein asked about drop off and pickups.

Ms. Gerlitz said at most, there about 10 to 15 parents at any given time and they are in a rush to go to work. There will be a teacher waiting so the parents don't have to go upstairs. The only reason the parents go into the building is for the safety of the children and they must swipe their card to gain access.

Mr. Meyer asked how many cars are present at peak times.

Ms. Gerlitz said it can be anywhere from 7 to 10 cars but they come at staggered times.

Mr. Meyer said there are only 25 spaces. He asked if that is sufficient.

Ms. Gerlitz said not all of the staff drive. Quite a few of them get dropped off.

Mr. Franklin doesn't feel comfortable voting due to the traffic. He doesn't think it will work.

Mr. Rennert would like to see a traffic study detailing what the level of service would be if County Line Road doesn't get improved. In addition, he would really like to see a right in/right out.

Mr. Herzl would like to see the medical room and play area shown on the plans.

Mr. Vogt suggested that if the board carries this application, to bring in the architect and have him testify as to whether they fully comply with state standards.

Ms. Zografos knows the ratios with regard to child to care worker are that if you have a child over 4 or 5 years old then it is 15 to 1 but if it is a child less than 2 years old it is 6 to 1.

Mr. Flancbaum asked how many classrooms are proposed.

Ms. Gerlitz said some of the classrooms are going to be used for indoor play.

Ms. Zografos said another issue is children under a certain age cannot go on the second floor and that is where the large play areas are. She doesn't know if the square footage of the outdoor and indoor play areas and the number of children can accommodate the way it is laid out.

Mr. Meyer asked if they could include in the traffic study the amount of cars there at peak times for pick up and drop off. He asked if there is any way to restructure the parking lot, perhaps angle parking where they can allow for parking on the side.

Ms. Weinstein waived any time constraints.

A motion was made and seconded to carry the application to the March 6, 2018 meeting.
All were in favor.

4. SP 2265 Talmud Torah Bais Avrohom
915 New Hampshire Avenue Block 1160.03, Lot 47.01
Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington & Vernick Engineers dated January 9, 2018 was entered as an exhibit.

Mr. Vogt said this is an addition to an existing developed facility, therefore, the waivers are supported with the exception of submission to Ocean County Planning Board.

Mr. Herzl stepped down.

Mr. Flancbaum suggested that they hear the application first before deciding on these waivers.

Mr. Vogt said these are submission waivers. If the board feels they require additional design to make the site work, the applicant would come back with that by default. This application is not proposing any site improvements and they are here to make a case as to why they feel these items are not necessary.

Mr. Ray Shea, Esq. said this is a site plan application with no improvements proposed. This has all been built and it is a 4,500 sf addition to an existing building. That is why the waivers have nothing to do with anything being constructed as they were all granted for the prior application.

Mr. Glenn Lines, P.E., P.P. was sworn. They are proposing a 4,500 sf one story with a basement building addition on the rear of the existing school. The area where the addition is being built is existing pavement. There are no changes in the impervious coverage, all storm drainage stays the same and that is why they are asking for a waiver from design calculations. They are not disturbing enough of the site for the County to require a soil erosion permit. They are going to submit to Ocean County Planning Board and they will require a traffic study. There is very little increase to the school as there will only be 5 additional classrooms with at the most 5 additional cars and possibly one additional bus. A waiver from providing a shade tree easement is also requested as it wasn't required on the prior two applications. The frontage of the property along New Hampshire Avenue is occupied by a 30 ft wide easement to the LTMUA so they would have to put the shade tree easement behind that well into the property. There are existing trees in the grassed area between the building and New Hampshire Avenue.

Mr. Shea said that waiver was granted on the prior application as well.

Mr. Rennert is fine with waiving #2, #3 and #6. Concerning #1, they are adding additional classrooms, cars and buses. He doesn't know how the site currently works today so he doesn't know what one more bus does. His personal opinion is a traffic study should be submitted for review.

Mr. Lines said the traffic report will be submitted to Ocean County as it is their road.

Mr. Jackson said Mr. Rennert is disinclined to grant a traffic waiver. He thinks they should poll the other board members because if that is the case, they should stop the testimony now.

Mr. Flancbaum is familiar with that area as he works down the street. It is quite a large school and personally he doesn't think the addition of 5 classrooms and 1 school bus is going to impact what goes on there on a daily basis to warrant looking at a new traffic study beforehand.

Ms. Zografos said there is also a basement proposed. She would like to hear testimony as to what the intention is with the basement.

Mr. Shea said there is no basement proposed.

Ms. Zografos said it is shown on the plans.

Mr. Abe Auerbach said initially there was going to be a basement used for storage but it has since been removed.

Mr. Lines confirmed the plans have changed and there will be no basement.

Mr. Rennert reiterated his concerns that there are plans in front of them which do not accurately represent what is going to be built.

The board granted the waivers as recommended by the Board Engineer and Planner for hearing purposes only.

Mr. Shea asked if there is anything in the engineer's report which needs to be addressed.

Mr. Lines said it is acceptable. They have sufficient parking on the property and there is also additional parking on an easement on the northern portion of the site.

Mr. Rennert asked about the building's rear yard setback.

Mr. Lines said the proposed addition will have the same setback as the existing two-story building and that is adjacent to the self-storage facility.

Mr. Rennert asked if any side yard setback variances are being requested.

Mr. Lines said there are no variances on the north side. The letter references a front yard setback variance which was previously granted. That is at the southeast corner of the building towards Route 70. If the board is familiar with Route 70 at that location, there is a jug handle between this property and the highway so in effect they are probably 200 to 300 ft away from the Route 70 paved area.

Mr. Jackson said if they are using another lot for parking they should notice within 200 ft of that other lot and indicate same in the notice that that lot is going to accept parking from this site.

Mr. Lines said it is not a new situation.

Mr. Jackson understands but they are expanding and in theory someone who is adjacent to that lot should get notice.

Mr. Shea agrees with his observation and would re-notice.

A motion was made and seconded to carry the application to the February 6, 2018 meeting. New notices will be provided.

All were in favor.

5. **SP 2266 Nine Holdings, LLC**
1328 River Avenue Block 534, Lot 4
Preliminary and Final Major Site Plan for a retail building

A motion was made and seconded to carry the application to the February 6, 2018 meeting.
All were in favor.

6. **SD 2310 BMW Homes, LLC**
East 5th Street Block 242, Lots 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, & 19
Minor Subdivision to create ten lots

A motion was made and seconded to carry the application to the February 6, 2018 meeting.
All were in favor.

7. **SP 2267 640 James Street, LLC**
640 James Street Block 385, Lot 4
Preliminary and Final Major Site Plan for an office and warehouse building

A motion was made and seconded to carry the application to the February 6, 2018 meeting.
All were in favor.

8. **SD 2172 Mark Properties, LLC**
Pine Boulevard Block 423, Lots 29-31 & 76
Extension of Minor Subdivision to create 2 lots

Ms. Morris indicated the mylars are ready to be signed but their approval is expiring.

Mr. John Doyle, Esq. asked for a 90 day extension.

A motion was made and seconded to approve a 90 day extension.
All were in favor.

9. **SD 2252 Aharon Mansour**
Chestnut Street Block 1095, Lots 14-16
Extension of Minor Subdivision to create 2 lots

Mr. Glenn Lines, P.E., P.P. said their plans are at the County waiting on final approval.

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

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