

9. SP 2123 Special Children's Center

Prospect Street Block 490, Lot 13.01
Block 486, Lots 3197-3199, 3215 & 3216
Preliminary & Final Major Site Plan for a 50,432 sf addition, 3,150 sf group home and a 15,000 sf adult vocational school for future development

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to adopt the resolution.

Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman

5. PLAN REVIEW ITEMS

1. SD 2064 Moshe Lankry

Lake Drive Terrace Block 16, Lots 77.02 & 8
Minor Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 8, 2015 was entered as an exhibit.

Mrs. Morris said there will be no net increase in lots. This is simply to realign the lots lines.

Mr. Vogt stated variances are requested for minimum lot area, lot width, front, side and combined yard setbacks.

Mr. Flannery stated he would give testimony at the public hearing concerning the variances. He requested that they be carried to the August 4, 2015 meeting.

Mr. Vogt said he has no objection as long as they agree to the conditions of the review letter.

Mr. Flannery said those conditions would be satisfied. He does not believe revised plans need to be submitted at this point.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the August 4, 2015 meeting.

Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

6. PUBLIC HEARING

1. SD 2055 32 Cross, LLC

Cross Street Block 533, Lot 11
Preliminary & Final Major Subdivision to create 27 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated June 4, 2015 was entered as an exhibit.

Mr. Neiman stepped down. Mr. Lankry will sit on this application.

Mr. Edward Liston, Esq., on behalf of Bernard Link, an objector, stated that this Board lacks jurisdiction to hear this application because it is not a permitted use. He has provided the Board attorney with a letter which outlines the objection.

Mr. Jackson said he has reviewed the letter and discussed it at length with the Board engineer and secretary. He believes this Board does have jurisdiction based upon his review of the letter and conversations with the Board engineer. He recommends that the Board hear the application and then decide.

Mr. Liston would like to mark the letter as an exhibit.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is for 24 duplex units on Cross and Chestnut Street just east of Route 9. The property is zoned in the HD-7 zone which clearly lists townhouses as a conditionally-permitted use. He read subsection 18-1010 "Townhouses" A3 and made the argument that duplexes are a two family building structure. He went on to read that the overall townhouse tract may be subdivided to provide fee-simple ownership for the individual townhouse units. This is an interpretation of the ordinance that this Board has acted on since the ordinance was adopted many years ago. Additionally, in subsection 18-1014 "Duplexes", it indicates in those zone districts in which duplexes are a permitted conditional use including the HD-7 zone. The ordinance was additionally revised March 20, 2014 under amendment 20-14-8 and under that it gives some additional provisions for the reduction of the lot sizes to 8,500 sf where townhouses are also a permitted conditional use. It ties it back into the same density of 8 dwelling units per acre for townhouses which they comply with. The Board engineer indicates in his letter that it is a conditionally-permitted use. He entered a copy of the plan as submitted as an exhibit. It shows the property colored in green with the structures that are proposed in brown and light gray for the vehicular access area including the right-of-way through the proposed development. Additionally, there is a commercial building which will be retail and office.

Mr. Jackson asked if ownership effects the neighborhood from a planning perspective.

Mr. Flannery said no, there are no impacts. Lakewood tries to provide housing opportunities in a way to not waste the resources that are buying there. First, the Township went with the townhouses and said you can have fee simple lots. Subsequently, the Town passed an ordinance which indicated which zones allow fee simple lots. The HD-7 was not including in that ordinance because it did not need to be. This was done for economic reasons. All of the duplex structures are on lots which conform to the ordinance. The playground along Chestnut Street requires a minimum lot area and width variance. It is his opinion, the area requirements that are stipulated for a duplex or any commercial use certainly don't apply to a playground. This is a C-2 variance that this Board can grant because the benefits of having a playground on a smaller lot certainly outweigh the detriment of not having a playground at all. Front yard setback variances are requested for corner lots 11.11, 11.16 and 11.17. Mr. Flannery went on to read portions of the Master Plan and MLUL onto record in order to demonstrate that the benefits outweigh the detriments. This applicant met with the residents of the Enclave which is just east of this application, presented the plan and accommodated their needs.

Mr. Jackson asked if a zero lot line configuration versus duplex is a different use or type of structure.

Mr. Flannery said it is absolutely not a different use. The use is going to be 12 duplex buildings or 12 two family townhouse buildings. At the Zoning Board, when a 3 unit townhouse is proposed they call it a triplex because it is more specific and gives everyone a clear understanding of what is being proposed. A variance is required with respect to off-street parking where 94 spaces are required and 91 are proposed. This building has unusable areas and if you take those out of the equation, it is certainly more than enough parking. The upper floor of the building will be for the builder's office which would need less parking than a normal type of office. Design

waivers are requested for the buffers. It is his testimony that the landscaping and fencing proposed complies with the intent of the ordinance. The applicant would agree to provide additional fencing if required by the Board. A design waiver is requested from providing sidewalk along the project frontages but the applicant would comply if required by the Board. The waiver is requested because it is a County road and there is no sidewalk on either side. The final design waiver is for lot lines not being perpendicular or radial to the right-of-way. It is his testimony that the waiver is de minimis in nature. A monument sign has been proposed for the retail/office building which the Board engineer indicates may require a setback variance. The applicant would agree to provide a sign that complies or resubmit with details at such time for a sign requiring any relief. With respect to garbage, he has met with Public works and they have indicated the trash would be able to be picked up and that the stormwater management can be maintained by Public Works. The applicant would get private pickup for the proposed retail/office building per the direction of Public Works. They would comply with items 4, 5 and 10-13. Concerning the circulation, vehicles would enter from Cross Street, turn around and come back. They are anticipating that the County would restrict them to a right in/right out at that location. The access to the commercial site would be off the new proposed road, Julius Way.

Mr. Liston would like to cross examine Mr. Flannery but he understands that the meeting will be adjourning at 8:30 pm.

Mr. Jackson asked Mr. Vogt his opinion on the jurisdictional issue.

Mr. Vogt said there are two issues. First is if duplexes are allowed and if so are they allowed on 8,500 sf lots. In his opinion, they are. Duplexes are a conditional use as per UDO subsection 18-1014A. Further, an ordinance was amended to allow for lot areas to be reduced from 10,000 sf to 8,500 sf in zones where townhouses are a conditionally permitted use which includes the HD-7 zone. Based upon those two sections of the ordinance, duplexes are allowed. The second question of the zero lot line is more of a practical question. A zero lot line is an administrative subdivision. Once a duplex is there, you can't tell whether it is one or two owners. Subsection 18-911A was read onto record. When reviewing, he looks for the following: is it permitted, adequate parking and an agreement between the owners of the units that they would share the onsite maintenance responsibilities. Practically speaking, if you were to permit this project without the zero lot lines they could take any of these duplexes and apply next week and get the zero lot line subdivision. It is an administrative, financial option that is made through the Township ordinances for duplex development.

Mr. Jackson announced that this application will be continued on August 4, 2015. No further notices.

- 2. SP 1929B Bais Rivka Rochel**
4th St and Monmouth Ave Block 160, Lot 1.01
Amended Preliminary & Final Major Site Plan for retail and office buildings

A review letter prepared by Remington, Vernick & Vena Engineers dated June 16, 2015 was entered as an exhibit.

Mr. Vogt said this is a modification of a previous application. There is a variance condition with regard to parking, however, it is less intense than the previously granted variance. The Board had concerns at the last hearing in terms of the adequacy of the parking.

Mr. Adam Pfeffer, Esq. stated this application was previously approved and are looking to match that existing building. Phase 2, which was already approved, would have been a supermarket with a large bay for trucks to pull in. There was some discussions with other supermarkets in the area and to be good neighbors, they have

agreed to remove the supermarket portion. They are now looking to build basically the exact same building with stores on the first floor and offices on the second floor. By doing this, the parking requirements will be lessened. At the last meeting, Mr. Banas asked why the parking variances should be granted. When the original application was approved, there was a traffic study done and the Board had asked to have that updated.

Ms. Dolan, Traffic Consultant was sworn in. The prior application which was approved with the supermarket required a higher number of parking spaces but still there is a variance needed for the current proposal. They went out and monitored the parking usage at the site with the existing office and retail. There are now a 100 public parking spaces located behind the site. For the existing building, they are not anywhere near the ordinance requirements. There is capacity available in both parking lots to support the second building. While the ordinance does have standard parking ratios in this setting with more pedestrians and a little bit more urban type of environment, they do not require that level of parking.

Mr. Neiman asked how many current and proposed parking spaces there are.

Ms. Dolan said there is currently 48 parking spaces. No additional parking spaces are being proposed.

Mr. Pfeffer said the original application had a phase 1 and 2 which the Board had approved. That phase 2 was for the supermarket but instead of a supermarket they would like to do retail/office space which is less intense. At that time, the Steckler Street parking lot was not completed. Additionally, a smaller parking lot owned by the LDC has also been completed since the approval. No additional parking spots are being proposed but it is less intense than what is already approved.

Ms. Dolan said based on their recent parking counts, not all 48 spots are being used by the existing building. Similarly, there are 50 or so available spaces in the back as well as on-street parking. The parking turns over but the maximum recorded would indicate that there was at least 20 spaces on average in the 48 space lot to support the second building as well as the parking lot to the rear.

Mr. Banas asked who built the Steckler Street lot.

Mr. Pfeffer said it was a joint effort between the applicant and Lakewood Township.

Mr. Banas asked if any of those spaces are designated for any other projects in the area.

Mr. Pfeffer said not to his knowledge.

Mr. William R. Vogt, Jr., P.E. was sworn in. He stated they received approval for a two story building with ground floor retail and second story office space. The ground floor retail and shopping center required 144 parking spaces. The medical office required 44 spaces and the office required 32 spaces. The applicant received approval and variances for the 48 spaces that are currently constructed.

Mr. Neiman said this would only be approved because there is a municipal lot behind it. Normally, the Board would require those 200 or so spots.

Mr. Neiman opened to the public.

Mr. Abraham Mandelbaum, 15 4th Street, was sworn in. He lives across the street and has definitely felt the effect of the first phase. He complained about the large trucks coming in and out and the additional traffic this has caused. He asked if all traffic is going out 4th Street.

Ms. Dolan said the traffic will be able to come and go from all different directions with some of the traffic accessing the driveway on Monmouth Avenue as well as Steckler Street to access the rear of the property.

Mr. Mandelbaum complained that there is no longer access from 2nd Street to 4th Street.

Mr. Stevens said there is a school and playground back there and that is why they blocked it off with bollards so there is no access. The street was vacated so the Township and applicant each got half of the right-of-way.

Mr. Neiman asked where the deliveries will be going.

Mr. Stevens said the deliveries come through the back.

Mr. Shabsi Shreibman, 19 4th Street, was sworn in. He complained about the trucks parking along 4th Street. He said 4th Street is narrow and there is barely enough space to drive through. He asked if they could make a one way in and one way out.

Mr. Abe Auerbach, 120 4th Street, was sworn in. He said a portion of Steckler Street is vacated but he will try to work with the Township to make an access off of Steckler Street to 2nd Street. The Town required them to put up the bollards as everyone was using it as a shortcut.

Mr. Lankry asked if it is a possibility to swing around the community center along the tracks.

Mr. Auerbach said they can ask. He wants to accommodate their requests but he would need approval from the Town.

Mr. Lankry said he is on 4th Street everyday and the traffic flow does work very well compared to a lot of other places.

Mr. Neiman closed to the public.

Mr. Pfeffer said he would send a letter to the Township requesting that Steckler Street be opened up but he ask that it not be a condition of approval.

A motion was made by Mr. Flancbaum, seconded by Mr. Follman to approve the application.

Affirmative: Mr. Lankry, Mr. Neiman, Mr. Flancbaum, Mr. Follman

No: Mr. Banas

3. SP 2132AA Nefesh Hachaim Inc

Drake Road and White Street

Block 251.02, Lot 97

Change of Use/Site Plan Exemption to convert existing house into a dormitory for the adjacent school building

A review letter prepared by Remington, Vernick & Vena Engineers dated July 15, 2015 was entered as an exhibit.

Mr. Vogt said no new variances are being requested. He believes there are no site improvements proposed at this time other than some very minor access around the building.

Mrs. Morris said there had been some question as to the use as a dormitory. Being that this is proposed to be consolidated with a neighboring school lot, the dormitory would be functioning as an ancillary use to the school.

Mrs. Miriam Weinstein, Esq. said the application is to convert an existing single family residential dwelling into a dormitory. A dormitory is a permitted use as long as it is an accessory use to a school. The lot adjacent to the subject property houses the existing school so the two lots will be consolidated into a single lot. The applicant agrees to make that a condition of approval. This is a boy's high school that has been in existence for seven years. The enrollment is currently 100 boys with a four year high school program. Next year the school will have a post high school program for the first time. This dormitory is only for the college age post high school boys, not for the high school. No new variances are associated with this application. There is an existing variance for front yard setback on the existing house. No site improvements are being proposed except for a handicapped ramp. The boys will not be permitted to have cars so there should not be any parking demand created by this application.

Mr. Bill Stevens, P.E., P.P. was sworn in. He stated lots 97 and 99 will be consolidated into one campus. The existing home would be converted into a dormitory. Architectural plans were submitted in order to do some minor renovations to the home in order to utilize it as a dormitory. A handicapped ramp will also be added.

Mr. Rennert asked if the school currently has a dormitory.

Mrs. Weinstein said no. Thus far, it has only been a high school.

Mr. Rennert asked about the access for the high school.

Mrs. Weinstein said the bus access for the high school really has nothing to do with the dormitory.

Mr. Rennert said they are consolidating the lots.

Mr. Stevens said the existing high school on lot 99 was the subject of a Planning Board approval at which time they did provide information concerning the bus circulation.

Mr. Flancbaum asked if there will be more than 12 students living in the dormitory attending the post high school.

Mrs. Weinstein said no, not at this time.

Mr. Flancbaum asked if there are more than 12, would they be bused in.

Mr. Stevens said they would limit the dormitory to a maximum of 12 students. If there are additional post high school students, they would have to come via busing as the students are not permitted to drive back and forth to the school.

Mr. Banas would like to see sidewalks installed.

Mr. Stevens said it is a considerable amount of frontage along both White Street and Drake Road. The sidewalks were waived by this Board on the adjoining school lot.

Mr. Neiman said this is a school and there is a lot of traffic along these streets. He thinks it would be a good idea to have sidewalks there.

Mrs. Weinstein said it is likely that Drake Road will be widened in the future. She asked if there is a way to allow the applicant to use asphalt rather than concrete to try and save the Yeshiva money as it will only be temporary. She asked if the Board is requiring sidewalks along both frontages.

Mr. Neiman was thinking about Drake Road, not White Street.

Mr. Stevens said the installation of sidewalks would require the removal of trees and other vegetation.

Mr. Vogt thinks the asphalt is a good idea if this is something that is going to change in the near future.

Mr. Flancbaum believes sidewalks are very important. Drake Road has become a very busy road. He sees students walking up and down all the time and it has become very dangerous. The asphalt would be a nice temporary solution. He thinks both Drake and White should have the asphalt.

Mr. Banas said the Board has also suggested to require sidewalks in the Industrial Park as there are schools and students walking up and down the streets.

Mrs. Morris said she had drafted a letter, with the blessing of the Chairman, and sent it to the Industrial Commission asking for guidance on this matter.

Mr. Banas said he believes it is a waste of money to install asphalt. If there are living trees, the root structure will be underneath the asphalt. In a number of years, the tree roots would make its way up through the asphalt.

Mr. Stevens said the idea behind this is to make it as a temporary measure. The municipality and some surrounding developments have been talking about improvements to the Drake Road corridor. It is his understanding that will be forthcoming in the near future so they are trying not to waste the schools money by installing concrete sidewalks.

Mrs. Weinstein said the Board has allowed applicants in the past to install asphalt as opposed to concrete.

Mr. Vogt said the asphalt path works better if you are trying to meander around trees. There is more flexibility to turn.

Mr. Flancbaum asked if they are talking about in front of the proposed dormitory.

Mr. Neiman said no, both frontages.

Mr. Neiman opened to the public.

Mr. Greg Miick, 63 Drake Road, was sworn in. He said he lives across the street from the school. He complained that this school was established before they acquired permits. He also complained about trees being cut down late at night, holes being dug, and garbage strewn all around his property. He said there is absolutely no

supervision for this school. He said the Board of Health visited his and his neighbor's homes to test the water as the septic system is overflowing. The test results were so bad, he was told he could not to use the well water. He also complained about the numerous trailers on their property and not receiving permits for such.

Mr. Banas asked if it would help if they put a fence up to hide the trailers.

Mr. Miick said they put a fence between the school and his neighbor. The students jump the fence anyway.

Ms. Ariel Schulman, 59 Drake Road, was sworn in. She affirmed to everything Mr. Miick stated. She said that mature fruit trees were being cut down last night even before the applicant closed on the property. A branch from the Metedeconk runs behind the school and asphalt was put in that stream. She said it is a nightmare in the mornings because there is a daycare down the street and people park on both sides of the road. She said the asphalt will be another way to drive cars up onto the lawn. It will not be used as sidewalks. She has not problem with this application but is concerned about work being done without permits.

Mr. Miick asked if the curb and sidewalk could be bonded.

Mr. Neiman said they will discuss it.

Mr. Sam Shulman, 59 Drake Road, was sworn in. He would like to see the speed limit lowered on Drake Road and to try and alleviate that traffic. He has no problem with the dormitory as long as it is done legally. He believes sewer should be brought down the road for this project.

Mr. Anthony DeStefano, 72 White Road, was sworn in. He is against this application and complained about the quality of life due to this school.

Mr. Neiman closed to the public.

Mr. Rennert suggested that the applicant come back with plans showing the school and dormitory with additional buffering and to try to work something out with the neighbors.

Mr. Neiman agrees. He wants to see more details concerning this including garbage pickup, buffering, parking, etc. He is very upset concerning the school supervision.

Mrs. Weinstein said there will be a dorm counselor who will be sleeping in the dorm to supervise the boys. There is currently a faulty septic system that will be replaced.

Mr. Neiman suggested additional fencing.

Mrs. Weinstein said the lot the dormitory will be on actually fronts on roadways so a 6 ft fence would require a variance.

Mr. Flancabaum said they need some sort of buffering, not necessarily a fence, to enhance the property. He agrees that the applicant should revise the plans and come back.

Mrs. Weinstein waived the time requirement for Board action.

A motion was made by Mr. Banas, seconded by Mr. Flancbaum to carry this application to the August 18, 2015 meeting.

Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Rennert

- 4. SD 2052 Jacob Mermelstein**
South Street Block 855.06, Lot 28
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 13, 2015 was entered as an exhibit.

William R. Vogt, P.E. was sworn in. This is a minor subdivision to create 2 lots. Variances are requested for minimum lot area and width.

Mr. Neiman said this is very similar to other subdivisions that have been approved in this area.

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

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 5. SD 2053 Ahuva Eisen**
New Central Avenue Block 11.10, Lot 75
Preliminary & Final Major Subdivision to create 3 lots

Mrs. Morris stated that revised plans were not submitted. Therefore, this application will be carried to the August 4, 2015 meeting.

- 6. SD 2049 Paramount Developers**
Ridge Avenue Block 223, Lots 89 & 90
Preliminary & Final Major Subdivision to create 6 lots

Mrs. Morris stated that revised plans were not submitted. Therefore, this application will be carried to the August 4, 2015 meeting.

- 7. SD 2065 Seth Haber**
Sherie Court and Country Club Dr Block 26, Lots 13.01 & 25
Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 9, 2015 was entered as an exhibit.

Mr. Seth Haber, 7 Country Club Drive, was sworn in. He sold a piece of his land to his neighbor to build a pool. He is looking for a minor subdivision to realign the lot line. No additional lots are being created. He had a question concerning the parking.

Mr. Vogt said since nothing is changing, no additional parking will be required. If he comes in for a new house or addition, he would have to demonstrate he has adequate parking at time of plot plan review.

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

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.
Affirmative: Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

7. CORRESPONDENCE

- SP 1839 – 401 Madison Avenue

This item was not heard as nothing was submitted.

8. PUBLIC PORTION

9. APPROVAL OF MINUTES

Mr. Banas asked that the minutes of 7-07-15 be revised to indicate that his motion to deny application SD 2038 was “based on the variances requested.” All members were in favor of the proposed change.

10. APPROVAL OF BILLS

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary