

**LAKWOOD PLANNING BOARD  
MINUTES  
JANUARY 15, 2008**

**I. CERTIFICATION OF COMPLIANCE**

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt 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. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Asbury Park Press, and The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

**2. ROLL CALL**

Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Fink, Mr. Schmuckler, Mr. Percal

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

**4. WAIVER REQUEST ITEMS**

- 1. SP # 1696B (NO VARIANCE REQUESTED)**  
**APPLICANT: AUGUSTA BOULEVARD ASSOCIATES LLC**  
Location: Augusta Boulevard and Cross Street  
Block 524.23 Lot 1 Block 524 Lot 77.02  
Preliminary & Final Site Plan for addition to existing clubhouse

Waiver from checklist items:

- Item B1 – topography of the site
- Item B2 – topography within 200 feet of the site
- Item B3 – contours of the site
- Item B4 – contours within 200 feet of the site
- Item B5 – flood plains
- Item B7 – wooded areas
- Item B9 – man made features on site
- Item B10 – man made features within 200 feet of site
- Item C2 – location of proposed and existing easements
- Item C3 – location of existing railroads, bridges, etc.
- Item C4 – location of proposed and existing wells & septic
- Item C13 – environmental impact statement

Item C14 – tree protection plan

Item C19 – location of nearest intersection

Mr. Jackson stated Mr. Fink indicated he believes he has a conflict and he cannot sit at it. If he removes himself, there is less than a quorum, but this is a waiver request. After the last incident, though, it has always been the policy to require one. Mr. Banas said it was pointed out several meetings ago that the normal way of handling technical review items, as this is our meeting, is handled in a varied way, by the boards throughout the state. We have only been doing technical review work as a quorum maybe the last 5 years. Prior to that it was done by either a committee of 3 or any part of that committee; a give or take by the members to discuss what was good or bad on the plans that were presented and a decision was made by the committee and advanced to the next step which would be a public meeting. Mr. Jackson has indicated that method or a method similar to that as a suitable way for us to function and he suggested that we discuss it with Mr. Jackson. Are we in violation of any law, should we change our method by which we are acting in technical matters. If so, then why don't you tell us.

Mr. Jackson stated, in his opinion, and he has looked into this matter, is that when the board acts in a plan review capacity, no formal action can be taken because there is no public input. Since there is a meeting of the body, it is noticed under the sunshine law, but it is his opinion after reviewing the case law and the NJ Municipal Land Use Law that a quorum is not necessary to perform that function; in fact, he thinks you can raise the issue when a quorum is present to do that function. Nonetheless, there is no provision in the NJMLUL that provides for plan review meetings. There are other issues that deal with the integrity and the credibility and the trustworthiness of the board. The board should have a formal policy in place regarding exactly what a plan review is, whether it requires a quorum, and whether it doesn't. When it seems like it comes up and it changed and it goes back and forth it can undermine the public's confidence in the proceedings because it could seem arbitrary. The whole plan review process could be subject to criticism and there is decisional law offered by Judge Lawson that suggests that it is appropriate to have a smaller subcommittee to delegate such matters like in many towns that do it informally. His recommendation is whatever the board's preference is, it takes up a lot of time to do these plan review meetings, and he doesn't know if the time that you save by making the public meeting more streamlined is worth the time you take doing the plan review meetings, maybe you'd be better off just doing having public meetings when you are having plan reviews. It is a decision the board has to make, you are at a crossroads because you do not have a quorum to hear this plan review section.

Mr. Banas asked if they felt that a method by which the board has been acting on in the last 5 years is the method by which they should continue or should they follow a method that Mr. Jackson has suggested as an appropriate method. Mr. Franklin said he felt they should have a quorum if they are to have public meetings just like they have been doing in the past. It has been working quite well. Mr. Kielt also agreed with Mr. Franklin, saying they changed it 5 years ago based upon the advice of their then attorney Mark Troncone, and they have had a set policy for 5 years and he is not sure why they want to change it to the old way. Mr. Herzl agreed and said they would be opening themselves up to an appeal if they don't go with a quorum. Mr. Schmuckler agreed. Mr. Banas stated it was pretty clear with the board how they felt and told Mr. Jackson to make it more concrete and draft a policy so the board could act on it.

Michael for the applicant was asked to take a seat in the hopes that a quorum was reached so the waiver on his application might be heard later in the meeting.

Quorum was never met so it was adjourned to February 5, 2008

**Motion was made by Mr. Franklin, seconded by Mr. Herzl, to table to February 5, 2008**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Schmuckler; yes

**2. SD # 1617 (NO VARIANCE REQUESTED)**

**APPLICANT: LEW REALTY INC.**

Location: Ocean Avenue (Route 88), former Ray Auer Buick  
Block 189.03 Lots 75 & 193

Minor Subdivision

**SP # 1867A (NO VARIANCE REQUESTED)**

**APPLICANT: LEW REALTY INC. C/O PETER WALSH**

Location: Ocean Avenue (Route 88), former Ray Auer Buick  
Block 189.03 Lots 75 & 193

Preliminary and Final Site Plan to modify existing auto dealership and construct self storage facility

Waiver from checklist items:

Item B2 – topography within 200 feet of the site

Item B4 – contours within 200 feet

Item C13 – environmental impact statement

Item C14 – tree protection plan

Mr. Peters recommended granting a partial waiver for items B2 & B4 and would like to see the contours to the far side of the road and to drainage high points around the site. For Items C13 and C14 he does not recommend granting the waivers due to the wetlands on the property and the forested nature of the rear of the lot.

Mr. Alfieri said his only issue is on the tree protection plan. He felt they were only disturbing a limited area of the property. Mr. Banas said if they are disturbing one that is enough and they need to identify what they are going to touch. He agreed to that.

**Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to agree to Mr. Peters' waiver recommendations**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**3. SP # 1880 (NO VARIANCE REQUESTED)**

**APPLICANT: T & T DEVELOPMENT LLC**

Location: 312 5th Street, west of Clifton Avenue  
Block 93 Lot 6

Preliminary & Final Site Plan to construct 3 story, 16,200 sq.ft. office/retail bldg.

Waiver from checklist items:

Item B2 – Topography within 200 feet of site

Item B4 – contours within 200 feet of site

Mr. Peters recommended granting a partial waiver for items B2 & B4 and would like to see the contours to the far side of the road fronting the property and the drainage high points surrounding the property should be shown on the plan.

**Motion was made by Mr. Herzl, seconded by Mr. Fink, to agree to Mr. Peters' recommendation on the waivers**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**4. SD # 1618 (VARIANCE REQUESTED)**

**APPLICANT: PGD DEVELOPERS LLC**

Location: Pine Street, west of Warren Avenue  
Block 768 Lots 43.04, 43.05, 44, 45, 83.01

Preliminary & Final Major Subdivision – 11 lots

Waiver from checklist items:

Item B2 – Topography within 200 feet of site

Item B4 – contours within 200 feet of site

Item B10 – man made features within 200 feet of site

Item C13 – environmental impact statement

Item C14 - tree protection plan

Mr. Peters recommended granting a partial waiver for items B2 & B4 and would like to see the contours to the far side of the road fronting the property and the drainage high points surrounding the property. For item B10 he would not recommend granting this waiver, however an aerial photograph will suffice. Item C13 and C14 he does not recommend granting these waivers be granted.

**Motion was made by Mr. Fink, seconded by Mr. Schmuckler, to agree to Mr. Peters' recommendation on the waivers**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**5. SP # 1881 (VARIANCE REQUESTED)**  
**APPLICANT: PGD DEVELOPERS LLC**  
Location: Pine Street, west of Warren Avenue  
Block 768 Lot 45.09  
Preliminary & Final Site Plan for proposed synagogue

Waiver from checklist items:  
Item B2 – Topography within 200 feet of site  
Item B4 – contours within 200 feet of site  
Item B10 – man made features within 200 feet of site

Mr. Peters recommended granting a partial waiver for items B2 & B4 and would like to see the contours to the far side of the road fronting the property and the drainage high points surrounding the property should be shown on the plan. For item B10 he would not recommend granting this waiver, however an aerial photograph will suffice.

**Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to agree to Mr. Peters' recommendation on the waivers**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**6. SP # 1619 (VARIANCE REQUESTED)**  
**APPLICANT: MOSHE MENDLOWITZ**  
Location: Hope Chapel Road, County Club Drive & Sherie Court  
Block 26 Lots 6, 13 & 26  
Minor Subdivision to re-configure three lots

Waiver from checklist items:  
Item B1 – topography of site  
Item B3 – contours of site  
Item B7 – wooded areas

Mr. Peters recommended granting a waiver for items B1, B3 & B7 because there is no construction proposed and it is a minor lot line relocation

**Motion was made by Mr. Herzl, seconded by Mr. Fink, to agree to Mr. Peters' recommendation on the waivers**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**7. SP # 1884 (NO VARIANCE REQUESTED)**

**APPLICANT: CHINUCH LABONOS**

Location: Joe Parker Road, south of Long Beach Avenue  
Block 189.04 Lot 188

Site Plan and Change of Use Site Plan to convert existing residence to a school and to add trailer classrooms

Waiver from checklist items:

- Item B1 – topography of the site
- Item B2 – topography within 200 feet of the site
- Item B3 – contours of the site
- Item B4 – contours within 200 feet of the site
- Item B10 – man made features within 200 feet of site
- Item C14 - tree protection plan
- Item C14 – architectural plans

There was discussion about jurisdiction and Mr. Banas thought this was at the discretion of Mr. Mack and the members and Mr. Jackson discussed the merits of a prior meeting where a letter was drafted to Mr. Mack stating it was his job to decide. There was no formal action on the table according to Mr. Kielt. Mr. Peters asked if there were any trailers on the site and was told yes.

Mr. Peters recommended granting a partial waiver for items B1 & B3 and would like to see the contours and topography within the project area. For items B2 & B4 he recommends granting the waivers. For item B10 he would not recommend granting this waiver, however an aerial photograph will suffice. For items C14, tree protection plan he recommends granting the waiver but does not recommend granting the architectural plan waiver. Mr. Kielt said the house is old and the trailers are old so photos might suffice and Mr. Peters said that would be ok

**Motion was made by Mr. Herzl, seconded by Mr. Fink, to agree to Mr. Peters' recommendation on the waivers**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; abstain, Mr. Fink; yes, Mr. Schmuckler; yes

**5. PLAN REVIEW ITEMS**

**1. SD # 1608 (NO VARIANCE REQUESTED)**

**APPLICANT: JONATHAN ELY**

Location: Carlton Avenue South, south of Lakewood New Egypt Road  
Block 269.01 Lot 3.01 Block 266 Lot 1

Minor Subdivision to re-align the lot lines

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to relocate the line between Lot 1 of Block 266 and Lot 3.01 of Block 269.01. As a result, the new Lot 1.01 will gain approximately 5250 square feet from new Lot 3.01. Lot 3.01 is currently vacant. A one (1) story dwelling is located on new Lot 1.01. Lot 1.01 has frontage along Carlton Avenue South and unimproved Thorndike Avenue, Lot 3.01 fronts on Carlton Avenue South. No variance is requested by the applicant. The applicant shall revise the zoning schedule to show proposed Lot 1.01 instead of the Lot 1 shown in the header. The applicant shall revise the plan to show a 30 ft front setback for Lot 1.01 along Thorndike Avenue at the property frontage. Outside agency approval from Ocean County Planning Board will be required. Evidence of the approval shall be provided prior to signature of the Final Plat. The applicant shall revise note number 7 in reference to Lakewood Township not to Barnegat Township. An approximately 36'x18' driveway is provided for the existing dwelling on new Lot 1.01. The driveway can accommodate up to four parked cars. New Lot 3.01 does not propose any construction at this time, a note on the plans states parking will be provide in accordance with the RSIS. The board should determine if additional parking will required, and if the note should be amended. The applicant shows on the plan a section of curb and no sidewalk along Carlton Avenue South at frontage of the properties. The Planning Board should determine if the construction of curb and sidewalk will be required along the properties' frontage. A 6 ft shade tree and utility easement along property frontage is usually required to be dedicated to the township. The Planning Board should determine if the 6 ft shade tree and utility easement will be required along the Carlton Avenue South and Thorndike Avenue at frontage of properties. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated January 14, 2008. The applicant is seeking Minor Subdivision approval to relocate a lot line between Lot 1 of Block 266 and Lot 3.01 of Block 269.01. A total of 5,250 square feet of land area is involved. Lot 1 of Block 266 contains a single-family dwelling fronting on Carlton Avenue South and Thorndike Avenue. The house will remain. Carlton Avenue South is an improved roadway. Thorndike Avenue is an unimproved roadway. The subject property is located in the R-12 Residential Zone. Single-family residences are a permitted use in the R-12 Zone. No variances are requested or required. The Zoning Schedule should be revised to reflect the proper information in each column. The data appears to be reversed. Sidewalk is not proposed on Carlton Avenue South. We note that the application is for a relocation of a lot line; no new building lots are created. Reference to Barnegat Township in General Note # 7 should be corrected to Lakewood Township. A note has been provided on the plat requiring compliance with the off-street parking standards of the NJRSIS. Compliance with the requirements of the Map Filing Law is required. Ocean County Planning Board approval is required.

Jonathan Ely appeared and he is the applicant. Mr. Banas told him he needed sidewalks and he would have to make those changes. Mr. Ely hoped to discuss it with the board. He stated his property is elevated above the roadway about 3 ½ to 4 ft. and if the sidewalk was to be put in there it would mean cutting away and putting in a retaining wall and there would also be some beautiful trees that would be sacrificed, some 200 years old and it would detract from the property and it would be a large expense. A fence would also have to be built above the retaining wall and then he would not be able to use his driveway since it is so steep.



Mr. Banas said what they have is a problem and the planning board has taken the position that all developments that is going on in construction within the municipality will have sidewalks and curbing. Mr. Ely said the property next door is undeveloped and he would be putting sidewalks that leads to nothing and the trees are beautiful but Mr. Franklin said the trees could come out and the sidewalks would join together someday. Mr. Banas said this is a technical meeting and no formal action would be taken today, but the past procedure of the board has been to require sidewalks and curbing and trees.

Mr. Schmuckler asked if they were going to require the trees along Thorndyke Avenue and was told it was unimproved and Mr. Peters said there was no easement there so it was not required.

**Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to advance to meeting of February 19, 2008**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**2. SP # 1869 (VARIANCE REQUESTED)**

**APPLICANT: J&J GROUP LLC**

Location: Cushman Street, west of Route 9  
Block 430 Lot 60

Preliminary & Final Site Plan for 5,520 sf 2 story office building

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 430, Lot 60. The proposed project involves construction of a two story office building and a parking area. The neighboring property east of the site is currently vacant. A single family dwelling is located on the western side of the site. The site is located on Cushman Street, in the Highway Development (HD-7) Zoning District.

The applicant has revised the plans from the previous submission by reducing the building floor area from 6,900 SF to 5,520 SF. In addition, the number of parking spaces has been reduced from 27 to 19, proportionate with the reduced building area. The rear yard setback has been increased from 10 feet to 25 feet. The applicant is requesting the following variances: Lot area: 0.4773 acre are proposed where 1 acre are required. This is an existing condition. Rear yard setback: 25 ft are proposed where 50 ft are required. Outside agency approval will be required from the Ocean County Soil Conservation District. The applicant has proposed a total of 19 parking spaces in accordance with section 18-807 of Lakewood UDO. The Planning Board should determine if the proposed parking spaces are adequate for this application. A 50 ft buffer is required in accordance with the UDO, when non-residential development is adjacent to an existing single-family residential development or an area zoned for residential land uses. The applicant shows on the plans a board on board fence is proposed along west property line to screen the proposed office building from an existing single dwelling; however, only a 30 ft buffer is provided along the property line. The Planning Board should determine if additional screen will be required along the property line. The applicant shall revise the variances



requirements underneath the zoning schedule to remove the sentence that 25 ft & 50 ft landscape buffers between commercial & residential uses. The applicant shall added on the plans a note states a waiver is requested for not providing 50 ft landscape buffers between commercial & residential uses; hence, 25 ft buffer is show along rear property line. The applicant has proposed a 6 ft shade tree easement to be dedicated to Lakewood Township along the property frontage. Concrete curb exists along the property frontage, concrete sidewalks are proposed. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 5, 2007. The applicant is seeking preliminary/final major site plan and variance approvals to construct a two (2) story office building and associated parking, drainage facilities and utilities on Block 430, Lot 60. The property is approximately 0.4773 acres (20,791.188 square feet) in size and is currently wooded and unimproved. The proposed office building will be 5,520 square feet and parking for 19 vehicles is proposed. The prior site plan proposal discussed at the October 23, 2007 meeting consisted of a 6,960-square foot, two-story building and off-street parking for 27 vehicles. The revised building is 24 feet shorter in length and there are 8 fewer off-street parking spaces. The property is located in the southern part of the Township, just west of Route 9. Zoning for the tract and contiguous properties is HD-7 (Highway Development). Surrounding land uses are a mix of commercial and residential uses, with a residential development just south of the site. Various types of commercial and retail uses are permitted uses in the HD-7 Zone. The applicant indicates that the proposed use is offices. If known, please indicate the permitted use which is proposed for this building. The applicant has requested the following variances: Minimum Lot area: one (1) acre required, 0.4773 proposed (pre-existing condition). Rear Yard Setback: fifty (50) feet required, twenty-five (25) feet proposed. (The prior rear setback variance request was ten feet.) Additional variances are required for the following: Parking provided in the front yard setback (principal building has a setback less than 150 feet and a 10 foot buffer strip is not provided-Section 18-903.H.6). The positive and negative criteria for the requested bulk variances should be addressed. The applicant has requested a waiver from Section 18-803.E.2, which requires a twenty-five (25) and fifty (50) foot wide landscape buffer for commercial and residential uses, respectively. Screening is necessary with residential Lot 9 to the north and Lot 54 to the west. A 13-foot wide setback is provided along the north property line and 5 feet along the western boundary by the proposed parking areas. We note that off-street parking requirements noted on the plans (1 space per 300 square feet) are based on an office use. The applicant has noted on the plans that medical or dental offices will not be allowed. If medical or dental offices are contemplated, additional parking is required. The use should be stipulated and additional Board approval required if the proposed use varies from that approved. The applicant has noted on the plans that the basement will be for storage only. Delineate the front and side balcony on the site plan. The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. Applicant should supply a varied planting schedule for the buffer areas. A sufficient visual screen between this undersized lot and surrounding properties (including Lot 9 to the north and Lot 54 to the west) should be provided, either with new plantings or existing vegetation. Foundation plantings around the building should be added to the site plan. Landscaping is also recommended along the eastern property line. Identify the proposed sidewalk on the plans. The notes referring to County Road Improvements on Sheet 3 should be removed, as they are not applicable to this application. The applicant has noted on the plans that HVAC equipment will be

located on the roof and screened from view. Shade tree/utility easements are indicated on the plans. Correct the General Notes on Sheet One to indicate the updated building square footage of 5,520 square feet. Dimension the proposed setback of the parking lot edges to the property line. An addenda to the Environmental Impact Statement (EIS) should be submitted to address the revised site plan. The remaining items are technical in nature.

Mr. Shea, Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Shea said this revised application reflects the comments made by the board from the October meeting to reduce the scale of the project by about 20% and increase the rear yard setback by more than 50%. We cannot change the existing condition, the size of the lot is what it is. Mr. Carpenter is prepared to make the necessary revisions as requested by the professionals. Mr. Banas said he believes they are still putting a peck in a bushel or a bushel in a peck. He thinks it is really overcrowded. When the ordinance says you need one acre and you have less than ½ an acre to begin with, isn't there another application you can use than the use you are proposing here. Mr. Shea said this is an office building and that this is the least intensive and he thinks the applicant has done everything he could do given the limitations of the site. It is an excellent location for an office building and he has the right to use the property. Mr. Carpenter agreed to all the conditions and recommendations from the professionals letters.

**Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to advance the application to the meeting of February 19, 2008.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**3. SP # 1878 (VARIANCE REQUESTED)**  
**APPLICANT: CONGREGATION SANZ OF LAKEWOOD**  
Location: River Avenue, north of Sterling Place (Gila)  
Block 423.14 Lots 13 & 77  
Preliminary & Final Site Plan for construction of 1.5 story synagogue

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan Approval to construction a synagogue and its associated site improvements on existing Lots 77 and 13 of Block 423.14. An existing one (1) story dwelling is located on each of the Lots and they will be removed. The property has frontages along River Avenue, N.J. State Highway Route 9 and Rena Lane, within the HD 7 zoning district. The applicant is requesting the following variances: Minimum lot area: 0.46 acres is proposed where 1 acre is required. Minimum lot frontage: 135.11 ft is proposed where 150 ft is required. Minimum front setback non-residential along a state highway: 94 ft is proposed where 150 ft is required. Minimum front setback along a township road: 10 ft is proposed where 50 ft is required. Minimum side yard setback: 17 ft and 18 ft are proposed where 30 ft is required. Minimum number of parking spaces: 16 spaces are proposed where 18 are required. The applicant is also requesting a variance for parking in the front setback for a non-residential use where the principal building is closer than the required 150 ft. Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT approvals will be required.

Evidence of the approvals shall be made a condition of final Site Plan approval. The NJDOT Typical Desired Section (TDS) half width of 57 feet shall be shown on the plan. All proposed improvements must be located outside of the typical desired section. The proposed building will be served with public sewer and water line. As required by N.J.A.C. 13:40-7.2(a) 1 a signed sealed copy of the survey prepared by a Professional Licensed Survey must be submitted. The applicant shall provide testimony on how solid waste will be handled for the development. The applicant did not show on the plans any designated trash enclosure area. A 6 ft shade tree and utility easement along frontage of property is generally required to be dedicated to the township. The Planning Board should determine if an easement will be required along River Avenue and Rena Lane at property frontages. In addition, sight triangles easements at the proposed entrance to the River Avenue might be required to be dedicated to the NJDOT. We defer this issue to NJDOT. In accordance with section 18-905 of the Lakewood Township UDO, one (1) off-street parking space per every one hundred (100) sf. of sanctuary area is required for synagogue with sanctuary area between 800 to 1,999 sf. The applicant shows on the plans sanctuary area of 1810 sf. for the proposed synagogue; thus, 19 off-street parking spaces shall be required. The applicant shall revise the zoning schedule to show 19 parking spaces are required. The applicant shows on the plans 25 ft and 10 ft side yard setbacks, but states in the zoning schedule 17 ft and 18 ft side yard setbacks are proposed. The applicant shall address this discrepancy. Concrete curb is existing along both property frontages. Sidewalk is existing along the Rena Lane frontage of the property and proposed along the Route 9 frontage of the property. The applicant shall revise the plans to show handicap ramps at the proposed entrance along River Avenue. In accordance with 18-905 B E. of the Lakewood Township UDO, a 20 foot buffer is required between a house of worship and a residential use. The applicant has provided a 10 foot side yard setback with a row of evergreens. The board should determine if the buffer provided will be sufficient. In addition the applicant shall request a waiver for not providing the required buffer. The plans state no buffer is required to the open space lot and 17/18 feet are provided. The applicant has provided no buffer to the open space lot although the plans note that they have. This note shall be removed since no buffer is required. The applicant is requesting a wavier for not meeting the 50% reduction for the two year stormwater event. We do not recommend this waiver be granted, rather the applicant can achieve the required reductions by increasing the stormwater storage volume. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated January 14, 2008. The applicant proposes to construct a 5,700-square foot synagogue with a total of sixteen (16) parking spaces at the above-referenced location. The 1 ½ story synagogue will consist of a 1,810-square foot sanctuary, in addition to a study, library, secondary room, and an unfinished basement. Associated site improvements are also proposed. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract consists of two lots that total 0.46 acres in area and contains two (2) existing residential dwellings. The residential dwellings will be demolished. The property is located in the south central portion of the Township on the west side of River Avenue (Route 9). The property also fronts Rena Lane. Many of the surrounding land uses are residential dwellings. The parcel is located in the Highway Development Zone District (HD-7). Places of worship are permitted in the HD-7 Zone provided that the requirements of Section 18-905 are met as well as the HD-7 Zone District bulk standards. The following variances are required for the application: Lot Area (Section 18-903.H.): A minimum lot area of one (1) acre is required.

The proposed lot area is 0.46 acres. Lot Frontage (Section 18-903.H.): A minimum lot frontage of 150 feet is required. The proposed lot frontage is 135.11 feet. Front Yard Setback (Section 18-903.H.). A minimum front yard setback of 50 feet is required. The proposed front yard setback from Rena Lane is 10 feet. Non-residential development fronting a State Highway requires a minimum 150 foot front yard setback. The proposed front yard setback from Route 9 is approximately 100 feet. Side Yard Setback (Section 18-903.H.). A minimum of 30 feet is required. The proposed side yard setback is 25 feet from Lot 10.61 and 10 feet from Lot 10.01. Buffer Requirement (Section 18-905.B.): A minimum landscape buffer of 10 feet is required for adjoining non-residential uses and districts and 20 feet is required for adjoining residential uses and districts. The applicant has not provided the required landscape buffer with the adjoining Lot 10.61 which is zoned in the HD-7 Zone and is vacant. There is a 10-foot wide separation between the lot line and the sidewalk. In addition, the applicant does not meet the buffer requirement for the side yard setback from Lot 10.02 which appears to be a two-family residential use. A 20-foot wide buffer is provided. A minimum five (5) foot buffer is required for parking areas on side yard property lines. The applicant should demonstrate conformance with this standard. Parking Requirement Section 18-903.H.6.: Parking is permitted within the 150 feet front yard setback provided that the principal building has a 150 foot setback and a 10 foot buffer requirement is provided between parking and the public road. The applicant does not meet this condition and requires a bulk variance. Section 18-905.A.: As the main sanctuary area is 1,870 square, a standard of 1.0 space for every 100 square feet is required. Based on this standard, the applicant is required to provide 19 parking spaces. The applicant provides 16 parking spaces and requires a bulk variance from this standard. The positive and negative criteria should be addressed. The applicant has requested a waiver from the Township development requirements to provide an Environmental Impact Statement regarding this property. The applicant should provide testimony to the Board why an environmental impact statement is not necessary for this application. The applicant should revise its bulk schedule to be consistent with the engineering drawing of the proposed synagogue. There appears to be inconsistency with the drawing and the bulk schedule. The bulk schedule should be revised accordingly to illustrate the conformance with HD-7 bulk standards and the requirements of places of worship pursuant to Section 18-905. We recommend that Lots 13 and 77 be consolidated by deed. The architectural plans indicate that the height of the synagogue will be 23 feet. The plans do not indicate the height of the architectural details that exceed the overall height of the structure. The drawings should be revised accordingly. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. We note that the architectural plans provide a rendering of the synagogue with parking in front. The site plan places the entrance of the building at the side yard setback. In addition, the handicap access rail is in the front yard setback of Rena Lane which is insufficient. The applicant should be prepared to indicate how the synagogue will be accessed by handicapped individuals and whether the handicap ramp could be placed in front facing Route 9 instead. The applicant should provide testimony on the intended use of the basement and confirm that the basement is intended for synagogue-related functions. We recommend the applicant provide more landscaping along the side yards as well as provide a greater diversity of species throughout its site plan. Additional landscape material may be required on this site to comply with Township standards. The buffering of the synagogue does not conform with the requirements of Section 18-905 for places of public worship. The applicant must also comply with the requirements for tree protection

and removal as applicable on the site. Foundation plantings should be indicated, especially on the west side of the proposed building. The applicant shall demonstrate conformance with the Township standards for any proposed signs identifying the synagogue. The architectural plans render a wall sign which has not been depicted on the site plan. The applicant should clarify the location of the sign and the height. The applicant should address provisions for solid waste management for the proposed building. Any proposed building-mounted lighting should be identified on the site plan with the appropriate isolux levels. The NJDOT Desired Typical Standards (DTS) boundary should be identified on the site plan. Public water and sewer services will be provided by the NJ American Water Company. The balance of the comments are technical in nature

Mr. Miri Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said he would provide the additional detail that is requested. The justification for the variances and the waivers will be provided at the public hearing. With respect with the trash, he will check with Public Works to see how they would like to handle it and will add that to the plans as well.

Mr. Banas asked how he is going to get all these variances and movement and approvals by the Planning Board, there is so much to be done here, he can't see how it is going to be done. Mr. Flannery stated it is an inherently beneficial use, there are existing buildings, and when they come to the public hearing they will lay all that out and he is confident. Mr. Banas asked how he will be able to run a synagogue with the parking spaces should the highway be improved as the standards are presently whereby you having six parking spaces within the 150 ft. line and you will loose. Mr. Flannery said the DTS in that section of Route 9 is 104 ft. which is 57 ft. from center line, with the existing centerline that is already there, they are looking at an additional 24 ft. and if you look at the layout, it is more than 24 ft. before you get to the parking area, so it does not impinge on the parking. Mr. Banas asked how it meets the requirements of Section 18-903.H.6 and Mr. Flannery said they would need a variance and they would provide testimony at the public hearing and the testimony will be compelling for the use that is proposed and he in convinced it will meet the requirements of the MLUL and is consistent with the Lakewood Ordinance and the Master Plan. Mr. Banas asked if he thought there were any variances that would be denied or did he think there would be 100% approval and Mr. Flannery said he would anticipate they variances would be granted.

**Motion was made by Mr. Herzl, seconded by Mr. Fink to advance the application to the meeting of February 19, 2008.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**4. SD # 1586A (VARIANCE REQUESTED)**  
**APPLICANT: THOMPSON GROVE ASSOCIATES**  
Location: Drake Road, southwest of Neiman Road  
Block 251.01 Lots 32 & 88  
Preliminary & Final Major Subdivision - 20 lots



Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval for Block 251.01 Lots 32 & 88. The applicant proposes to subdivide the two (2) existing lots into twenty one (21) new lots; twenty (20) lots for single family use, one (1) lot for a stormwater management basin. Existing Lot 32 currently contains a single family dwelling that will remain. Existing Lot 88 contains two (2) existing two story frames and one (1) one story frame building. The one story frame building is labeled on the Final Plat as to be removed. The applicant proposes constructing twenty (20) new single family dwellings, a cul-de-sac, and a stormwater management basin. The site is located on Drake Road, in the R-40 Zoning District with a small piece of the parcel containing the stormwater management basin located in the Crystal Lake Preserve Zone. The applicant is requesting the following variances: Minimum lot area for Lots 32.03 through 32.09, and 32.12 through 32.20: Twelve of the sixteen lots range from 15,000 square feet to 20,000 square feet, the other four lots are sized between 20,000 square feet to 33,642 square feet where 40,000 square feet is required: Minimum lot width for Lots 32.01, 32.03 through 32.08, 32.12 through 32.18: Lot widths range from 94 feet to 135 feet, where 150 feet is required. Minimum front yard setback for Lots 32.01 through 32.09 and 32.12 through 32.20: 26 feet is proposed for Lot 32.19 and 30 feet is proposed for the other lots where 50 feet is required. Minimum side yard setback (combined) for Lots 32.03 and 32.17: 37 feet combined side yard setbacks are proposed where 40 feet is required. Ocean County Planning Board, Ocean County Soil Conservation District, Letter of Interpolation from NJDEP, and NJDEP permits for Treatment Works Approval and Water Main Extension will be required. Evidence of the approvals shall be made a condition of final subdivision approval. In accordance with the NJDEP I-Map the stream intersecting the north edge of existing Lot 88 is a Category One Water. The wetlands in the project area may be hydraulically connected to this Category One Water and therefore also classified as category one, requiring a 300' buffer. The applicant shall have the NJDEP classify the wetlands in the project area in order to determine the appropriate buffer. The proposed dwellings will be served with public sewer and water line. On the application form the applicant's engineer stated that the applicant intends to subdivide existing lots into 20 lots and existing building on Lot 88 to remain and be used as the community building. The applicant shall clarify which existing structure on Lot 88 will be used as a community building, since there are two existing frame structures are to remain as shown on the Final Plat. In addition, there will be a total of 21 lots after the subdivision, not 20 lots as the applicant's engineer stated in the application. A revised application form shall be submitted to address the issue, and additional testimony should be provided. The applicant shows on the plans 6' shade tree and utility easement along the southern Drake Road at frontage of Lots 32.01 and 32.20 and along proposed Serenity Way. Sight triangle easements at the entrance of the Serenity Way and the stormwater management basin Lot 32.21 are to be dedicated to the Township. The Board should determine whether to accept ownership of the basin on Lot 32.21. If the Township does not take ownership of the basin lot, a Home Owner Association (H.O.A) will need to be formed to maintain the basin. Documents for the H.O.A shall be provided to the Township Engineer and Solicitor for review. The Board should determine if a 6 ft shade tree and utility easement along the western Drake Road frontage at Lots 32.10 and 32.11 is dedicated to the Township. The applicant shows on the Grading and Utility Plans proposed driveways and dwellings, but doesn't show them on the Site Improvement plan. The applicant shall show the driveways and dwellings on all applicable plans. Furthermore, the driveways shall be dimensioned to

show adequate parking has been provided. The driveways shown on the grading plan scale to 20 feet wide by 30 feet long. The driveways shall be extended to be a minimum length of 36 feet. The applicant shows no off-street parking is proposed for the community building. In accordance with Lakewood Township UDO, one (1) parking space is required for every four hundred (400) sf. public building. The thru-Lots 32.01, 32.16, 32.17, and 32.20 shall be restricted to have access to Serenity Way only. Notification of the deeds have been filed shall be made a condition of the subdivision approval. The applicant shall clearly show on the plans what features are proposed and existing by calling out on the Site Development Plan all proposed construction. The applicant is proposing a 20' access easement from Lot 32.11 to Drake Road through Lot 32.10 to be dedicated to a Home Owner Association (H.O.A.). We recommend the applicant rearrange the lot lines so the access strip will be part of the Lot 32.11 to avoid the easement issue. In addition, no access way is proposed in the easement and the existing drive way in Lot 32.10 isn't entirely within the easement; thus the access easement alone will not give access to the community building from Drake Road. The applicant shall provide testimony on the issue. Furthermore, documents of the H.O.A shall be submitted containing the use of this easement. Curbs and sidewalks are proposed along the southern Drake Road at frontage of Lots 32.01 and 32.20 and along the proposed Serenity Way property frontage. The board should determine if curb and sidewalk will be required along the western Drake Road frontage along Lots 32.10 and 32.11. Although not required for Planning Board approval, the Lakewood Township Plot Plan Ordinance requires basement floor elevations be set to an elevation that is at minimum two feet above the seasonal high ground water elevation. From basement floor elevations shown on the Grading Plan basements of the dwellings on Lots 32.03 and 32.09 were not designed with the sufficient separation. The applicant shall revise the basement floor elevations to conform to the ordinance. A safety fence shall be installed around the proposed basin. The remaining comments are technical in nature on this letter

Mr. Peters had a supplemental letter dated 1/15/08. This review letter is a supplement to our review letter dated January 14, 2008. This letter contains comments pertaining to the Environmental Impact Statement. The EIS states that two (2) existing dwellings will remain at the site. Although the applicant states that the proposed development will be serviced by public water and sewerage, it is unclear whether the existing homes are presently serviced by onsite wells and/or septic systems. The applicant shall identify the any onsite wells, septic systems, and underground storage tanks (USTs), and whether these systems will be maintained or decommissioned for the proposed development. The applicant shall provide the Board with the Letter of Interpretation (LOI) and a copy of the NJDEP stamped approved site plan(s) for Block 251.01, Lot 32 (1514-01-1008.2) and Lot 88 (1514-01-1008.1). With regard to onsite ecology, TEC's review indicates that the State-threatened barred owl and Northern pine snake are mapped by New Jersey's Landscape Project (Version 2.0). The EIS states that the site does not contain suitable habitat for barred owl or Northern pine snake and that the proposed project will not disturb threatened/endangered species habitat. We concur with EIS findings that it is unlikely that barred owl inhabit the site. The applicant shall add notes to the plan requiring the Township Engineer be notified should the Northern pine snake be encountered at the site. The EIS states that a portion of Block 251.01, Lot 88 is comprised of cleared field. Although not specifically stated in the EIS, this area may have been utilized for agricultural purposes in the past. If so, we recommend that a soil investigation be performed for the



area in question to determine if residual pesticides, arsenic, or lead persist in onsite soils. The investigation should be performed in accordance with the Recommendations for the Remediation of Historic Pesticide Contamination established by the NJ Department of Environmental Protection (NJDEP, 1999). The soil investigation report, complete with a sampling plan and analytical results, should be forwarded to the Board for review and comment. The EIS briefly discusses clearing and grading the site for the proposed development. The applicant should provide a statement that specifies whether this project will require the importation of soil or fill material during site construction. Should imported soil or fill be necessary, a note shall be added to the plan stating source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Township Engineer.

Mr. Truscott read from a letter dated January 14, 2008. The applicant proposes to subdivide two existing residential lots into twenty-one (21) lots at the above-referenced location. Existing Lot 88 is 11.30 acres in size, with approximately 10 acres located within the R-40 Zone District with the remainder located in the Crystal Lake Preserve zone district (CLP). Lot 32 is 9.96 acres in size and is located entirely within the R-40 Zone District. Each lot contains a residence which will remain. On existing Lot 88, there are two structures described as two-story frame and one-story frame. The applicant has noted that the one-story frame will be removed. The tract is 21.26 acres in area and has frontage on two (2) segments of Drake Road. For purpose of this application, the applicant proposes to retain the two (2) existing residential dwellings and reconfigure the lots in which these dwelling occupy on proposed Lots 32.02 and 32.10. The existing two-story frame structure will remain on proposed Lot 32.11. In addition, the applicant proposes to subdivide the remaining part of the tract into seventeen (17) nonconforming residential lots, one (1) open space lot, and one (1) stormwater detention basin lot. The residential and open space portions of the subdivision are located within the R-40 Zone District. The proposed stormwater detention basin is located within the CLP zone district. Associated site improvements are also proposed. The main residential subdivision will be accessed from Drake Road via a cul-de-sac bulb entitled Serenity Way. The other existing residential dwelling will retain its frontage on Drake Road. The tract is located in the western part of the Township and in close proximity to the Crystal Lake Preserve and the Ketchledge Farm. Ketchledge Farm is an 11.47-acre farm that is being actively considered by the Ocean County Farmland Program for farmland preservation. Lot 32 is primarily wooded, while Lot 88 is less wooded and contains a pond. Land surrounding the tract is primarily undeveloped or low-density residential. Prior Concept Plan Review. The Board reviewed conceptual plans regarding this proposed subdivision in February and June of 2007. The majority of the tract is located in the R-40 (Residential) Zone, with a small portion in the CLP (Crystal Lake Preserve) District. The applicant has proposed single-family residences in the portion of the tract that is in the R-40 Zone District. This is a permitted use. In the CLP Zone District, the applicant has proposed the stormwater detention basin and has proposed to dedicate the basin to the Township. In the CLP Zone District, permitted uses include single-family residences and public parks and open space. The Board will need to make a determination whether a proposed stormwater basin use meets the intent of the Township development standards relative to the CLP. The applicant has indicated that bulk variances will be required. We have provided tables at the end of this letter that describes in detail the nonconformities that exist on each proposed lot. This information is based on the subdivision plat. Please note proposed Lot 32.21 lies in a split zone and

requires bulk variance relief from both the R-40 and CLP Zone District standards. R-40 Zone District Standards. Minimum Lot Area. Sixteen (16) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 minimum lot area standard. The proposed lots are less than the 40,000 square feet lot area required in the R-40 zone. The bulk variance relief for the lot area range from 15,003 square feet to 33,642 square feet. Minimum Lot Width. Sixteen (16) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 minimum lot width standard. The proposed lots are less than the 150 feet lot width required in the R-40 zone. The bulk variance relief for the lot widths range from 94 feet to 134 feet. The lot width for proposed Lot 32.21 is approximately 20 feet. Front Yard Setback. Seventeen (17) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 front yard setback standard. The proposed lots are less than the 50 feet front yard setback required in the R-40 zone and the applicant has proposed a setback of 30 feet. On proposed Lot 32.19, the applicant has provided a setback of 26 feet. Combined Side Yard Setback. Two (2) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 combined side yard setback standard. The proposed lots are less than the 15 feet/40 feet combined side yard setback required in the R-40 zone. The applicant has proposed a bulk variance condition of 15 feet/37 feet for the side yard setbacks. CLP Zone District Standards. Minimum Lot Area. Proposed Lot 32.21 requires bulk variance relief from the CLP minimum lot area standard. The proposed lot area is 2.445 acres which is less than the 3 acres required in the CLP zone. Minimum Lot Width. Proposed Lot 32.21 requires bulk variance relief from the CLP minimum lot width standard. The proposed lot width is less than the 200 feet lot width required in the CLP zone. As noted above, the lot width for proposed Lot 32.21 is approximately 20 feet. The positive and negative criteria should be addressed. Due to the numerous number of bulk variances requested, the testimony should include information concerning existing lot sizes in the surrounding area. The Planning Board should also request testimony as to the consistency of the subdivision with the Master Plan or furtherance of the goals of the Master Plan. Review Comments. Subdivision Plat. General Note #4 needs to be revised. The subdivision plan does not require a density variance. If the application did require a density variance, the Board would have to recommend that the applicant seek Board of Adjustment approval for this application. In addition, the applicant is creating twenty-one (21) lots not 30 lots as indicated in this note. The applicant should revise the statement to indicate that the application is creating sixteen (16) new residential lots, of which two (2) lots are existing and are being reconfigured as part of this subdivision, as well as one (1) open space lot and one (1) stormwater detention basin lot. The applicant has prepared a bulk schedule for the lots that are subject to the R-40 Zone District standards. The applicant is required to demonstrate conformance with the CLP Zone District for the lot that is split zoned (Proposed Lot 30.21). Both the R-40 Zone and CLP Zone District standards apply to this lot. The applicant should revise its bulk schedule to take into account the corner lots and existing lot conditions. The bulk schedule also should be revised to reflect the conditions proposed in the building envelope. There are some places where there are inconsistencies that need to be revised accordingly. Improvement Plans. The applicant should revise its bulk schedule to be consistent with the subdivision plat. There are numerous errors between the plat and plan making it difficult to determine to what degree the applicant is proposing bulk variance relief. The applicant should include all the lots on the engineering drawings as well as coordinate the plat and plan in a manner that is consistent. The applicant also should list the standards for proposed Lot 32.21 which is located within the CLP zone district as well as the R-40 zone district as both

these standards apply to the subject property. The subdivision plat indicates the proposed lot lines that will be removed to accommodate proposed Lot 32.09 and 32.12. The lot line has not been proposed to be removed on the site plan. This should be revised accordingly. Split Zone. Consideration should be given to eliminating the split zone lot condition of the tract. The Board may recommend to the Township Committee that this condition be removed. Proposed Improvements. Walkway. The applicant has proposed a four foot wide walkway path in between proposed Lots 32.09 and 32.12 to access the open space lot (proposed Lot 32.11). The walkway will access the two-story frame structure (see comment below, Community Building) and terminate at this location. The applicant should indicate the entity responsible for maintaining the walkway. We also note that the walkway also serves as access to the stormwater detention basin lot. Our comments regarding this are below. Access Easement. In the concept plan, the applicant had proposed an access easement along the property edge of proposed Lot 32.10. The access easement has not been proposed on current drawings. The applicant should specify how the community amenity will be accessed from proposed Lot 32.10 and Drake Road. If proposed, the applicant should specify the entity that will be required to maintain access easement. Open Space. The applicant indicates that proposed Lot 32.11 will not be subdivided as a residential lot. The site is encumbered by a tributary of the Metedeconk called the Watering Place Branch and the hydraulic connected wetlands on the northern edge of the property. Watering Place Branch is a designated Category One Waterway which requires a 300 foot buffer area. The applicant should specify whether it intends to dedicate this tract, including the stream corridor and wetlands to the Township as open space. The applicant should provide testimony on how the proposed open space complies with Section 18-808. Community Building. The applicant shows on the subdivision plat shows two structures on proposed Lot 32.11. The plat shows that the one-story frame building will be demolished and the existing two-story frame will remain. On the engineering drawings, the applicant has not made any notations regarding the status of the structures, only that the walkway will access the two-story frame building from the walkway originating from Serenity Way. The applicant should correct the inconsistencies between the plat and plan. In addition, the applicant should indicate the intended use of the two-story frame structure. If this is to be a community building, indicate who will be responsible for the operation and maintenance of the building. The proposed building will not be accessed from proposed Lot 32.10 or by an improved right-of-way. Stormwater detention basin. The stormwater detention basin is located entirely in the CLP district. The applicant indicates that the stormwater detention basin is to be dedicated to the Township. The Township has the right to evaluate this proposal. We also recommend that the applicant provide additional landscaping around the stormwater detention basin. The proposed walkway and access to the stormwater detention basin are located in the same area. The access easement is twenty feet in width. The applicant should specify how access to the stormwater detention basin and the four foot wide walkway is sufficient for both purposes. Shade Tree & Utility Easement. The applicant has proposed a six (6) foot wide shade tree and utility easement along both sides of Serenity Way to be dedicated to the Township. Sidewalks/Curb. The applicant is required to provide sidewalks and curbing along Serenity Way in accordance with RSIS. Sidewalks have been proposed along Serenity Way. The applicant should indicate whether sidewalks exist on proposed Lot 32.10 and if not whether sidewalks will be provided. Wetlands. The applicant indicates that a NJDEP LOI has been obtained for the wetlands that are associated on this site in the Environmental Impact Statement. The LOI letters that are associated with this site are not

included as an appendix in this report. A copy of the LOI letters should be provided to the Board to review prior to approval to determine the overall resource value of the wetlands. A general note indicating the NJDEP File No. and the date of the letter should be provided as a general note on both the subdivision plat and site plan. Past Land Uses. Any lands previously farmed should be analyzed to verify the absence of pesticides that would be associated with agricultural practices. Landscaping. The applicant proposes to retain existing vegetation to screen the residential lots from Drake Road and along the rear of the subdivision. We note that providing an additional landscape barrier for the lots that are adjacent to Ketchledge Farm may be desired by the landowners that purchase these homes as this farm will most likely remain active in perpetuity if approved as part of the County's farmland preservation program. The applicant has proposed thirty-one (31) Red Sunset Maples along Serenity Way. We recommend that the applicant consider proposing additional landscape material to provide a greater diversity of species throughout the site plan. The applicant must also comply with the requirements for tree protection and removal on the site. Existing Fences. There is existing fencing on Lots 32 and 88. The applicant should comment whether they intend to remove the existing fencing on these lots for the purpose of the subdivision. Parking. The applicant should provide testimony regarding compliance with NJRSIS for the plan. The applicant also should be prepared to provide testimony on how parking will be accommodated in the front yard setback. Driveways. There are two existing driveways on Lots 32 and 88. The applicant has indicated that the driveway on existing Lot 32 will be removed as part of this subdivision. The applicant should comment on the proposed location of the new driveway for the residential dwelling on proposed Lot 32.02. The applicant has not indicated on the plans that the driveway on Lot 88 will be removed. The existing driveway encroaches on proposed Lot 32.11, the proposed open space lot. The applicant should indicate how proposed Lot 32.10 will be accessed and whether the existing driveway will be removed. The applicant should indicate ownership of the proposed Serenity Way cul-de-sac. Homeowner Association documents must be filed for the common open space. A Tree Protection Management Plan must be addressed. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant. Mr. Banas said before they started on this he had a question. He knows they had this conceptually before the board but when he hears all these comments, he is afraid of it. He is afraid of it for one reason, because he doesn't think it belongs to us, and he has a series of questions for Mr. Truscott. He asked Mr. Truscott if the board was in a position to hear this or should this be heard by the zoning board of adjustment because of the zone that it is in is an R40, and they are taking lots that are basically R12 and R15 in an R40 zone. Mr. Truscott said they talked about this matter at the first conceptual review and that was one of his first concerns as well and there was discussion and it was decided that based on the number of lots proposed and because it did not exceed the overall density it would stay with the planning board. Mr. Jackson said he had a couple of concerns. The concern with the density he has, he asked if they were using the CLP to calculate the density for the units per acre and Mr. Flannery said no, so the units per acre were strictly on the area that was in the zone. He asked how it worked out mathematically then if the lots are undersized and Mr. Flannery stated there are 20 acres in the R40 zone and they are proposing 19 residential lots, so that is a density of .95 units, there is no density specified in the ordinance, but if you compute a density, the density in the R40 would be 1.089 units per acre, so we are



less than what you would get by computing the density. Mr. Jackson asked if he is using his wetlands and his pond in his density acreage and Mr. Flannery said yes it was included and there is nothing to prohibit it in the ordinance, there is nothing to comment on it either way. CAFRA excludes it but land use regulations on a town by town basis either exclude it or don't exclude it. Mr. Flannery stated the plans as submitted show a lot line separating the open space lot from the detention basin lot but one of the questions made by the professionals is if the Township is going to maintain the basin and John Franklin stated no, in which case we do not need a separation on that line, so that entire lot would be one open space lot, including a detention basin that needs to be maintained by the homeowners association. Mr. Jackson said this is like a cluster then and Mr. Flannery said exactly and 15,000 is the minimum lot size.

Mr. Jackson said the concern he has, and there is a room full of people here, is if you have a density exception to encourage clustering in certain zones, this isn't submitted under a cluster exception, so can you use your density using these other areas that are wetlands and ponds and in the cluster zones he thinks you are not allowed to use wetlands and ponds for density. Mr. Flannery said this property is not in a zone and there are only a few that are designated on the zoning map that are designated as permissible for cluster. In the ordinance under cluster, one of things it says is it is only in zones that it is permitted. The testimony they will provide at the public hearing is that the new Master Plan that this board adopted in 2007 actually indicates that cluster zone should be modified to encourage development which extends public sewer and public water into areas where there are existing residences that would benefit. Mr. Banas disagreed. He said you can't do that. You have to have not what's in the proposed ordinance, it's got to be in the ordinance. Mr. Jackson agreed. He said you are really bootstrapping in a density issue, and a density exception is only a zoning board jurisdiction and he thinks clustering is density issue. Another concern he has is about the split zone and he understand if you have a split zone then the non conforming use then exists in the zone. Mr. Flannery said residential is allowed in the CLP. Mr. Truscott pointed out that part of the review letter was revised and withdrawn from the letter as far as the stormwater basin being in the CLP.

Mr. Truscott said based on the large number of bulk variances the applicant is requesting, he still has to address and meet the positive and negative criteria and prove to the board that it is met. Mr. Banas is looking at the whole history of this zone that is here and how that came about and when he sees all these lots that are now approaching R15, he is frightened. Mr. Shea said the board's council has raised some issues that need to be explored and it will give them an opportunity to dialogue and explore and it would be foolhardy to waste the board's time to go through the minutia of the 2 reports.

Mr. Shea respectfully asks to be carried to the next Plan Review Meeting of February 5, 2008 with the same plans and the same reports.

Mr. Fink agreed with the remarks of Mr. Banas.

**Motion was made by Mr. Herzl, seconded by Mr. Fink, to adjourn to February 5, 2008**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

**5. SP # 1879 (NO VARIANCE REQUESTED)**  
**APPLICANT: H & C DEVELOPMENT CORP.**  
Location: River Avenue, northeast of Oak Street  
Block 782.01 Lot 2

Preliminary & Final Site Plan for 2 story office/retail/commercial building

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan Approval to construction a two (2) story retail / office building and its associated site improvements on existing Lot 2 of Block 782.01. The lot is currently vacant. The property has frontages along River Avenue, N.J. State Highway Route 9, within the HD 7 zoning district. No variance is requested by the applicant. Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT approvals will be required. Evidence of the approvals shall be made a condition of final site plan approval. It appears the proposed building will be served with public sewer and water, although the applicant has not shown any utility connections. The plan shall be revised to show the water and sewer services. A 6 ft shade tree and utility easement along frontage of property is generally required to be dedicated to the township. The Planning Board should determine if the easement is required along River Avenue at property frontage. In addition, sight triangles easements at the proposed entrance to the River Avenue may be required to be dedicated to the NJDOT. We defer this issue to NJDOT. A note shall be added to the Layout Plan stating that no medical and dental offices will be permitted in the proposed build, or more parking spaces will be required. The applicant has provided 70 parking spaces where 70 are required by the Lakewood Township UDO. The applicant shows on the Site Plan neither existing nor proposed curb nor sidewalk along U.S. Highway Route No. 9 of the property frontage. The Planning Board should determine if the curb and sidewalk will be required along the property frontage. The applicant shows the proposed trash enclosure at a corner of the development surround by parking spaces. The applicant shall provide testimony on how to keep the enclosure accessible to garbage truck when trash is collected. In addition, the applicant shall provide room to account for the gates of the enclosure to be opened. The applicant shall provide testimony on the anticipated size of trucks that will access the site. The can be maneuvered by box trucks but tractor trailers can not make the turn from the rear of the building to the outbound drive aisle without passing into the area for parallel parking. We recommend a nine foot wide landscaped island be installed between the entrance drive aisle and the parking spaces on either side of the aisle. This would result in a loss of six (6) parking spaces and create the need for a parking variance. We believe it will provide for a safer situation for the parked cars. The applicant shall revise the plans to show a handicap ramp at the sidewalk in front of the proposed building to provide handicapped access. Handicap parking signs shall be shown at the proposed handicap parking spaces. The applicant has proposed 6 ft high board on board fence to screen the proposed parking area from an existing one (1) story dwelling west to the site. The Planning Board should determine if the fence will provide sufficient screening. One way and do not enter signs shall be added to designate the one-way drive aisles around the building. The signs shall conform to the MUTCD. A guide rail shall be installed behind the curb between the parking area and the basin. The remaining comments are technical in nature for this letter

This review letter is a supplement to our review letter dated January 14, 2008. This letter contains comments pertaining to the Environmental Impact Statement. In Section 4.5 Environmentally Sensitive Areas of the EIS, the applicant indicates that a review of NJDEP Landscape Project mapping revealed that the entire site has one (1) or more occurrences of at least one (1) State-threatened species (Rank 3). The data indicates two (2) occurrences of either the barred owl or Northern pine snake. The EIS contends that, geographically, the site is bordered by dense development and thus limits the potential for the presence of threatened and endangered species. Furthermore, the EIS asserts that the landscape patch is broken and sporadic, with only small areas of contiguous forest to the west. Based on the description of the site's upland habitat, we concur with the applicant and find it unlikely that the barred owl would inhabit the site. However, we recommend that the applicant provide additional information pertaining to the Northern pine snake. Considering the subject site is documented as a Rank 3, we recommend that the applicant contact the NJ Natural Heritage Program and the NJ Division of Fish and Wildlife's Endangered and Nongame Species Program for additional information. Results of the inquiry should be forwarded to the Board for review and comment. Section 6.0 entitled "Proposed Mitigation Measures" is presented in the EIS's table of contents, but the narrative was omitted from the report. Pursuant to §820 (B)(8), we recommend that the applicant include a construction schedule in the EIS and discuss the proposed steps to minimize adverse environmental impacts before, during, and after construction. The EIS briefly discusses clearing and grading the site for the proposed development. The applicant should provide a statement that specifies whether this project will require the importation of soil or fill material during site construction. Should imported soil or fill be necessary, a note shall be added to the plan stating source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Township Engineer.

Mr. Slachetka read from a letter dated January 14, 2008. The applicant proposes to construct a two-story, 16,800-square foot retail and office building at the above-referenced location. The first floor will be occupied by 8,400 square feet of retail space and the second floor will be dedicated to the office use. Associated site improvements are also proposed. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract consists of three lots that total 1.36 acres in area and is currently vacant and wooded. The property is located in the south central portion of the Township on the east side of River Avenue (Route 9). The property is in close proximity to the intersection at Oak Street. The surrounding land use consists of residential land uses to the north and west and a commercial use to the south. The eastern boundary of the lot is vacant and wooded. The parcel is located in the Highway Development Zone District (HD-7). Office and retail uses are permitted in the HD-7 Zone. No variances are requested. The applicant should revise its bulk schedule to demonstrate conformance with the bulk standards for the HD-7 zone district. The Township does not have standards for lot width and lot depth. The applicant has not noted conformance with the standards for lot frontage, building height, and minimum floor area. The applicant has incorrectly identified the maximum building coverage standard as 25 percent, where 30 percent is permitted. Please revise the bulk schedule accordingly. Route 9. The applicant has indicated the DTS (desired typical standards) on the site plan as 114 feet consistent with NJDOT standards for a four-lane divided highway with shoulder and parking. The parking area proposed is located beyond the DTS line. The applicant has proposed a driveway that is approximately 70 feet from the residential driveway on Lot 17. We recommend the applicant provide



more landscaping along the front and side yards as well as provide a greater diversity of species throughout the site plan. We recommend the applicant provide more landscaping along the side yards as well as provide a greater diversity of species throughout is site plan. The Township encourages that applicant retain as much existing landscaping to meet these objectives. Parking is permitted within the 150 feet front yard setback provided that the principal building has a 150 foot setback and a 10 foot wide buffer requirement is provided between parking and the public road. The applicant has provided small shrubs and a lawn area. The parking lot is set back 25 feet from the parking lot; however, buffer landscaping is required. Otherwise, a variance is required. We recommend that the applicant provide additional landscaping around the stormwater dentition basin. The applicant must also comply with the requirements for tree protection and removal on the site. Fence/Retaining Wall. The applicant has proposed a six foot high board-on-board fence on the side yard that is adjacent to the residential use on Lot 17. The applicant should provide construction details regarding this fence. The applicant has proposed a two-foot decorative block retaining wall on the south side of the property. The applicant should provide construction details regarding this retaining wall. The applicant should indicate whether sidewalk will be constructed, as well as a walkway to the site. The applicant should revise the lighting plan to remove/minimize spillage on to the adjacent residential parcel. The applicant conforms to the Township standards regarding parking. Of the seventy (70) parking spaces provided, the applicant has provided a total of six (6) parking spaces that are 8 feet by 22 feet along the north side yard. The applicant has proposed a trash enclosure on the northwest corner of the property. The proposed location and the ease of trash removal should be discussed with the Board as it appears that the collection vehicles would have to access areas designated for parking. The applicant also should provide landscaping around the trash enclosure. None has provided on the site plan. The applicant shall demonstrate conformance with the Township standards for any proposed signs identifying the building. The architectural plans render a wall sign which has not been depicted on the site plan. The applicant should clarify whether a ground and wall sign are proposed for the site. If the applicant intends to have signs, the applicant should indicate the location and height. The applicant also must demonstrate conformance with the Township standards for height. The applicant has provided architectural plans. The plans should be supplemented to provide side and rear elevations. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. The remaining items are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. This is a fully conforming plan with no variances. The EIS statement supplemental letter dated today from Mr. Peters is acceptable. Mr. Carpenter responded to the comment about the landscape islands and stated they would rather not eliminate any spaces if necessary and believes after speaking with Mr. Peters they have come to some conclusion how to provide some separation between the parking and the aisle that is satisfactory and they will revise the plans accordingly. The trash removal issue needs to be discussed also. Mr. Banas also stated the landscaping buffer needed to be resolved. Mr. Carpenter said they have provided a single row of bushes that they will make larger and will also put additional trees. Sidewalks and curbs will be provided along the frontage of the project and the trash will be private pick up and will be scheduled when the building is not occupied. Mr. Peters had an issue about that and said if someone is parked there during the day and someone goes out to throw something away, there is no room for the gates to

open. Mr. Carpenter said they could move those parking spaces that are parallel parked along the aisle forward on the site 10 ft. and provide ample space to open the gate.

Mr. Fink asked if the entrance and exit was only on Route 9 and was told yes. He said it was very congested and asked if they would even consider putting an entrance on Oak Street to alleviate some of that. He was told they only have frontage on Route 9.

Mr. Shea showed him on the key map that they had frontage on Route 9 with right in and right out only, no left turn. There was discussion of moving the driveway because of Hadassah Lane but was told that was a DOT issue and Mr. Carpenter said they could move the driveway further north, there are certain parameters on how close the driveways could be put to the property line, but the DOT will be the ultimate decision maker on it.

**Motion was made by Mr. Fink, seconded by Mr. Schmuckler, to advance the application to the meeting of February 19, 2008.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

## 6. CORRESPONDENCE

Comment from NJ Planner and Judge Serpentelli. They will have to state why they vote for or against an application. Mr. Jackson said when they prepare a resolution they go through the record and the best way is to deliberate and the members should stipulate. Mr. Banas said it would be good for him to include it in the resolution

## 7. PUBLIC PORTION

Bill Hobday said he is seeing more and more office buildings being requested on Route 9. The Township of Lakewood has a perfectly good office park that has no office buildings in it yet after many years and he is wondering if it is not in the Township's interest to start saying how can we begin re-directing requests for office space into CedarBridge Development Corporation hands for development in the corporate park that was designated to do that very thing. It would only make sense that we do that because Route 9 is terribly congested and when we continue to put 2 story office retail commercial building on there with minimum amounts of parking and even without no left hand turns allowed, they will. The Township fathers should start considering restricting office and commercial buildings outside the CedarBridge Development area that was designed for this purpose.

Noreen Gill stated it is congested, to get to Manchester in 2004 it took 20 minutes, now it takes 45 minutes. The infrastructure is not here and what disturbs her is about this particular application is that we are having a retail and offices and only 7 spaces so how many, if there are even 3 people upstairs in an office, that leave only 4 spaces for retail? She doesn't like the exit, the entrance, it is not safe. Mr. Banas said Mr. Herzl has been complaining about Route 9 for as long as he can remember and he lives on County Line Road and to get to the hospital it takes 25-45 minutes, it is just terrible.

Mr. Heinfeld from Hadassah Lane said the latest application and the entrance onto Route 9 and whether the entrance is directly across from his development or moved over it will be a nightmare. They are concerned for the safety. Maybe he should purchase additional property to go out of the shopping center, perhaps onto Oak Street or some other way. Mr. Banas said before too long they will have a light on Oak Street, it would be his guess. They are just one lot away from complete Oak Street and when they do that will be a main thoroughfare going east and west and when that happens there will be a light installed there. Until that happens, hopefully we all stay safe.

Seeing no one else, this portion was closed to the public.

## **8. APPROVAL OF MINUTES**

- None at this time

## **9. APPROVAL OF BILLS**

**Motion was made by Mr. Franklin, seconded by Mr. Fink, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary