

## 1. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt was sworn in.

## 4. ORDINANCE FOR DISCUSSION

- **Reduction in side yard setback requirements in the R-40 zone**

Mr. Follman arrived at the meeting.

Mr. Flannery said they are asking for the same side yard setback that is permitted for R-20, R-15 and R-10. The rationale for this is there are existing lots in the R-40 zone that are only 90 ft wide. The ordinance allows you to build on that lot without going to the Zoning Board if you stay within the setbacks. Obviously anyone who has a wide lot doesn't need this but for some of the existing lots it gives people an opportunity to build and there really is no adverse impact.

Mr. Schmuckler said perhaps they should do it by percentage. In the future, he can see people coming in requesting that the minimum lot width be changed to 90 ft as opposed to 150 ft.

Mr. Flannery said the Master Plan that this Board approved back in 2007 actually recommends the width be changed to 100 ft.

Mr. Rennert feels the Board should be keeping the integrity of the R-40 zone unless they see what lots this would effect and what the point of this is. He wants to be clear on what he is voting on.

Mr. Rennert made a motion, seconded by Mr. Follman to not recommend this ordinance change to the Township Committee.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Rennert, Mr. Follman

No: Mr. Neiman, Mr. Schmuckler

## 5. PLAN REVIEW ITEMS

**1. SP 2108** (Variance Requested)

Applicant: Toras Imecha Inc  
Location: East County Line Road  
Block 208.01 Lot 18

Preliminary & Final Major Site Plan for a girls' school and Minor Subdivision to convey land to a neighboring parcel

Mr. Rennert stepped down.

Mr. Abe Penzer, Esq. asked that this application be carried to the March 17, 2015 meeting.

A motion was made by Mr. Schmuckler, seconded by Mr. Sussman to carry the application to the March 17, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman

**2. SD 2024** (Variance Requested)

Applicant: Prospect 54 LLC  
Location: Prospect Street  
Block 411 Lots 30, 35, 36, 40, & 43

Preliminary & Final Major Subdivision to create 78 lots (74 fee simple duplexes, 1 house of worship, 2 basin lots, and 1 remainder lot)

A review letter prepared by Remington, Vernick & Vena Engineers dated February 24, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Neiman said there was an impact fee ordinance that was not yet passed and the Board is not going to listen to any application until that ordinance is adopted. The way to get around that would be for this Board to enforce an impact fee of \$7,500 per unit into an escrow account or the applicant can wait to see what the impact fee will be from the Township Committee.

Mr. Abraham Penzer, Esq. stated they have already gone through this. They are installing a traffic light on Williams Street that would contribute as well as constructing a road.

Mr. Schmuckler said when the Smart Growth Plan came to the Board for approval, there were a lot of recommendations made. The zoning changes happened and the other changes did not. You cannot approve density without the infrastructure. There will be safety issues.

Mr. Penzer agrees and the applicant will be constructing a road and installing a traffic light.

Mr. Schmuckler asked how the Board knows it would meet the requirements.

Mr. Penzer would like the Board to hear the application before making any judgments.

Mr. Schmuckler asked if he is referring to off-site improvements or on-site improvements.

Mr. Flannery said this particular application has an off-site improvement which is the extension of Railroad Avenue that will help traffic in the area. If the Board holds this project up, it will actually hurt the Township.

Mr. Schmuckler asked if that is a Township or County improvement.

Mr. Flannery said the applicant has agreed to extend Railroad Avenue out to James Street so there will be a second connection to take some of the traffic off of Williams Street.

Mr. Penzer said they worked on the impact with the County and neighbors before the Board's recommendations for Drake Road.

Mr. Schmuckler said the neighbors don't have the Smart Growth Plan. It was not just for a specific street, it was an overall concept and they have to leave that to the Township Committee. It should not be the decision of the applicant where that money should go.

Mr. Flannery said he is correct that it is not the applicant's decision but it is also not the Planning Board's decision.

Mr. Schmuckler stated that the Smart Growth Plan calls for a lot of ordinances and laws that have not yet been passed.

Mr. Flannery said it was adopted in September of 2013. It is not fair to make the applicant wait due to the Township not passing these ordinances.

Mr. Schmuckler said after speaking with John Jackson today, there is case law supporting a semi-judicial body saying the Township has gaps in the legislative ordinance that they have written and therefore the Board has the right to impose fees for safety purposes.

Mr. Flannery said this applicant is willing to do whatever improvements that are required as part of this application.

Mr. Schmuckler said he would like to come up with a number for the impact fees.

Mr. Penzer said it is not fair as the applicant is already providing a traffic light and a new road. No other applications have done the study on the impact, met with the County, neighbors and Township Committee before coming to this Board. He is not giving the applicant a chance to be heard. Perhaps they are providing more than what would be required with the impact fees. He is not allowed to stop them from having a hearing at a technical meeting when they meet all of the criteria.

Mr. Schmuckler said he has a right to sue the Planning Board.

Mr. Penzer said he is denying their right to be heard tonight.

Mr. Schmuckler said the Board attorney agrees with him.

Mr. Penzer would like it on the record that the Board has denied his applicant's right to be heard.

Mr. Neiman did not say that the Board would not hear this application. He just wanted to discuss the impact fees.

Mr. Penzer heard differently and would like clarification.

Mr. Schmuckler does not want to approve a project that will put unsafe conditions in the area. The Smart Growth calls for cores and each core has to assess its own fees and impacts within that core. The Smart Growth calls for the Township Committee to address each core's off-site improvement costs. Unfortunately, that was never done and there is a gap. This Board is using their semi-judicial rights to fill that gap.

Mr. Penzer said they are including this application with Drake Road and it is not fair.

Mr. Schmuckler said he did not mention Drake Road.

Mr. Schmuckler left the meeting.

Mr. Neiman asked what the width of the new road will be.

Mr. Flannery said it will be 40 ft wide. The paved width typically done in Lakewood is 32 ft wide. The cul-de-sac is going to be a 32 ft wide cartway.

Mr. Neiman asked if there will be parking on that street.

Mr. Flannery said it allows for parking on both sides. They are providing four parking spaces per unit.

Mr. Neiman asked what they are contributing for the traffic light.

Mr. Penzer said they are working with the County.

Mr. Flannery said there is no dollar amount right now. The County has a secret formula. They submit an application and then the County provides a number.

Mr. Neiman asked if there will be a traffic light on James Street and Williams Street.

Mr. Penzer said yes. The Board can make it a condition of approval.

Mr. Vogt stated that waivers are requested for topography, contours and man-made features within 200 ft as well as EIS and Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.  
Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman

Mr. Vogt stated variances are required for lot area and lot width for the proposed playground lot as well as minimum lot width and front yard on a few of the lots.

Mr. Neiman asked about the 5% needed for this application.

Mr. Flannery said the 5% is for open space and recreation and they exceed that. There are two stormwater basin lots, the community center lot and the playground area.

Mr. Neiman said there are going to be 150 families living in this development and he wants to make sure a 3,600 sf community center is sufficient.

A motion was made by Mr. Franklin, seconded by Mr. Follman to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman

- 3. SD 2014** (Variance Requested)  
Applicant: Eliezer Kleinman  
Location: Towers Street  
Block 855.04 Lot 32  
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 17, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are required for minimum lot width.

A motion was made by Mr. Franklin, seconded by Mr. Sussman to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 4. SD 2028** (Variance Requested)  
Applicant: Michael & Rivka Wenger  
Location: Princeton Avenue & 14<sup>th</sup> Street  
Block 147 Lot 1  
Minor Subdivision to create two fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 18, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum front yard and rear yard setback. It is not clear whether a maximum building coverage variance is being requested.

Mrs. Miriam Weinstein, Esq. stated the reason there are variances is because they are keeping the in-ground pool that they have already spent a lot of money on.

Mr. Neiman said it will need to be addressed further at the public hearing. It is a very large variance.

Mr. Sussman asked that the applicant provide a Percal Map at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Sussman to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 5. SP 2110** (No Variance Requested)  
Applicant: Imrai Kohain Congregation Inc  
Location: Miller Road  
Block 12.02 Lots 17, 21.01, & 21.02

Preliminary and Final Major Site Plan for a synagogue

A review letter prepared by Remington, Vernick & Vena Engineers dated February 19, 2015 was entered as an exhibit.

Mr. Vogt stated that no variances required.

Mr. Neiman asked if they meet the parking requirements.

Mr. Vogt said he believes so. A waiver may be required for the perimeter buffer.

Mr. Vogt stated that submission waivers are requested including topography and contours within 200 ft as well as EIS. The waivers are supported with the understanding that the applicant will comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Ms. Leah Lederberger, Esq. stated they actually exceed parking requirements. There are two phases. In phase I there are 20 parking spaces required where 34 is being provided. For phase II there are 5 parking spaces required where 31 is being provided. A total of 65 parking spaces will be provided.

A motion was made by Mr. Follman, seconded by Mr. Sussman to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 6. SP 2107** (Variance Requested)  
Applicant: Congregation Ohr Yaakov c/o Yehuda Lench  
Location: Laguna Ave and Long Beach Ave  
Block 189.11 Lot 22  
Preliminary & Final Major Site Plan for an addition to existing for a synagogue

*Applicant is requesting a combined plan review and public hearing on this date.*

A review letter prepared by Remington, Vernick & Vena Engineers dated February 24, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft. Plans and profiles of proposed utility layouts. Locations, names and widths of all existing and proposed streets as well as EIS and Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Neiman asked if this is in the Raintree area.

Mr. Kociuba said yes. It is on the corner of Laguna Lane and Long Beach Avenue.

Mr. Neiman asked about parking.

Ms. Leah Lederberger, Esq. stated they are proposing 11 parking spaces total.

Mr. Neiman is not comfortable hearing this application in one meeting. He would like to advance this to the public hearing.

Mr. Joe Kociuba, P.E., P.P. was sworn in.

Ms. Lederberger stated that this is a neighborhood with a lot of side street parking so over the 11 parking spaces being provided, there is a minimum of 100 ft in between curb cuts which is often vacant.

Mr. Neiman is still not comfortable with the parking. The 8 parking spaces are also stacked. There is also a 1,000 sf kiddush area. He said that will only be used on shabbos and not during the week.

Ms. Lederberger understands and agrees. There is no basement or simcha hall in this shul.

Mr. Neiman asked if anyone is here for this application.

A member of the public is here in favor of the application.

Mr. Neiman said this can be heard as one meeting.

Mr. Kociuba stated this is for a 2,780 sf addition to an existing shul. The shul will have a main sanctuary area of approximately 1,698 sf. The application is fully conforming for bulk requirements. The engineer's review letter indicates that 12 off-street parking spaces are required. Based on the UDO calculations, only 9 spaces are required where 11 spaces are being proposed. There were concerns with the Board engineer concerning the parking layout. The alterations discussed would reduce the parking to 9 parking spaces which still meets the requirements.

Mr. Vogt stated that is not correct. The actual number of parking spaces needed, per the UDO, for the main sanctuary only is 9. That does not include the kiddush room.

Mr. Neiman said with respect to the UDO, it does not work for shuls in Lakewood. As Planning Board members, they must protect the neighbors and make sure there is sufficient parking.

Mr. Kociuba said there is also a significant amount of on-street parking right in front of this property.

Mr. Neiman opened to the public.

Mr. Yehuda Lench, 1552 Laguna Lane, was sworn in. He said this is a shul that has been in existence for 7 years. There are currently no issues with parking.

Mr. Neiman closed to the public.

Mr. Sussman asked how many members are a part of this shul.

Mr. Lench stated 65 members.

Mr. Neiman said they will be making it a condition of approval that there will be no parties during the week, only prayer services.

Mr. Vogt stated the applicant is proposing a row of 4-5 ft high arborvitaes which is a little smaller than they typically require.

Mr. Kociuba said there is an existing fence along that property line.

Mr. Sussman asked where most of the members live.

Mr. Lench said mainly Laguna Lane, Long Beach Avenue and Alamitos Drive.

Mr. Sussman asked if they drive.

Mr. Lench said they mainly walk.

Mr. Sussman asked how many parking spaces there are currently and if they are usually taken in the morning.

Mr. Lench said there are 8 parking spaces. There are usually 6 or 7 spaces open. There is a lot of parking on the street.

Mr. Sussman asked him if he ever personally had an issue parking there.

Mr. Lench said no.

Mr. Neiman asked if there is any other area available for parking.

Mr. Kociuba said there is really no other area unless they get closer to the corner which would create a traffic issue.

Mr. Neiman asked why they can't pave the southern area and come in through there.

Mr. Kociuba said it is paved but there is not enough room to make a turn without adding another curb cut off the corner. That would cause traffic issues.

Mr. Sussman said there is a lot of space to work with. Perhaps they could redesign it to fit more spaces.

Mr. Neiman said maybe come in a different way or connect the lots.

Mr. Kociuba said the concern is the site distance at the corner as well as having an access close to that corner.

Mr. Sussman said they could add two more sports to the north.

Mr. Kociuba said yes and they will agree to that.

A motion was made by Mr. Rennert, seconded by Mr. Follman to approve.  
Affirmative: Mr. Franklin, Mr. Rennert, Mr. Sussman, Mr. Neiman, Mr. Follman

7. **SD 2032** (Variance Requested)  
Applicant: Michael Fish

Location: Maplehurst Avenue  
Block 494 Lots 52 & 53  
Preliminary & Final Major Subdivision to create 20 fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 18, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Schmuckler believes this application should be sent to the Zoning Board due to the ruling by Judge Grasso rendering recent zoning changes null and void.

Mr. Abraham Penzer, Esq. said it is his opinion that the judge did not rule as to the substantively of the zone. All he ruled was that there was a defect in notice. Their application was submitted before this ruling and therefore they can be heard.

Mr. Schmuckler would like to make a motion to not hear this application. He spoke to John Jackson today about this in depth. The Board has a long calendar tonight and this is definitely something that should be going to the Zoning Board.

Mr. Penzer does not have a problem to amend their application to single family dwellings in order to move forward.

Mr. Schmuckler said he cannot do that. He needs to submit the plans 10 days before the meeting.

Mr. Penzer said this is the first he has heard of this. He just spoke to his client and he agreed to change the housing from duplexes to single family dwellings.

Mr. Vogt stated that submission waivers are requested for topography contours and man-made features within 200 ft as well as Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.  
Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman

Mr. Neiman respectfully asked that the applicant go the Zoning Board as duplexes are not allowed in this zone.

Mr. Flannery said they will amend this application to change the duplexes to single family lots. It will be 10 lots instead of 20.

Mr. Neiman asked if they are proposing a cul-de-sac.

Mr. Flannery said yes. There are 5 units that would front on an existing road and the rest would front on the proposed cul-de-sac. He asked that this be heard at the March 17, 2015 meeting.

Mr. Vogt asked how they would revise the plans to document the change in the zoning. The engineering looks like it's not an issue.

Mr. Flannery said the engineering would stay the same but it will just be a matter of changing the subdivision map to eliminate the lines in the middle.

Mrs. Morris said they would need the plans within 4 days in order to have them 10 days prior to the March 17th meeting.

Mr. Flannery said that is fine.

Mr. Vogt said they would have a plan that the Board can understand and the engineering would be addressed in compliance.

Mr. Flannery said that is correct.

Mr. Neiman said 5 of the houses would front on Cross Street. He asked if there are any plans to widen it.

Mr. Flannery said they would need a County approval. He knows the County has talked about widening in the past. Typically the County takes impact fees from every applicant that fronts on their road for the widening.

Mr. Neiman said they are treating this as an R-40 application which is asking for R-12 standards which this Board usually does not grant. Testimony shall be provided at the public hearing as to why they feel this is different. Impact fees may be discussed as well.

Mr. Sussman asked if the Board has ever done this before. This is now a completely different application.

Mr. Flannery said they are reducing the number of units. He can understand it would be an issue if they were adding more density.

Mr. Vogt said they are really looking at a change in the use and the intensity of the use as the infrastructure appears to be staying the same.

Mr. Flannery said the infrastructure will be the same except for two laterals there will be one.

A motion was made and seconded to advance the application to the March 17, 2015 meeting.  
Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman

- 8. SP 2105** (Variance Requested)  
Applicant: Andres Estronza  
Location: Ocean Avenue  
Block 536 Lot 154  
Preliminary & Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated February 18, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft as well as Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Vogt stated variances are required for minimum lot area, side yard and front yard setback.

Mr. Neiman asked if these are existing variances.

Mr. Kociuba said the side yard is existing and proposed. The lot area and front yard setback are existing.

Mr. Neiman asked what the use of the site currently is.

Mr. Kociuba said it is an auto body shop that is being renovated. They are adding a two-story 5,400 sf addition on the southern portion of the property.

Mr. Neiman asked about parking.

Mr. Kociuba said they are proposing 8 parking spaces at the rear. Right now there is no formal parking on site.

Mr. Neiman asked if that is sufficient.

Mr. Kociuba believes so, given the use.

Mr. Rennert asked how many parking spaces are required.

Mr. Kociuba said 8 are required where 11 are being provided.

Mr. Neiman said the Board will be asking for more spots at the public hearing.

A motion was made by Mr. Sussman, seconded by Mr. Franklin to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 9. SD 2029** (Variance Requested)  
Applicant: Somerset Development  
Location: Towers Street & Pine Street  
Blocks 824; 824.01; 825; 828; 829; 830; 853  
Lots 1; 1; 1; 1; 1, 3, & 5; 1.05; 1  
Preliminary & Final Major Subdivision to create 21 residential lots, 48 townhouses, and a community building (74 lots)

A review letter prepared by Remington, Vernick & Vena Engineers dated February 24, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are required for minimum front and rear yard setbacks. A maximum density variance may also be required.

Mr. Steve Gohan, Esq. stated this project stems out of an agreement between the Township and Somerset Development to transfer some land which would be used for community purposes. The Township will be vacating certain paper streets and will be giving certain undeveloped lots to Somerset Development.

Mr. Neiman said there was an impact ordinance which was part of the Smart Growth Plan that has not yet been passed. The applicant will have to address the various impacts and the fees involved for such. He wants to make sure it is addressed at the public hearing. The choice would be to not be heard until that ordinance is passed.

Mr. Gohan said this project is going to be the subject of a developer's agreement with the Township. He would think that any off-site impact fees would be worked out with them.

Mr. Rennert asked if East Spruce Street and Read Place would be vacated.

Mr. Dipple, P.E. stated there are a number of right-of-ways that terminate on Albert Avenue but continue into the property. The proposal is to extend Sims Avenue and continue that all the way up to Pine Street. Simms Avenue is also a wider road.

Mr. Rennert asked if it would be possible to not vacate East Spruce Street and Reed Place for traffic to come through.

Mr. Graviano, P.P. said the subject property is the basis of years of negotiation with the Township and neighbors. Somerset Development reached out to the neighbors of the community and it was at their request that certain streets be opened and other not be opened. That is why this plan is designed the way it is. Somerset is providing that north/south corridor that will eventually connect to Oak Street and is accommodating that vehicular traffic. The site flows very well as designed.

Mr. Neiman asked if Charity Tull Road will go all the way from Pine Street to Towers Street.

Mr. Graviano said Charity Tull Road will be vacated. Half of that road will go the Albert Avenue neighbors and the other half will become part of this project and will remain a landscaped buffer.

Mr. Neiman asked if Sims Avenue is being extended to Towers Street.

Mr. Griaviano said no.

Mr. Neiman said the only outlet would be Pine Street.

Mr. Griaviano said yes, for the time being. Eventually Sims Avenue will be a main corridor between Pine Street and Oak Street. There will be no parking on this road and will accommodate bike lanes. There will be sidewalks on both sides of the road. The road will be 34 ft wide.

Mr. Vogt said a circulation plan must be provided showing how this functions now without the extension going through.

Mr. Neiman asked how they are picking up garbage until Sims gets extended to Oak.

Mr. Zucker said they would love to open Towers Street but after speaking with the neighbors, they did not want that to happen.

Mr. Neiman asked if they could improve Sims Street now.

Mr. Zucker said no. It would be too cost prohibitive. They would provide testimony that this works as designed.

Mr. Franklin said you will need some sort of cul-de-sac to get the garbage trucks turned around.

Mr. Sussman would like to see a traffic light on Pine Street. There is going to be 120 families going in and out of a small road.

Mr. Neiman wants the impact fees addressed. If not, the Board will impose a \$7,500 impact fee per unit.

Mr. Graviano said he understands and it will be addressed. It is in the land swap ordinance that Somerset Development will pay the Township 1.78 million dollars.

Mr. Neiman said that is for the land.

Mr. Rennert asked why East Spruce Street and Read Place cannot go through.

Mr. Dipple said that was also discussed with the neighbors. This is the plan that was decided upon. The circulation works.

Mr. Zucker said there is nowhere for Spruce to go. The Town desired another connection, besides Albert Avenue, between Oak Street and Pine Street.

The Board believes this project is too dense to only have one outlet. They would like this addressed at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Sussman to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 10. SD 2025** (Variance Requested)  
Applicant: 319 Cedarbridge, LLC  
Location: Shenandoah Drive  
Block 548 Lot 170.47

Preliminary & Final Major Subdivision to create 8 fee simple duplex lots, 2 open space lots, and 1 commercial lot

A review letter prepared by Remington, Vernick & Vena Engineers dated February 24, 2015 was entered as an exhibit.

Mr. Vogt stated that waivers are requested for topography, contours and man-made features within 200 ft as well as EIS and Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Neiman asked if a supermarket was approved on this property.

Mr. Flannery said yes. The supermarket will stay and to the east will be this project.

Mrs. Miriam Weinstein, Esq. stated they will be meeting with the neighbors as there are objections.

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

Mr. Neiman asked that one person from the public come up and explain what the objections are. If a resolution does not come between the applicant and neighbors, the Board will not hear this. He wants everything addressed before the meeting.

Mr. Flannery said they could have an application that would be completely conforming but it would not be as nice. They are willing to work with the neighbors but if they are unreasonable the applicant should have an opportunity to come back before the Board.

Mr. Joseph Marin stated that when they bought into this development two years ago, the realtor clearly represented this development as being exclusively 60 single family units.

Mrs. Morris said the original subdivision included a subdivision of these two lots for future site plans.

Mr. Flannery said there was remaining, vacant land from the original subdivision and there was no representation that it would be open space.

Mr. Marin said a shul and playground were provided for his development. These two applications represent almost a 25% population increase and they made no effort to reach out to them and perhaps enlarge the shul or playground.

Mr. Flannery said they will meet with the neighbors and expect everyone will be happy by the time of the public hearing.

Mr. Marin is concerned about the nature of the development changing from single family to duplexes. He believes it will affect the value of his property and their quality of life. Some of the existing lots will back up to the proposed cul-de-sac. He wants to make sure they meet all the requirements. He said they were promised this land would never be developed.

Mr. Neiman wants to make sure these issues are ironed out prior to the next meeting.

A motion was made by Mr. Follman, seconded by Mr. Franklin to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 11. SD 2033** (Variance Requested)  
Applicant: 319 Cedarbridge LLC  
Location: Boulevard of the Americas  
Block 548 Lot 170.49 & 170.32  
Preliminary & Final Major Subdivision to create 8 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Vogt stated that waivers are requested for EIS and Tree Protection Management Plan. The waivers are supported provided that the applicant comply with the Tree Protection ordinance.

Submission waivers were approved as supported by the Board Engineer and Planner.  
Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Vogt stated that a variance is required for minimum lot area for lot 170.68.

Mr. Neiman asked if a supermarket was approved on this property.

Mr. Flannery said yes. The supermarket will stay and to the east will be this project.

Mrs. Miriam Weinstein, Esq. stated they will be meeting with the neighbors as there are objections.

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

Mr. Neiman asked that one person from the public come up and explain what the objections are. If a resolution does not come between the applicant and neighbors, the Board will not hear this. He wants everything addressed before the meeting.

Mr. Flannery said they could have an application that would be completely conforming but it would not be as nice. They are willing to work with the neighbors but if they are unreasonable the applicant should have an opportunity to come back before the Board.

Mr. Joseph Marin stated that when they bought into this development two years ago, the realtor clearly represented this development as being exclusively 60 single family units.

Mrs. Morris said the original subdivision included a subdivision of these two lots for future site plans.

Mr. Flannery said there was remaining, vacant land from the original subdivision and there was no representation that it would be open space.

Mr. Marin said a shul and playground was provided for his development. These two applications represent almost a 25% population increase and they made no effort to perhaps enlarge the shul or playground.

Mr. Flannery said they will meet with the neighbors and expect everyone will be happy by the time of the public hearing.

Mr. Marin is concerned about the nature of the development changing from single family to duplexes. He believes it will affect the value of his property and their quality of life. Some of the existing lots will back up to the proposed cul-de-sac. He wants to make sure they meet all the requirements. He said they were promised this land would never be developed.

Mr. Neiman wants to make sure these issues are ironed out prior to the next meeting.

A motion was made by Mr. Follman, seconded by Mr. Franklin to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

- 12. SD 1895A** (Variance Requested)  
Applicant: Ocean Avenue Property Holdings LLC  
Location: Ocean Avenue

Block 536      Lots 1, 2, & 4  
Preliminary & Final Major Subdivision to create 20 fee-simple duplex lots, 1 remaining lot, and 1 open space lot

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Vogt stated that a waiver is requested for Tree Protection Management Plan. The waiver is supported with the understanding that the applicant will comply with the Tree Protection ordinance.

The Board voted in favor of the waiver.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Vogt stated that variances are required for minimum lot area, side yard setback and maximum building coverage. Also, the lot where the existing dwelling will remain variances will be required for minimum lot area, front and side yard setbacks.

Mr. Flannery said this is a previously approved application for duplexes on 10,000 sf lots with a commercial lot in the front. This application is to add an additional duplex. The lots would now be 8,500 sf.

Mrs. Morris stated the change in the ordinance was based off the idea that if townhouses are permitted then why are duplexes going on larger lots.

Mr. Neiman said then do townhouses.

Mr. Flannery said the Township Committee created the ordinance.

Mr. Neiman said then to stick with duplexes on 10,000 sf.

Mrs. Weinstein said it is their opinion that the ordinance permitting the duplexes on 8,500 sf actually applies to this property.

Mr. Sussman said the design is very congested. It is not somewhere he would want to live.

Mr. Neiman said the applicant should really stick to the original design.

Mr. Flannery said the Board hasn't heard the application yet. He does not agree with the variances listed as the governing body said if you have a zone that permits duplexes and townhouses, you can have duplexes on 8,500 sf lots as long as you don't exceed the density that is allowed for townhouses. The other provision is that this is a unique zone, townhouses are both a permitted and conditional use because the B-4 allows what is permitted in the B-3, B-2, etc.

Mr. Sussman does not want to allow this to go to a public hearing.

Mr. Neiman said if this plan comes back at the public hearing looking like this, he will not be in favor of it. The applicant already has an approved application that works.

A motion was made by Mr. Franklin, seconded by Mr. Rennert to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Follman, Mr. Rennert  
No: Mr. Sussman, Mr. Neiman

- 13. SP 2111** (Variance Requested)  
Applicant: Ocean Care Realty LLC  
Location: Boulevard of the Americas  
Block 961.01 Lots 2.03 & 2.05  
Preliminary and Final Major Site Plan for an office building

A review letter prepared by Remington, Vernick & Vena Engineers dated February 24, 2015 was entered as an exhibit.

Mr. Vogt stated a waiver is requested for Tree Protection Management Plan. The waiver is supported with the understanding that the applicant will comply with the Tree Protection ordinance.

The Board voted in favor of the waivers.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Vogt stated variances are required for parking.

A motion was made by Mr. Franklin, seconded by Mr. Rennert to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

- 14. SP 2112** (Variance Requested)  
Applicant: Monlu LLC – Stuart Lubowsky  
Location: Princeton Avenue  
Block 162 Lots 2 & 4  
Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated February 26, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt stated that waivers are requested for EIS and Tree Protection Management Plan. The waivers are supported.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman

Mr. Vogt said variances required are minimum lot width, front yard setback and for the number of off-street parking spaces.

Mr. Neiman asked about the front yard setback. They are asking for .5 ft where 25 ft is required.

Mr. Flannery said that is Railroad Avenue. That is not really a frontage. He has a plan that shows the existing building. The existing building sits on the right-of-way. It is more of an alley between the railroad and the existing developments.

Mr. Neiman asked what would happen if they decide to utilize this railroad.

Mr. Flannery said there is a paved municipal road between the tracks and the site. They would close that road down and perhaps make it parking which is what it is used for now.

Mr. Neiman would like to know if the railroad would have any objections to this.

Mr. Vogt said it is Conrail and it not easy to communicate with them. They are within 200 ft so they should have received a notice.

A motion was made by Mr. Follman, seconded by Mr. Franklin to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman

- 15. SP 2109** (Variance Requested)  
Applicant: RD Lakewood LLC  
Location: Boulevard of the Americas  
Block 961.01 Lots 2.02 & 2.03  
Preliminary & Final Major Site Plan for a bank and a hotel

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Vogt stated that a waiver is requested for Tree Protection Management Plan. The waiver is supported with the understanding that the applicant will comply with the Tree Protection ordinance.

The Board voted in favor of the waiver.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Vogt stated that variances are required for parking.

Mr. Adam Pfeffer, Esq. stated this is an application for a hotel and bank. They have read the engineer's review letter and will comply with the comments.

A motion was made by Mr. Franklin, seconded by Mr. Follman to advance this application to the March 17, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

- 16. SP 2106** (Variance Requested)  
Applicant: Mordechai Zafrani  
Location: Monmouth Avenue  
Block 127 Lot 7  
Preliminary & Final Major Site Plan for a 5 story office building

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum side yard setback.

Mr. Neiman asked how many parking spaces are proposed.

Mr. Kociuba said none.

Mr. Neiman said people are driving to work. He asked where they will park.

Mr. Kociuba said there is public parking in the area. Per the ordinance, no parking is required.

Mr. Sussman said there is no parking in that area.

Mr. Neiman said they will be asking for a parking lot. He had required the same for another application in the B-2 zone on Second Street.

Mr. Kociuba said the plan has been amended. The first two stories will just be used for the synagogue.

Mr. Neiman said you still need parking. This will be another Fourth Street debacle. He does not want to hear this application until a parking lot is provided.

A motion was made by Mr. Franklin, seconded by Mr. Sussman to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

**17. SD 2026** (Variance Requested)

Applicant: ARM Land Group, LLC

Location: Clover Street & Ocean Avenue  
Block 538 Lots 15-18

Preliminary & Final Major Subdivision to create twelve fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft as well as EIS and Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection Ordinance. The EIS is supported, however, there are monitoring wells on the property and testimony shall be provided.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

Mr. Franklin said there are drainage issues in this area.

Mrs. Morris said she was contacted by a nearby property about same.

Mrs. Miriam Weinstein, Esq. did receive a call from that neighbor. She believes it is due to a developer filling in wetlands. She does not believe this particular project is affecting that but she will defer to the engineer.

Mr. Glenn Lines, P.E., P.P. said they would make sure to replace the existing pipe if it needs it. It does connect to a manhole on lot 20 which there is no easement for. At a minimum, they would provide that easement.

Mr. Vogt said if approval is granted, the resolution would have to provide a clear plan.

Mr. Jan Kristbergs, 331 Ocean Avenue, lives on the north side of this property. He said the drainage field and stormwater runoff that Mr. Franklin is referring to comes from Dewey Avenue. The lot next to him was destroyed by the developer and it has created a bayou. That drainage pipe that is supposedly going across that lot is blocked.

Mr. Neiman asked if this can now be addressed.

Mr. Vogt said the applicant has an obligation to comply with the applicable stormwater standards and can not exacerbate drainage off-site.

Mr. Neiman said they will want to hear testimony regarding where the closest shul is and if that shul can accommodate these families. IF not, they will ask for something.

Mrs. Weinstein said she will be back for a shul on Holly Street which will be walking distance from this project. There will be plenty of space.

A motion was made by Mr. Follman, seconded by Mr. Franklin to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

- 18. SD 2027** (Variance Requested)  
Applicant: ARM Land Group, LLC  
Location: Ocean Avenue  
Block 246 Lots 36, 37, 64  
Preliminary & Final Major Subdivision to create eight fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 25, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography, contours and man-made features within 200 ft as well as EIS and Tree Protection Management Plan. The waivers are supported with the understanding that the applicant will comply with the Tree Protection Ordinance. The EIS is supported, however, there are monitoring wells on the property and testimony shall be provided.

Submission waivers were approved as supported by the Board Engineer and Planner.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

Mr. Franklin said there are drainage issues in this area.

Mrs. Morris said she was contacted by a nearby property about same.

Mrs. Miriam Weinstein, Esq. did receive a call from that neighbor. She believes it is due to a developer filling in wetlands. She does believe this particular project is not affecting that but she will defer to the engineer.

Mr. Glenn Lines, P.E., P.P. said they would make sure to replace the existing pipe if it needs it. It does connect to a manhole on lot 20 which there is no easement for. At a minimum, they would provide that easement.

Mr. Vogt said if approval is granted, the resolution would have to provide a clear plan.

Mr. Jan Kristbergs, 331 Ocean Avenue, lives on the north side of this property. He said the drainage field and stormwater runoff that Mr. Franklin is referring to comes from Dewey Avenue. The lot next to him was destroyed by the developer and it has created a bayou. That drainage pipe that is supposedly going across that lot is blocked.

Mr. Neiman asked if this can now be addressed.

Mr. Vogt said the applicant has an obligation to comply with the applicable stormwater standards and can not exacerbate drainage off-site.

Mr. Neiman said they will want to hear testimony regarding where the closest shul is and if that shul can accommodate these families. IF not, they will ask for something.

Mrs. Weinstein said she will be back for a shul on Holly Street which will be walking distance from this project. There will be plenty of space.

A motion was made by Mr. Follman, seconded by Mr. Franklin to advance this application to the April 28, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

## 6. PUBLIC HEARING

1. **SD 2021** (Variance Requested)  
Applicant: Fourth Street Properties, LLC  
Location: 500 Prospect Street  
Block 445 Lot 17  
Preliminary and Final Major Subdivision to create 12 fee simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated January 28, 2015 was entered as an exhibit.

Mr. Adam Pfeffer, Esq. said this is a previously approved subdivision which was approved for 15 residential townhouse lots. The applicant is seeking an amended approval to create 12 zero lot line lots for 6 duplex structures. They have reviewed the engineer's review letter and have no objections.

Mr. Neiman is very happy with this plan.

Mr. Brian Flannery, P.E., P.P. was sworn in. They are only asking for one front yard setback variance on the corner of the one unit.

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

A motion was made by Mr. Rennert, seconded by Mr. Franklin to approve.  
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

2. **SD 2030** (No Variance Requested)  
Applicant: Joseph Lipschitz  
Location: Elm Street & Vine Avenue  
Block 764 Lot 13.01  
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated February 17, 2015 was entered as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn in. The back portion of the lot is being subdivided. This application creates two conforming lots. This is not a creeping major subdivision as they are only creating 3 lots total. The parking for the existing house is sufficient and the variance for the parking is not required. He does not believe the curb and sidewalk needs to be replaced along the existing house on Elm Street. If the Township engineer sees a problem at the time of construction, the applicant would replace it.

Mr. Vogt would like to put a note on the plans to indicate that the curbs and sidewalks will be replaced at the discretion of the Township engineer. He asked if the parking for the existing home is RSIS compliant.

Mr. Flannery said the proposed lot will have four parking spaces. He has been by the existing home and four cars do fit in the driveway.

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

A motion was made by Mr. Sussman, seconded by Mr. Franklin to approve.  
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Sussman, Mr. Follman, Mr. Rennert

## 7. CORRESPONDENCE

- **SP 2010 Congregation Mikvah Tahara** – Replacement of existing above-ground pool with in-ground pool

Mr. Vogt said they just need the Board to recognize the proposed pool as part of the site plan.

The Board has no problem with the change.  
Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Follman

8. PUBLIC PORTION
9. APPROVAL OF MINUTES
10. APPROVAL OF BILLS
11. ADJOURNMENT

PLANNING BOARD MEETING  
MARCH 3, 2015

TOWNSHIP OF LAKEWOOD  
PLAN REVIEW MEETING

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth, Planning Board Recording Secretary