# BOROUGH OF LAKEHURST LAND USE BOARD REGULAR MEETING NOVEMBER 27, 2023 MINUTES

MEETING OPENED AT 6:00 P.M. BY CHAIRMAN DAVID BURTON.

ALL STOOD FOR THE PLEDGE OF ALLEGIANCE.

PUBLIC MEETINGS STATEMENT READ INTO RECORD BY BOARD SECRETARY MARYANNE CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO THE NEWSPAPER, AND POSTED, THAT THE REGULAR MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-SEVENTH DAY OF NOVEMBER 2023 AT THE HOUR OF 6:00 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

ROLL CALL: \*Alternate Member

MAYOR ROBBINS: PRESENT COUNCILMAN OGLESBY: PRESENT CHAIRMAN BURTON: PRESENT KORI BRENNAN: PRESENT JEFF EMMONS: PRESENT ANDREW HODGES: PRESENT ERIC ROBBINS: PRESENT ROBERT ROBINSON: PRESENT MARANDA SALAS: PRESENT \*#1 HAILEY DRIES: PRESENT

## APPROVAL OF MINUTES:

Motion by: Maranda Salas Seconded by: Eric Robbins
To approve minutes of October 23, 2023 Regular meeting. Roll call vote held. All votes affirmative with the exception of David Burton and Jeff Emmons who abstained due to their absence at the October 23<sup>rd</sup> meeting.

# **NEW BUSINESS:**

1) APPLICATION OF 404 CENTER LLC FOR USE VARIANCE AND SITE PLAN WAIVER FOR THE PROPERTY DESIGNATED AS 404 CENTER STREET, BLOCK 56; LOT23:

Salvatore Alfieri, applicant's attorney, explained that the application is for a "D" Variance. Mr. Alfieri also explained that the applicant bought the property a year ago with the intent to add office spaces to an existing warehouse.

Board Attorney Gregory Hock informed the board that the application is a use variance; therefore, the board will be acting as a zoning board and added that Mayor Robbins and Councilmember Oglesby will need to recuse themselves from the hearing. Mr. Hock stated that a zoning board is a seven-member board and that when it comes time to vote, only the seven members will vote and added that to approve the use variance, five affirmative votes of the seven are needed.

Eli Neumann, partner of the applicant, was sworn to give testimony at 6:04 p.m. by Board Attorney Gregory Hock.

- Mr. Alfieri asked Mr. Neumann about his business.
- Mr. Neumann responded that he is an electrical contractor.
- Mr. Alfieri asked if permits were obtained when Mr. Neumann purchased the property.
- Mr. Neumann responded he obtained permits after he was informed that a permit was needed in order to conduct his business out of the warehouse with office spaces.
- Mr. Alfieri questioned how many employees would occupy the offices.
- Mr. Neumann answered the maximum number of employees would be four.
- Mr. Alfieri questioned other employees that would be on site at a maximum.
- Mr. Neumann answered there are six other employees.
- Mr. Alfieri questioned the six employees.
- Mr. Neumann answered that the six employees would bring their personal vehicle to the site and pick up a work van.
- Mr. Alfieri asked the hours of operation of the activity on site.
- Mr. Neumann responded hours of operation would be 8:30 a.m. to 5:30 p.m.
- Mr. Alfieri stated that the parking lot is not in good shape, needs striping, and needs to be graded and asked if the board should approve the application, all improvements will be completed.
- Mr. Neumann answered in the affirmative.
- Mr. Alfieri questioned recycling of on-site materials.
- Mr. Neumann answered recycling will be picked up twice a week.

Mr. Alfieri asked if any improvements would be made to the exterior of the building.

Mr. Neumann responded that he would make cosmetic repairs to the exterior of the building so that it is "prettier".

Mr. Alfieri questioned building security.

Mr. Neumann answered there are security lights as well as cameras on the exterior of the building and added that the Lakehurst Police Department has used the cameras for their investigation of an incident that happened at Center Street and Route 70.

Mr. Alfieri questioned deliveries to the building.

Mr. Neumann answered that the business does receive Amazon deliveries or box truck deliveries about once every three days.

Mr. Alfieri questioned the single-family home onsite.

Mr. Neumann answered that the single-family home was occupied when he bought the property.

Mr. Alfieri stated that the prior resolution stated that home needed to be owner occupied and asked if that occurred in the past.

Mr. Neumann responded that the people he has spoken to stated that the home has been rented for fifteen plus years.

Mr. Alfieri questions the occupants of the home and if they are affiliated with the business.

Mr. Neumann answered that a family is occupying the home at this time and added that they are not affiliated with the business.

Mr. Alfieri asked if signage is being proposed for the building.

Mr. Neumann responded that there will be no free-standing signs and added that the building itself will have a sign that complies with the borough ordinances.

Board Chairman Davd Burton asked if the business ends for the day at 5:30 p.m.

Mr. Neumann answered in the affirmative.

Mr. Burton asked how many work trucks will be parked at the building.

Mr. Neumann responded that there will be three to five work vans.

Mr. Burton stated that he just drove by the building and that there were approximately nine vehicles there and no work trucks.

Mr. Neumann responded that there are times the work vans are out on a job till 5:30 and don't return till after 5:30. Mr. Neumann also stated that there are times when employees take the work van home.

Mr. Alfieri pointed out that other businesses in that area utilize the parking lot.

Mr. Neumann confirmed that the diner across the street utilizes the parking lot on Sundays as well as the auto repair shop that is next to the building.

Chairman Burton referred to the proposed plans stating that there are ten offices spaces proposed, asking what is in the space at this time.

Mr. Neumann responded that nothing is there at this time.

Board Member Maranda Salas asked if there are bathrooms.

Mr. Neumann responded in the affirmative.

Chairman Burton stated that ten office spaces are a lot for four employees.

Mr. Alfieri responded that the applicant has no issues limiting the number of office spaces.

Mrs. Salas pointed out that the building is not connected to the borough water/sewer lines, asking how there are working bathrooms.

Mr. Alfieri responded that there is septic on site and that prior approval stated that when sewer lines were available, the applicant would connect adding that the applicant still maintains that position.

Mr. Burton asked if there is a well on site.

Mr. Neumann responded in the affirmative.

Board Engineer Pamela Hilla stated that a water main connection was just installed, fronting the property adding that the borough ordinance requires connecting to borough water.

Mr. Alfieri responded that the applicant has no issues with the connection.

Mrs. Hilla asked if there are two separate septic tanks, one for commercial use and one for the house.

Mr. Neumann responded that he was not sure of the number of septic tanks on the property.

Mrs. Salas questioned both the building and the home not being connected to the borough sewer lines.

Mrs. Hilla answered when borough sewer lines are available, the applicant will have to connect. Mrs. Hilla went on to say as far as the septic tank is concerned, when the use is modified, the Ocean County Health Department requires that the septic is identified, as far as size, to determine if the capacity can handle the proposed usage generated by the proposed use. Mrs. Hilla pointed out that a certification of the septic will be required by the board.

Mr. Alfieri asked if the applicant would have to apply for the water connection.

Mrs. Hilla answered in the affirmative.

Mrs. Salas asked if the board should be concerned with the house rental.

Mr. Hock explained that the applicant is seeking a use variance, and the board has the discretion to either grant a use variance for this pre-existing, non-conforming home or just allow the home to continue as a pre-existing, non-conforming home. Mr. Hock further explained that the difference would be that if the home was completely destroyed tomorrow and with no use variance, the applicant could not rebuild; however, with a use variance, they could rebuild. Mr. Hock went on to say that the Land Use Law says if a non-conforming use that is not committed by variance goes away then the next use must be conforming to the ordinance. Mr. Hock stated the board can give a variance for the house or as a part of the approval, the board can say the house can remain due to "grandfather" rights but will not give a variance.

Mr. Alfieri responded that the applicant has no issues with either offer.

Brian Flannery, applicant's engineer, was sworn to give testimony at 6:19 p.m. by Board Attorney Gregory Hock.

Board Chairman Burton satisfied with the engineer's credentials.

Mr. Flannery requested that a copy of the tax map of the subject property be introduced as Exhibit A-1, which was marked as such.

Mr. Flannery also requested that a copy of the plan showing the existing single-family home in the back and the existing warehouse building in the front be introduced as Exhibit A-2, which was marked as such.

Mr. Flannery further requested that a copy of the existing condition of the building with the end of the building where the proposed offices will be, is open, with stairs going to

the second floor be introduced as Exhibit A-3, which was marked as such.

Mr. Flannery went on to request that a copy of the rendering of the proposed building and a copy of the proposed plan that shows the offices be introduced as A-4 and A-5 respectfully, which was marked as such.

Mr. Alfieri asked if the proposed building is the existing building.

Mr. Flannery answered in the affirmative and added that the applicant is asking to add offices to the inside of the building.

Mr. Alfieri stated that the applicant stated that he would agree to repair and stripe the parking lot and added that if the board was to approve the application the applicant would provide a striping plan.

Mr. Flannery responded that a site statue would be prepared by a license engineer determining the extent of what needed to be done in terms of parking spaces. Mr. Flannery stated that looking at the site, approximately 15 parking spaces would fit on the lot and added that the ordinance states that the proposed use requires 18 parking spaces; however, some of the proposed offices are being eliminated. Mr. Flannery also stated that there are 4 employees that require 4 parking spaces, 6 other employees making 10 parking spaces, and 2 for the single-family home makes 12 parking spaces.

Mr. Burton pointed out that there are 9 vehicles parked at the building at this moment and not one is a work van.

Mr. Flannery stated that the applicant did state that there are times when the neighbor uses the lot. Mr. Flannery went on to say that the applicant needs 12 parking spaces but will propose 15 parking spaces; therefore, the applicant is asking for a waiver or relief from the required 18 parking spaces.

Mr. Flannery confirmed that the existing site had an approval in 1998 and the applicant testified earlier that the house on the site is being rented. Mr. Flannery stated that it is his understanding that there is one septic tank for both uses and one well and added that he's happy to hear that both the building and house can connect to the borough water main. Mr. Flannery also stated that it is a .63-acre site in the B-2 zone and added that as far as the required minimum lot width, front yard setback, side yard setback, and rear yard setback not being met, the building has been in existence for quite some time and is a rateable for the borough. Mr. Flannery further stated that the use is not retail, it is an electrical contractor's warehouse and are proposing offices. Mr. Flannery went on to say that the survey indicates that the building is one story, the applicant will update the survey to show two stories and the stairs. Mr. Flannery testified that the applicant would like to enhance the exterior of the building by adding stucco to make the appearance nicer, adding a wall mounted sign will be added. Mr. Flannery also testified that the site does offer off-street loading, adding the building has two garage type doors for receiving deliveries from box trucks and no parking will infringe on.

Chairman Burton asked if the site has a loading zone.

Mr. Flannery responded that the striping plan will show the stripe out loading area.

Mr. Flannery went on to testify that the survey will be updated to show existing topography, including finished floor elevations of the building. Mr. Flannery further testified that there is adequate lighting on the building, adding no one is being interfered with and if the board should act favorably, the applicant will provide a light study. Mr. Flannery also testified that no landscaping is being proposed adding the rear of the building is wooded and the only thing that could be done is what has been done for the past 20 plus years and that is to remove any dead trees and added vegetation will be maintained. Mr. Flannery stated that the applicant stated earlier that the site has a roll out recycling dumpster and trash dumpster and both are picked up twice a week. Mr. Flannery testified that the applicant would connect to public water and when sewer becomes available, the applicant will connect to that as well. Mr. Flannery also testified that the applicant would obtain necessary approvals in regard to the septic tank.

Mr. Flannery stated that the applicant is seeking a "d(2)" variance, a Use Variance, where the applicant needs to show a Positive/Negative Criteria and special reasonings, special reasonings being the site is well suited. Mr. Flannery explained the site has been in the borough for many years, it functions well with its neighbors, it is right on the borough's boundary lines, has no adverse impact on the pub that is on the other side of the boundary line, and has been functioning well in the borough for many years. Mr. Flannery testified that the site is particularly well suited for this use and it meets the intent of the "d(2)" criteria in the fact that it promotes the public good, it is a rateable for the borough, and is a business in the borough that provides job opportunities. Mr. Flannery went on to explain the Positive/Negative criteria. Mr. Flannery stated the Negative criteria is the impact on the neighbors', adding Notice was sent to the neighbors within 200 feet of the site, the pub in Manchester Township on one side, the gas station on the other side, and the diner across the street. Mr. Flannery pointed out that the neighbors are not here tonight due to the fact that they get along well. Mr. Flannery explained the Positive criteria stating the Borough's 2008 Master Plan states that the borough is fully developed, the objective is to maintain, preserve the quality of existing residential and commercial areas adding the proposed use does preserve the use that has been there quite some time. Mr. Flannery continue siting the Master Plan stating to provide opportunity for new business and industrial areas advantageously situated in relation to local regional circulation systems adding this site is on a county road need a state highway and allows improvements to the proposed site. Mr. Flannery cited the Municipal Land Use Law, N.J.S.A 40:55D-2, stating that the proposed use is an appropriate use of all lands in this state, in a manner which will promote public health, safety, morals, and general welfare. Mr. Flannery also stated that the site is in an appropriate location for commercial and industrial use in order to meet the needs of all NJ citizens.

Ms. Hilla questioned the plans showing the amended areas for the warehouse storage and the office spaces asking if one floor is being eliminated.

Mr. Neumann responded that the previous offices will be combined to make larger, more roomier offices.

Ms. Hilla stated that the plan calls for 1,902 square feet of office space, asking if that total area is being reduced and what is it being reduced to, or are the offices going to be bigger.

Mr. Neumann responded that the offices will be made bigger.

Ms. Hilla pointed out that the parking requirements are still at 18 spaces.

Mr. Flannery stated that the applicant can reduce the storage area by 500 square feet to eliminate the office area from the storage area therefore three parking spaces will be eliminated, taking the parking need to 15 spaces.

Mr. Burton stated concerns about fitting 15 parking spaces with a loading zone.

Mrs. Hilla pointed out that with the space of the property, the applicant needs a cross access agreement with the neighbor to maintain parking spaces, fire lane, loading zone, and turning radiuses.

Mr. Alfieri responded that the applicant would come back in front of the board with a plan that shows parking spaces, loading zone, fire lane, and turning radiuses.

Mr. Flannery added that the plan will balance out the office spaces with the required parking.

Mrs. Hilla stated that the plan should also show the ADA accessible parking space and how the residential parking will be maintained and access.

Mr. Alfieri asked if the board would be in favor of voting on the change of use.

Chairman Burton responded the board would like to vote on plans they can actually see on paper.

Mr. Alfieri has no issue proving everything the board needs to have an intelligent discussion and asks how much time the applicant has to get the plans together.

Mr. Hock pointed out that the applicant was looking for a site plan exemption, adding that the issues brought out tonight show that the applicant cannot move forward with the exemption.

Mr. Alfieri responded that the applicant would have to send a letter amending the application for site plan approval and re-notice residents within 200 feet of the site.

Mrs. Salas questioned the water and sewer connections.

Mrs. Hilla answered that would be a condition to the Site Plan approval.

#### PUBLIC COMMENTS ON 404 CENTER LLC APPLICATION:

Time opened: 6:41 p.m.

#### NO PUBLIC COMMENT

Time closed: 6:41 p.m.

Motion by: Andrew Hodges Seconded by: Jeff Emmons To carry the matter to amend the application of 404 Center LLC for Use Variance and Site Plan Waiver for the property designated as Block 56, Lot 23, to re-notice, and to resubmit. Roll call vote held. All votes affirmative.

2) APPLICATION OF LAKEHURST PRESBYTERIAN CHURCH FOR MINOR SUBDIVISION FOR THE PROPERTY DESIGNATED AS 101 ORCHARD STREET AND 213 UNION AVENUE, BLOCK 60, LOT 1:

Board Member Andrew Hodges recused himself due to residing within 200 feet of the proposed property.

Michael Paxton, attorney for the applicant, stated the first witness to testify is David Weeden, an elder at the Presbyterian Church.

David Weeden was sworn to give testimony at 6:44 p.m. by Board Attorney Gregory Hock.

- Mr. Paxton asked Mr. Weeded to explain to the board his position at the church.
- Mr. Weeden responded that he is an elder and president of the corporation.
- Mr. Paxton asked how long the church has been in Lakehurst.
- Mr. Weeden responded the church has been in Lakehurst for 181 years.
- Mr. Paxton asked what the size of the congregation is.
- Mr. Weeden responded in the low 70's.
- Mr. Paxton questioned the number of services per week and other functions the church may have.

Mr. Weeden answered the church holds one service on Sundays. Mr. Weeden explained that the church has a mission program that they partnership with the Baptist Church in Whiting for single mothers that are in need of diapers and wipes. Mr. Weeden also explained that the church sponsors a crop walk, the crop walk helps to end hunger in the area. Mr. Weeden further explained the church at this is raising money to buy ShopRite gift cards for food and Walmart gift cards to buy toys to help 25 families, 34 children in the area for Christmas. Mr. Weeden stated that the church had a Food Pantry program before COVID where the church gave out food baskets every month and after COVID, it never came back. Mr. Weeden also stated that the Lakehurst Police Department had asked the church for help in collecting toys for children in the area that had experienced domestic violence. Mr. Weeden went on to say that the church hold AA meetings once a month.

Mr. Paxton questioned the single-family dwelling on the church property.

Mr. Weeden answered that in past the dwelling was used for housing the pastor but now the church has a part-time pastor; now the church rents the house to help offset the taxes.

Mr. Paxton stated that the church is here tonight to subdivide the piece of property that the house is on, asking why the church wants to move forward with the subdivision.

Mr. Weeden responded that mainly for financial consideration adding the church lost about 22 parishioners in the 18 months. Mr. Weeded stated that the church is facing challenges of everyday expenses, adding the money made from the sale of the home will help keep the church going.

Mr. Paxton stated that there was a previous subdivision application that was granted back in 2010; however, it was never perfected asking why they are pursuing the matter now.

Mr. Weeden responded that he was not a member of the church back in 2010 and after talking with other parishioners, it is believed that the church could not move forward due to financial cost for engineers and legal fees.

Mayor Robbins asked if the church would reconsider allowing the parents to utilize the parking lot for dropping off their children for school.

Mr. Weeden responded that the church does not have a problem with parents utilizing the parking lot, the problem is that their insurance company does not want that, adding they want to raise their premium if they allow that. Mr. Weeden stated that the church asked the school to obtain insurance to cover the parking lot but never followed through.

Chairman Burton responded that he sits on the school board adding that school has a Hold Harmless Agreement that would cover the parking lot. Chairman Burton stated that the church wanted the school to obtain a separate policy to cover the parking lot adding that it would be unnecessary when the Hold Harmless Agreement would cover the

parking lot.

Mrs. Salas asked if the church will be selling the house when the property is subdivided.

Mr. Weeden answered in the affirmative.

Mr. Paxton stated that the second witness to testify is the applicant's engineer.

Mark Rohmeyter, engineer for the applicant, was sworn to give testimony at 6:53 p.m. by Borad Attorney Gregory Hock.

Mr. Rohmeyter requested that an ariel photo of the subject property be introduced as Exhibit A-1, which was marked as such.

Mr. Rohmeyter testified that the address of the subject property is 101 Orchard Street, and the address of the single-family home is 213 Union Avenue situated on Block 60, Lot 1 with a total area of 55,000 square feet. Mr. Rohmeyter also testified that the subject property expands the entire block of Orchard Street to the west, Union Avenue to the south, and Pine Street to the north and added the access to the property is provided through Union Avenue from the south and from Pine Street to the north. Mr. Rohmeyter further testified that the existing site improvements include the church with associated parking lot and a single-family dwelling and added it is situated in the R-2 Zone which permits both churches and single-family dwellings. Mr. Rohmeyter went on to testify that the proposal of the application is for a Minor Subdivision which includes subdividing off the single-family dwelling by cutting into the existing church parking lot. Mr. Rohmeyter stated that the proposed single-family lot will have a width of 50 feet, depth of 125 feet, and a side yard setback of 5.6 feet adding the paved area along the single-family dwelling will be removed.

Mr. Rohmeyter stated that the applicant is requesting the following bulk variances for the single-family lot which is proposed lot 1.02:

- A minimum lot area of 6,250 square feet where 7,500 square feet is required.
- A minimum lot width of 50 feet where 60 feet is required.
- A minimum lot frontage of 50 feet where 60 feet is required.
- A minimum rear yard for an accessory structure of 4.7 feet where 5 feet is required.

Mr. Paxton asked if the shed belongs to the single-family dwelling.

Mr. Rohmeyter answered in the affirmative.

Mr. Paxton asked that the design waivers be addressed.

Mr. Rohmeyter stated that the board engineer provided a list of design waivers regarding the parking lot due to the fact that the applicant is requesting that the existing church parking lot remain in its current condition adding that the pavement and striping are sufficient to safely navigate the site.

Mr. Paxton questioned a design waiver for the parking of vehicles within the buffer area.

Mr. Rohmeyter answered that the applicant is requesting to continue the existing use of the church and church parking lot as it currently stands. Mr. Rohmeyter pointed out that currently sidewalks all around the site and added that the parking is set back away from the property line.

Mr. Paxton then questioned a design waiver for the concrete curbing around the perimeter of the parking area that contains 6 or more spaces.

Mr. Rohmeyter answered that the applicant is requesting a waiver from that requirement because it does not currently exist and added that it is not required to continue the operation.

Mr. Paxton pointed out that no parking spaces shall be located in any required buffer area, whereas there are parking spaces located within a required buffer area.

Mr. Rohmeyter stated that the parking spaces in the required buffer area exist right now and added that there has been no issue with the on-site parking.

Mr. Paxton stated that the subdivision would eliminate the non-conforming use of two uses on one lot.

Mr. Rohmeyter responded that is correct adding currenting there are two principal uses, a house of worship and a single-family dwelling, with the proposed subdivision, there will be two separate lots which is conforming with the zoning.

Mr. Paxton stated that the church had previously come before the board in 2010 receiving subdivision approval with a plan that is different than the plan being proposed tonight asking for the differences.

Mr. Rohmeyter responded that the previous subdivision lot is shifted to the west about 25 feet which created a conforming lot area and width for the single-family dwelling and also provided a conforming lot area for the church. Mr. Rohmeyter pointed out the issue with that would cause the parking layout for the church to be rearranged and would change the circulated pattern and reduce the total number of parking spaces which is what the applicant is trying to avoid.

Mr. Paxton asked if this particular layout fits with the detriments that the first layout provided.

Mr. Rohmeyter answered in the affirmative and added it still provides the same benefit.

Mr. Paxton questioned the proposed lot size in relationship to the lot sizes in the

surrounding areas.

Mr. Rohmeyter answered that within that same lot, there are four properties with the same lot width and area.

Mr. Paxton questioned the condition of the parking lot.

Mr. Rohmeyter answered the parking lot surface is worn but still has "surfaceable life".

Mr. Paxton mentioned the variances that were discussed earlier, asking if they can be granted without detriment to the zoning.

Mr. Rohmeyter answered in the affirmative.

Mr. Paxton stated by eliminating the two uses on one lot would that promote the purpose of the Municipal Land Use Law.

Mr. Rohmeyter answered in the affirmative.

Mr. Paxton asked if the benefits of these variances be detrimental to the public good.

Mr. Rohmeyter responded that the benefit of this application is allowing the house of worship to continue its use and provide as much off-street parking as possible with safe site circulation, adding this is an inherently beneficial use. Mr. Rohmeyter stated that there is no detriment to the application adding the single-family dwelling is still maintaining the required setback.

Mr. Paxton asked if the application requires any site work.

Mr. Rohmeyter responded that the only proposed site work would be to remove the paving strip along the single-family dwelling to clarify where the church property ends.

Mrs. Hilla asked how the circulation in the parking lot will be impacted with the removal of the paving strip.

Mr. Rohmeyter responded that the existing traffic pattern will remain.

Chairman Burton pointed out that the paving strip is a third of the driveway.

Mr. Rohmeyter stated that on the eastern most edge of the proposed church property, the apron appears to be shifted over adding the shift is needed to keep the driveway as is.

Mayor Robbins questioned the on-site parking for the single-family dwelling.

Mr. Rohmeyter responded there is a driveway along the east side of the dwelling.

Mayor Robbins pointed out that the driveway sits on the property line adding there is no 5-foot setback.

Mr. Rohmeyter asked if the application is approved, the applicant will comply with the 5-foot setback.

Mr. Hock suggested that the applicant agree to restore the driveway as part of the approval.

Chairman Burton suggest that the applicant make the property 10 foot wider so that is conforms with the borough ordinance.

Mr. Paxton responded that expanding the property 10 feet, the applicant is back to the prior approval.

Mayor Robbins stated that the applicant will restore the driveway if they are granted the variance for the setback on the side adding the driveway will be restored with either concrete or asphalt.

Mrs. Hilla questioned the shed.

Mr. Rohmeyter answered that if it is the board's desire for the shed to be removed, the applicant will comply.

Mr. Hock responded that the removal of the shed would eliminate the rear yard setback.

Chairman Burton stated that the west side of the property would require a fence all along the property line, similar to the property behind the proposed single-family dwelling.

Mayor Robbins questioned the existing apron on Union Avenue.

Mr. Rohmeyter suggested that on a conditional of approval, the applicant would review to see if the apron needs to be shifted.

Chairman Burton stated that there are two rows of parking at the apron.

Mr. Rohmeyter suggested that there be one lane at the east side of the church with the proposed fence running along the lane.

Chairman Burton responded that the apron would still need to shift.

Mayor Robbins suggested that the one apron on Union Avenue be removed, and the other apron be used as exit only while the Pine Street entrance be used as enter only.

Chairman Burton pointed out that there are two aprons on Pine Street.

Mrs. Hilla stated her concerns over eliminating one of the accesses, adding the angle of parking is based on one access coming into the parking lot and one access exiting the parking.

Chairman Burton stated that a study needs to be completed due to the proposed fence being installed.

Heidi Hodges, 212 Pine Street, was sworn to give testimony at 7:16 p.m. by Board Attorney Gregory Hock.

Mrs. Hodges testified that the chain link fence that runs along the west of her property starts at the beginning of her property and stops at her garage, it does not go to the end of her property. Mrs. Hodges also testified that the fence does divide the driveway apron that is currently there, adding the driveway apron was just installed last year when the sidewalks where reconstructed.

Mr. Burton pointed out that there is dual driveway access on Pine Street.

Mr. Rohmeyter asked if vehicles are able to drive north along her fence to leave the parking lot.

Mrs. Hodges responded yes, it is tight, but it can be done.

Chairman Burton asked that a circulation plan be submitted for clarity.

Mr. Rohmeyter responded he would be happy to submit a circulation plan, safety is the main goal for everybody.

Mr. Hock asked if the board would want the plan before voting or a condition to be worked out with the engineers.

Chairman Burton stated that if the board approves the application tonight, his concerns is the parking lot not working.

Mr. Hock responded the board has the option of approving the application condition upon submission of a revised circulation plan that is approved by the board engineer.

PUBLIC COMMENT ON LAKEHURST PRESBYTERIAN CHURCH APPLICATION:

Time opened: 7:21 p.m.

NO PUBLIC COMMENT

Time closed: 7:21 p.m.

Motion by: Jeff Emmons Seconded by: Maranda Salas To approve application of Lakehurst Presbyterian Church for Minor Subdivision for the property designated as Block 60, Lot 1 with the conditions of submission of a revised circulation plan for the church parking lot to be review by the board engineer for approval, condition of all bulk variances necessary for the undersize lot listed in the engineer's report, revising the aprons which will be included in the circulation plan, restoring the driveway of the single-family dwelling and variance for the setback, the fence along the easterly property line of the single-family dwelling, and the shed be removed to eliminate the variance for rear yard setback. Roll call vote held. All votes affirmative with the exception of Chairman David Burton who abstained.

## PUBLIC COMMENTS:

Time opened: 7:24 p.m.

Donna Applegate, secretary for the Presbyterian Church, asked Mr. Burton to resubmit the Hold Harmless Agreement for use of the parking lot adding the previous property manager is no longer with the church.

Board Member Andrew Hodges asked if the Hold Harmless Agreement covers the parents as well.

Chairman Burton said yes, the parents are covered.

Time closed: 7:27 p.m.

#### ADJOURNMENT:

Motion by: Maranda Salas Seconded by: Jeff Emmons To adjourn meeting. Roll call vote held. All votes affirmative. Time: 7:27 p.m.

Maryanne Canasso Secretary

Maryanne Capasso, Secretary Lakehurst Land Use Board