

1. CERTIFICATION OF COMPLIANCE

Chairman Neiman 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 Meeting 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 the 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 criteria of the Open Public Meetings Act."

2. ROLL CALL

Roll Call Mr. Herzl, Mr. Franklin, Mr. Fink, Chairman Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler, Committeeman Mr. Ackerman, Mr. Arecchi.

3. SWEARING IN OF PROFESSIONALS

Mr. Terrance Vogt was sworn in.

4. PLAN REVIEW ITEMS

1. ORDINANCE FOR DISCUSSION

Proposed amendment to B-6 Ordinance

Jan Waters Twp Attorney tonight we would like to discuss with you a proposed amendment to the B-6 Zone. The B-6 Zone is a zone that is the support zone for the Stadium and has a variety of uses in it and what we want to do is amend it to include facilities for the collection, recycling and processing of organic waste. I have with me tonight Mr. Reinman Director of Economic Development, who would like to give a brief explanation of how this use fits in with the Industrial Park and the importance of this project to Lakewood and then we have representatives of the Corporation we are looking to bring to the park who can describe their use for you.

Mr. Steven Reinman, Director of Economic Development for Lakewood. As the members of the Board know our Industrial Park is the second or third largest Industrial Park in New Jersey and is obviously central and key to the economic well-being of Lakewood. We have over the last year begun a process to try to attract new companies to the park to expand the employment base and to expand the taxable base for the town and a particular thrust has been made

to looking at green energy and green companies in general as that is something that is very popular across the country it is not so prevalent yet in the state of New Jersey, other than many solar companies. The company that you are going to hear about now is really innovative, they are bringing something that is elegant in it's simplicity and it is zero impact in terms of effect on any of the residents of the town other than a positive one and it can be one of the first companies, and we have several that are in the hopper, coming forward in this new strategy of ours to make Lakewood and New Jersey the center of next generation green energy type companies. This change to the B-6 Zone is one that is consistent with the overall nature of the Industrial Park, the park has a wide range of companies and this will be one of the shining stars and something very important to Lakewood.

Chairman Neiman asked why this is being called a Stadium Support Zone and not an Industrial Park Zone.

Mr. Waters explained that that was what it was called years ago when the planning was first being done and it should probably be changed in the future but it would be a lengthy and complicated process.

Mr. Franklin asked what precaution is being taken to make sure that this plant does not smell, since there is noting in the Ordinance pertaining to that.

Mr. Waters explained that this use would have to be part of the County Solid Waste Plan and is also being reviewed and approved by the State of NJ Department of Environmental Protection. There will be emission controls in place governed by the State.

Mr. Banas stated that the unfortunate thing is that in the past in approximately the same place there was a farm that left an odor all over Lakewood.

Mr. Waters explained that that was an old antiquated farm and not governed by the Township, if we could hear about the Company I am sure you will see the difference.

Mr. Rocco D'Antonio, Managing Director of Organic Diversion, we are a food waste recycling company currently we do commercial collection from food service accounts, Colleges, Universities, Hospitals, Supermarkets, food processors, Corporate Campus's, anybody who sells, processes or delivers food has quite a bit of residual waste in terms of a supermarket it could be as high as 75%, that material is currently going into landfills in most cases. We got into the Commercial collections to recycle that material but do it in a manner that is going to make for a very high value end product, which is renewable energy and high quality compost. This is very different from the way that organic material is currently handled in the state. You mentioned pig farms, there are still

pig farms in the state of New Jersey and surrounding areas collecting organic material and using it for feed. There are a handful of commercial composting operations outside of New Jersey who are now collecting food waste and yard waste, the closest one is in Wilmington Delaware it is a twenty five million dollar facility that opened up and is an outdoor facility. When we got into this business we knew that if we were going to build in New Jersey we had to first look at all the failures in New Jersey, Burlington County NJ Woshiweeshin Organics a very large facility that had all kinds of odor problems that annoyed everyone in the area and was ultimately closed down by the DEP. Recently there was a facility in Keansburg NJ about a twenty million dollar facility, public company, indoors, and was called an invasil operation, and that was suppose to be state of the art. That was closed down in May for both operational and economic reasons, but they also ran into problems with odor. When we got into this business our business model was very different from what everybody else was doing, generally bigger is better, build one big facility out in the middle of nowhere, grab as much waste as you can. That really doesn't work when you are handling volatile material such as food waste and yard waste. Our model is more on the European model which is build small facilities that serve the needs of a community and build multiple sites around the state. What that does is gives you much less material and much less truck traffic, in a smaller facility you can design it for the community to be a good neighbor and not a nuisance neighbor. That has been our model and we have looked at various locations around the state we have a development site in Southern New Jersey that is being supported by the Township, and I can tell you that in most areas that we go to and give our pitch, the Townships are in favor of it because of the technology and what it brings to the area. WE specifically chose the Lakewood area, we were looking in the Monmouth-Ocean County areas and our engineers actually said we needed to look at Lakewood, they have a large Industrial Park with good traffic conditions for the trucks coming in, large population base and a lot of food services in the area, so we specifically picked this area to build a small facility by waste standards, sixty thousand tons, which is very small but do it in a way that will provide value to the community. Our by-products are renewable energy, actually quite a bit, over 1.5 megawatts of renewable energy and about 2.7 megawatts of thermal energy. This is all material that is coming out of the landfills and will be used to produce that energy, the by produce after we make that energy is a very high quality compost. Compost is gaining in popularity in its uses because it is much better than using commercial fertilizer, there is no run-off or problems like that it has a much better water holding capacity in fact about a year ago the city of Denver passed an ordinance that you will not get a water permit at your home or business until you have so much compost produced in the area tilled into your soil, because it reduces water consumption stops erosion and keeps you fertilizer from running into the rivers and lakes in the area. We have two very high quality products that we are going to produce at this facility,

but it is really the type of facility and the technology that we have selected. There are two technologies, one is called dry fermentation anaerobic digestion, and basically what that means is we are going to breakdown material in the absence of oxygen in a sealed chamber and we are going to do it without mixing it in with a slurry or water, which is what a lot of these facilities have done over the years or farms around the country. (Mr. D'Antonio produced some pictures) stating some of these are broken down into two components, one produces energy, one produces compost. The part that produces energy is a series of reinforced concrete garages; they are air tight, liquid tight and gas tight. Those garages are heated to 140 degrees farinheight, the heat we generate internally, so we do not have to bring any heat from the outside with natural gas. We have a number of these which are called fermenters and those chambers are designed to break down organic matter very quickly and efficiently without releasing any odors. Inside of the building are the chambers these hold roughly about 400 tons of material, they are 100 feet deep, 23 feet wide, and 15 feet tall. We will mix yard waste and food waste with a front loader and actually push it into this chamber, we close the door and it stays in there for about 28 days, during that 28 days in a controlled environment monitoring temperature and hydrogen sulfides, nitrogen and ammonia we will break down the material and we will draw the gas off of it into a low vacuum into a gas pack. While it is in here over 28 days over 90% of the volatile fatty acids, the stuff that stinks is destroyed. These digesters are all within a special purpose building under negative pressure. Even if the door was opened we are bringing air in but not out, we are taking all kinds of safe-guards to make sure that when we are producing our energy we are controlling all the air all the water and all the materials. When this 28 day cycle is done we open the door and over 90% of the odor is gone, that gas that we have extracted goes to a series of engines that produces the renewable energy and the engines output emissions actually falls below the DEP guidelines for the air quality. We now have a by-product roughly 76% of what we put in comes out, that material goes to the composting part of the operation on the other side of the building. It is a similar type of operation but with the composting we actually want to add oxygen, it is still a garage just like the other portion of the building. We blow air in the reinforced concrete garages for the composting process. The concept here is that we want to handle the material we want to handle the air we want to handle any residual liquids and we don't want to let go of them until we are done with our process. The air being blown it in the compost which does two things, it aerates the compost and just that air going through starts creating the micro-organism that turns it into compost and raises the temperature but it also cleans the air. Every bio-filter at any composting facility has compost in it and they blow air through the compost and the bacteria eats the under causing agent that are left behind. Even through we are destroying most of the under causing agents in digestion we still are taking that air and blowing it through at this part and it starts to clean it. It will stay in this bin

for about 7 to 10 days, we open the door and put it in another chamber and we recycle it again. In two weeks we have compost that is ready to be stored and cured even further. When all of these processes are done we end up with maybe 3% or less contamination, people through bottle s and cans in, there is no residual liquid left over, all the liquid in the plant is recycled and handled internally, all the air in the plant has been recycled two or three times with the composting process and before anything exits the building we have a series of bio-filters around the facility that are designed to clean up any additional potential for odor. Mr. D'Antonio showed the board a picture of a facility in County Cork, Ireland that is situated about 300 feet away from homes and was awarded from the DEP in Ireland for their operations because they were so close to homes and had no problems and he has the references available for view. The whole concept here was to be able to efficiently handle material from a very tight radius in the community. We want to take less than 25 miles, we want to handle the material from your community your counties, handle it efficiently handle it indoors, and do it in a way that we will be an asset to the community. We can provide our renewable energy to the business in the area including the MUA or the DPW, and lower there utility prices and give them renewable energy and we can get the compost back into the community and use it for erosion control or fertilization. Every thing we have done has been designed strictly to make sure that we are not a nuisance neighbor. We have gone as far as unloading out trucks indoors with a series of high speed doors. The door opens and the truck pulls in and the door closes before the door to the facility can open up. Once the door to the facility is opened up the material is tipped into a pit, when the trucks are emptied there is a cat-walk over the top and the truck is cleaned out with a high pressure hose, the door opens and the truck pulls out. This is all under negative pressure so when the door is opened you don't smell anything. We took a representative from Camden County with us to several European facilities and he was amazed that you actually had to walk several feet into the building before you could smell it. These facilities are used specifically to upgrade current composting operations to get rid of smell. We know the failures in New Jersey we have spent a lot of time looking at all the failures and we wanted to fine the best control mechanisms for handling these materials and all of the agencies and communities we have presented this to the people have said that we have really done our homework and we understand how to handle these volatile solids and do it in a way that will not be an nescience. I come from the food service side with 20 years experience in the food service industry, my partners have over 20 years experience in the waste hauling industry, over 25 years experience in renewable energy, combustion technology, 20 years experience in indoor composting and on the technology side for the energy we have a 10 year operating history in Europe its no longer considered new technology, its considered the technology to end organic

waste throughout Europe and they are building hundreds of these facilities right now.

Mr. Franklin asked if Mr. D'Antonio has any experience himself in running one of these facilities or does anyone in the organization run one of these facilities.

Mr. D'Antonio stated that he does not have the experience but our composting partners have seven operating facilities, four in the United States and three in Europe. On the digestion side there are thirty some odd facilities running in Europe that our technology "Bio Firm" operates those facilities. They will actually operate with us for over the first year when we starting. The first facility in the United States is being built in Oshkosh, WI at the University of Oshkosh and will be opening in April.

Mr. Franklin asked where they will be collecting their garbage from.

Mr. D'Antonio stated that they currently collect garbage from Hospitals, Colleges, Corporate Campuses, and Supermarkets, anybody that prepares food. We have our own specialized trucks for collecting food waste. We started this way to learn how to move product from point A to point B, we wanted to do it cleanly and efficiently. We actually have enough material under contract for more than this facility capacity.

Mr. Franklin asked how big of an area are they collecting from.

Mr. D'Antonio stated that they handle most of the state of New Jersey, we handle the Philadelphia area and most of the Baltimore Washington corridor.

Mr. Franklin asked if all of that material would be coming to this facility.

Mr. D'Antonio state that there is a 25 mile radius for pick-up. When you do this more in a city zone with a larger population density the radius goes down to 18 or less miles. We did a commercial food waste analysis for the Lakewood area for 25 miles. Based upon our experience we know how much material can be produced and about how many customers we can get, we are looking for a 16% market share. There will be about 25 trucks a day; the facility will be small and efficient.

Mr. Fink asked why they picked Lakewood, a growing densely populated area to build their facility.

Mr. D'Antonio explained that they wanted to have a facility in the Ocean Monmouth area and Lakewood had a great location for the trucks routes and the energy and compost produced could be put back into the community where it is needed.

Mr. Vogt asked what the hours of operation would be.

Mr. D'Antonio stated that they facility would be opened from 6am to 4pm and probably half a day on Saturday for collections. The facility would produce energy for a 24 hour period but would not be opened for 24 hours.

Mr. Arecchi asked how many local jobs would this facility create.

Mr. D'Antonio stated approximately 35 jobs would be available.

Mr. Neiman asked if there is a license needed to open such a place.

Mr. D'Antonio stated that they need to do several things, they need to get into the County Solid Waste Plan, the DEP then has to approve , they need a Class C with food recycling permit, we have to get air permits water permits and other things. We spent a considerable time with the DEP going over our technology, having them review our information look at the air emissions and so far the response from the DEP has been favorable.

Mr. Neiman asked if the DEP will be inspecting the facility after it is up and running.

Mr. D'Antonio stated he was unsure if they will but he is sure there will be a lot of people coming through.

Mr. Waters stated to answer the question is yes the DEP will be doing regular inspections and the licenses will need to be renewed at various times and like any recycling facility the DEP is there on a regular basis. What we are asking tonight is to have the Planning Board to indicate their willingness to have the zone amended to allow this type of use. If that is approved it will then go back to the Township for a second reading this week. Then the next step is to adopt some enabling ordinances that would govern the site plan aspects of it, how will it be built and what would be the requirements, nuisance issues, licensing and make sure there are protections with the operating and odor.

Mr. Schmuckler made a motion to recommend to the Township the approval of this change to the ordinance, Mr. Banas seconded the motion.

Roll Call Mr. Herzl, yes, Mr. Franklin, no, Mr. Arecchi, yes, Mr. Banas , yes, Mr. Neiman, Yes, Mr. Fink, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

2. SP# 1786

Applicant: S & H Builders

Location: East County Line Road, east of Somerset Ave
Block 208.01 Lots 12 & 73

Preliminary & Final Major Subdivision to create 13 lots.

Project Description

The applicant proposes to subdivide an existing property of approximately 3.82 acres into twelve (12) single-family residential lots and one (1) undeveloped landlocked lot to be retained by to the applicant. The proposed subdivision would create a cul-de-sac for the project, which is proposed to be called Prime Lane, upon which all residential lots would front. The applicant is seeking Preliminary and Final Major Subdivision approval with variances. The subject property is located on the southerly side of East County Line Road, a County Highway, in the northern portion of the Township, east from Somerset Avenue. A 5.25 foot right-of-way dedication is proposed along East County Line Road. The site is currently developed with two (2) residential dwellings. An existing two-story dwelling is located on existing Lot 12 and an existing one-story dwelling is located on existing Lot 73. These existing improvements will be removed to make way for the proposed single-family residential subdivision. Besides the existing single-family dwellings the site contains mostly fallow field. The land slopes from north to south with existing elevations dropping from fifty-nine (59) to forty-eight (48). The southern edge of the tract is heavily forested woodland with freshwater wetlands bordering the Cabinfield Branch of the Metedeconk River. Proposed storm water management facilities and utilities are associated with this project. An underground recharge system consisting of Stormtech Chambers is proposed for Prime Lane. Proposed sanitary sewer will connect to an existing system in East County Line Road. Proposed potable water for the subdivision will connect to an existing main on the north side of East County Line Road. Four (4) off-street parking spaces are proposed for each single-family unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk throughout. The subject site is located within the R-12 Single Family Residential Zone District. Single-family residences are a permitted use in the zone district. The site is situated within a predominantly residential area.

We have the following comments and recommendations: (1) **Zoning** (1) The site is situated within the R-12, Single-Family Residential Zone District. Single-family residences are a permitted use in the zone district.(2) Minimum Lot Area variances are required for proposed Lots 12.01-12.05 and 73.01-73.05. The proposed lot areas for the residential lots requiring variances vary from 7,508-8,195 square feet. The minimum required lot area is twelve thousand square feet (12,000 SF). (3) Minimum Lot Width variances are required for proposed Lots 12.01-12.05 and 73.01-73.05. The proposed lot widths for the residential lots requiring variances vary from 77.00-88.07 feet. The minimum required lot width is ninety feet (90'). (4) Minimum Front Yard Setback variances are required for proposed Lots 12.06 and 73.06, the lots fronting the cul-de-sac. The minimum required front yard setback is thirty feet (30') and front yard setbacks proposed are ten feet (10'). (5) The applicant proposes to create Lot 73.07, an undeveloped 36,134 square foot parcel on the south edge of the project. While the proposed lot is conforming in area, it is

landlocked because no road frontage is proposed. The applicant intends to retain ownership of this proposed tract. We recommend some frontage be proposed for this lot for accessibility and the appropriate bulk variances, if any, be requested. (6) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. (7) The applicant shall comply with recently adopted Ordinance 2010-98, Protection of Trees. (8) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments (A) General** (1) The General Notes refer to a Survey that the outbound and topographic data has been taken from. A copy of this Survey must be submitted. (2) Off-street parking: According to the plans provided, a typical dwelling will be two-stories with a basement and no garage. The applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards of three (3) off-street parking spaces for unspecified number of bedroom units. The project shall also comply with parking ordinance 2010-62.(3) Curb and sidewalk is proposed throughout the development. The proposed curb along East County Line Road shall be extended to the edge of the property even though a pavement transition may have to commence within the property frontage. (4) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. This matter is not addressed on the subdivision plans. The Environmental Impact Statement indicates the Township will provide solid waste and recycling collection. (5) A new road name, Prime Lane, has been proposed for the project. The applicant's professionals indicate the proposed road name has approval from the Township. (6) The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. (7) The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for developments consisting of between seven (7) and fifteen (15) homes. (B) **Plan Review** (1) Sight Triangle Easements to the County of Ocean are proposed at the intersection of proposed Prime Lane with East County Line Road. An eight foot (8') wide Sidewalk and Utility Easement is proposed across the frontage of the project because the proposed sidewalk will encroach on the proposed lots and the proposed Sight Triangle Easements will not allow for any shade trees to be planted along East County Line Road. An eight foot (8') wide Shade Tree and Utility Easement is proposed along the proposed cul-de-sac for the balance of the project. Proposed radii shall be added at the intersection for the proposed lots, sidewalk, and curb. Dimensions for the proposed sidewalk location along East County Line Road shall be added. (2) Minor corrections are required to the General Notes. (3) Elevations are based on 1988 North American Vertical Datum, a benchmark shall be indicated. (4) Proposed off-street parking spaces consist of a minimum of 9' X 18' parking spaces. (5) Dimensions should be provided for proposed building boxes. Based on scaling of the proposed building boxes and narrative from the Storm Water Management Report, it appears the units will be approximately eighteen hundred square feet (1,800 SF) and the maximum lot coverage of twenty-five percent (25%) will be complied with.

(6) Freshwater Wetlands points and a line are shown along the southern edge of the property. However, no transition area has been indicated. A copy of the Letter of Interpretation and the approved plan should be submitted. (7) A three hundred foot (300') Riparian Buffer crosses proposed Lots 12.06 and 73.06 beyond the proposed cul-de-sac. No improvements, including proposed grading, encroach upon the Riparian Buffer Line. Survey data must be provided to establish the location of the Riparian Buffer Line. (8) A 5.25 foot wide dedication to the County of Ocean is being provided for road widening purposes. The proposed half width right-of-way for East County Line Road will be thirty feet (30'). Plans shall be included for the widening of East County Line Road. (C) **Grading** (1) Detailed grading is provided on an Improvement Plan which is Sheet 4 of 13. A storm sewer collection system is proposed to collect runoff and recharge it within the proposed right-of-way of Prime Lane. (2) We recommend revision to the proposed grading scheme for the following reasons: (a) Failure of the proposed recharge system could result in two feet (2') of flooding in the center of the proposed project before storm water would runoff onto adjoining properties. (b) The proposed sanitary sewer is very shallow, thereby making the lateral connections shallow. Adding fill to the project and slightly shortening the cul-de-sac can alleviate the situation. (3) The Environmental Impact Statement indicates subsurface investigations were conducted by Atlas Environmental for groundwater and permeability determinations. Copies of this information has been provided in the Storm Water Management Report to demonstrate that a two foot (2') separation from the seasonal high water table to the bottom of the proposed recharge system and basement elevations is maintained. (4) A profile has been provided for proposed Prime Lane. The proposed grading shall be designed to intersect the gutter elevation for the widening of East County Line Road. Proposed horizontal control points should be added. (5) A detailed review of the grading can be completed during compliance review, if/when approved. (D) **Storm Water Management** (1) A proposed storm sewer collection system has been designed to convey storm water runoff into a proposed subsurface recharge system located under the site access road for storm water management. The proposed underground recharge system will be constructed with Stormtech Chambers. Testimony is required on the ownership of the storm water management system. Should ownership of the system be requested of the Township, the Department of Public Works must review the project for acceptance of the proposed road and storm water management system. Otherwise, a Homeowners Association must be formed to own and maintain the road and storm water management system. (2) Two (2) soil boring locations have been provided within the proposed roadway to confirm the seasonal high water table. The permeability rate used in the recharge calculations is acceptable based on the soils information provided. (3) Review of the Storm Water Management Report indicates the available storage for the Stormtech Chambers has been overestimated. The proposed chambers are arch type structures, therefore the volume calculations must be amended accordingly. Additional proposed chambers may be required. (4) Drywells are proposed in the rear yards of most proposed lots to recharge runoff from roof leaders. In a couple of instances yard drains are proposed where low points are being created. Runoff collected at these isolated low points will also be piped into the drywells and be recharged. The rear yards that are void of drywells are being graded to convey runoff to the

proposed street which is in conflict with the Storm Water Management Report and calculations. Testimony should also be provided confirming the drywell systems will be owned and maintained by the individual lot owners. (5) The Pond Hydrographs must be included in the Storm Water Management Report when the drywell designs are revised. (6) The Drainage Area Maps referenced in Appendix E of the Storm Water Management Report have not been provided and should be added to a revised Report. (7) The Storm Water Management Report does not address water quality. (8) A Storm Water Management Operation & Maintenance Manual must be submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. (D) **Landscaping** (1) A Landscaping Plan has been provided on Sheet 7 of 13. (2) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property, the majority of the site has been cleared. An existing treed area is located on the southern edge of the site and contains Freshwater Wetlands. The Tree Protection/Management Plan shows an inventory of individual trees ten inches (10") or larger and specimen trees that exist on-site. However, compensatory plantings have not been addressed. (3) Twenty-five (25) Chanticleer Pear shade trees are proposed around the cul-de-sac. (E) **Lighting** (1) A Lighting Plan has been provided on Sheet 8 of 13. (2) Proposed lighting has been provided for the cul-de-sac area. Seven (7) pole mounted fixtures are proposed. Confirmation on the proposed height of the fixtures should be provided. According to the Lighting Summary Table, it appears the height will be fourteen feet (14'). (3) A point to point diagram has been provided to verify the adequacy of the proposed lighting. Review of the point to point diagram provided indicates the lighting is adequate. (4) Testimony should be provided regarding street lighting on the existing East County Line Road frontage, since no new lighting is proposed. (5) Coordination of the street lighting with JCP&L is required. (F) **Utilities** (1) Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. The Environmental Impact Statement should be modified accordingly. (2) The proposed sanitary sewer will connect to an existing system in East County Line Road. (3) Potable water is proposed to be extended from an existing main on the north side of East County Line Road. (4) The plans state that electric, telephone, and cable to be provided underground. If gas is available, it shall be added to the list of underground utilities. (G) **Signage** (1) Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. (2) No project identification signs are proposed. (3) All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. (G) **Environmental** (1) **Site Description** Per review of the site plans, aerial photography, and a site inspection of the property, the tract has two (2) existing residential dwellings located in the northern part of the property adjacent East County Line Road. The site contains mostly a fallow field and a heavily forested woodland southern fringe with freshwater wetlands bordering the Cabinfield Branch of the Metedeconk River. The existing on-site topography slopes from north to south towards the freshwater wetlands on the southern edge of the site. (2) **Environmental Impact Statement** An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. Freshwater Wetlands

and a three hundred foot (300') Riparian Buffer have been mapped for the site. A copy of the Letter of Interpretation and the approved plan are required for subdivision approval. (3) **Tree Management** A Tree Protection/Management Plan has been submitted. The plan identifies specimen trees. Therefore, compensatory planting must also be addressed. It should be noted that the site is mostly cleared and only the wooded area in the center of the property will be disturbed. Therefore, no extraneous trees will be removed as part of this subdivision. (H) **Construction Details** (1) Construction details are provided with the current design submission. However, design changes are anticipated. Therefore, we recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. (I) **Final Plat (Major Subdivision)** (1) Survey information must be added to the Freshwater Wetlands Line and three hundred foot (300') Riparian Buffer Line. File Numbers must be added if the lines have already been approved by the NJDEP. (2) The General Notes require corrections similar to the construction plans. (3) The Sidewalk and Utility Easements proposed for the East County Line Road frontages of new Lots 12.01 and 73.01 shall be indicated as shown on the preliminary plan. Proposed survey information should be completed and easement areas provided for the individual lots.

(4) The areas for the proposed Shade Tree and Utility Easements on new Lots 12.01 and 73.01 shall be reduced by the amounts of the areas proposed for the Sidewalk and Utility Easements. (5) A Key Map must be added. (6) The Secretary's Certification must have the date corrected. (7) Certifications in accordance with UDO Section 18-604B.3., Final Plat Major Subdivision shall be provided. (8) Compliance with the Map Filing Law is required. (9) The Final Plat will be reviewed in detail after design revisions are undertaken for the project. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey Department of Environmental Protection (LOI); and (d) All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. John Doyle for the applicant we have reviewed the engineering comments and we believe that we can resolve all of the issues in the report. We will provide such appropriate access or easement to the rear and significantly sized lot as would be appropriate, The LOI is in the process and certainly any approval for any number of lots would require all other approvals and we would have to get that as a condition of any approval that you might give. The grading and Storm Water comments especially comments C2, D1, D3 and D7 we will work with the

engineer and satisfy him on all of those. I think we will have at the conclusion a clean engineering report and a cleanly engineered satisfactory site. There are a couple of things working here, as you can see the plan is nearly four acres of ground we have laid it out in a typical and appropriate fashion with a conforming street a cul-de-sac and lots left and right of the newly created street. Each of the homes that you see but for the one exception of the frontage because of the curbal linear nature of the cul-de-sac, the frontage becomes a problem, we will meet every R12 standard in terms of how we lay out the house, it will meet the front setback, the side setback, the combined side setbacks, the rear setbacks it will meet the coverage requirements so the location of the houses is appropriate. We have 3.92 acres, we have usable area of 170,000 sq feet, if you divide 12,000 into 170,000 you get 14 lots. What we have done is provide a passive recreation area, this is a recognized planning concept that your ordinances endorse in a cluster, so by saving that land for passive recreation yes we have bunched the houses but we haven't bunched them so that it is out of character. If you look easterly there are 9 lots in the same linear distance we will have six lots, there are a significant number on non-conforming existing lots. This is an area in transition when the ordinance was adopted that created this zone it did not have all of these lots in place, this area is changing. When you say that we are moving down a zoning district or two we are not in terms of how many houses are we producing for this number of acres. We are meeting standards and building houses that are consistent with the neighborhood. On the positive side we are building homes that are consistent with the density.

Mr. Brian Flannery PE this is a cluster and the ordinance does permit reduction in lot size for residential purposes which has been done in the past and it stipulates a density in there of 3.2 units per acre we are just over 3 units per acre. The property next to us is 3.8 units per acre also in the same zone there are areas with 6 or 7 units per acre. One of the things in both the Master Plan and the MLUL is the appropriate density. Appropriate density wise we are there, the board normally looks at dropping down one zone size and based on what would be permitted in the ordinance for the reduction of lot size we meet the density we don't meet the area. The area stipulates that there should be 10,000 and change and we are at 7,500 so on that bases we are one lot size over. I think the balance is the passive recreation space that is in the back and meeting the housing needs, density wise we are less than what is permitted by the ordinance, the area in the back is a corridor that is there between this area and a school. It is something nice for these residents to enjoy.

Mr. Neiman asked how would the people get to the area.

Mr. Flannery stated that they would need to provide an access easement through one of the residential lots. That is something that they would address when they re-submit.

Mr. Neiman started that he would like to see the recreation area somewhere in the resolution as deed restricted as passive recreation only.

Mr. Flannery stated that if the Board would like the restrictions put in the client would probably have no objection.

Mr. Vogt stated that the Storm water system is a recharge system in the cartway itself who will maintain it.

Mr. Flannery stated that they would like the Township to maintain it. They would meet with Public Works and if they feel that they could not appropriately maintain then they would do a homeowners association.

Mr. Schmuckler pointed out that the street was indicated as 50 foot wide how wide would it be.

Mr. Flannery answered 32 feet wide.

Mr. Percal stated that his concern is that a non-conforming lot in an R12 Zone would be 11,500 sq feet and we are talking about 7,500 sq feet, there is a very wide gap between the definition of non-conforming at 11,999 and 7,900 sq feet which in an R12 Zone would make a dent on the entire scheme of the neighborhood.

Mr. Flannery stated that the lots right next to our property are 7,500 sq feet the same size that we are proposing which is why we feel that this would be consistent with the area. The difference is that they did not cluster theirs they went to the Zoning Board and got permission. The Board said that this makes sense it meets the purposes of zoning. We are providing the appropriate density and we are providing an open space passive recreation area. We are consistent with what is next door.

Mr. Banas asked isn't a clustering concept to have all land that is buildable used in the concept. We are using something that is not buildable and we are calling it a cluster. I don't think it is a cluster we can't use that land for any purpose what so ever so in reality if I understand correctly we are building nothing in there because we can't and we have a piece of land and making that a 7.5 zone coupled with that two of the lots that we have 73.6 and 12.6 really have the LOI really infringes on the other two lots, so in reality it is not a 12,000 sq foot unit it is less than that.

Mr. Flannery stated that the LOI line, the line that goes on those properties is the 300 foot riparian buffer it is not the LOI line the wetlands is a long distance away from there. The 300 foot buffer when it first came out has a provision that if it was disturbed it was only 150 feet. The environmentalists are very good at taking peoples property little by little, the wetlands law when it first went through said

that we need to protect the wetlands so the animals have a place to stay, two years later they said we have to put a buffer on the wetlands so no one can get close to where the animals stay and so on. The answer to the question is that it is not near the wetlands buffer. You are allowed to use it the way it has been used, this is an already cleared area you just can't put a building on it. The next question in respect to the clustering, there is no definition that states that you have to have buildable land, the Lakewood ordinance doesn't do a good job of promoting clustering. My professional opinion is that this is good land it is land that five years ago before the 300 foot repairium buffer came in you could have built on. There is a law that states that this land is special and we should preserve it, it makes sense that the property owner who has had land taken away from him because of this buffer it makes sense to allow clustering, the enjoyment of the land is better because it is in this repairium cart.

Mr. Banas asked if they can put up a playground in the area.

Mr. Flannery stated that if it is portable equipment and no fill you can put it in there, the kids can play ball have picnics, etc.

Mr. Banas stated that Mr. Flannery's idea of a cluster and what was talked about during the Master Plan are two different things, he also remembers when the State came in with the edict that says from a C1 you have to put a line down that it is 300 feet, and I do remember that a lot of people that were effected by that came to us in a hurry to have certain plans approved prior to the commitment. Those who were sharp enough to know what was going on were satisfied and treated well by this Board. Unfortunately for one reason or another it didn't happen to all but I still feel that my definition of a clustering is not unique but a kind of deal that we were working on during the Master Plan preparation.

Mr. Doyle stated that Mr. Banas is stating that the land has to be useable and Mr. Flannery is stating that the land may have the capacity to be asked for for useability but we are unsure of that right now.

Mr. Banas asked Mr. Flannery does this land as it stands right now with all the laws that we have in place buildable.

Mr. Flannery stated that you can not build houses on it at this point.

Mr. Schmuckler stated that he feels the open area is the best idea and it should be maintained in a proper way. The lots could be made bigger but the open space would be better.

Mr. Doyle stated that if they wind up with a Homeowners Assoc. they would maintain it.

Mr. Vogt stated that if you look at the slopes on the field they would be able to maintain what is there but they can not build a ballfield or anything like that.

Mr. Neiman stated that there are several other developments on the County Line corridor that have conforming lots and the passive recreation area that Mr. Flannery is talking about will not be used by the children in the area the children play in the front of the houses and in the cul-de-sac.

A discussion ensued about the use of the passive area and maintenance of the area.

A motion to move this application to the 3/15/11 meeting was made by Mr. Follman seconded by Mr. Banas.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arcchi, yes, Mr. Banas, yes, Mr. Neiman, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application will be moved to the 3/15/11 meeting no further notice is required.

3. SP# 1789

Applicant: Eli Schwab

Location: Dewey Ave & Bruce Street with frontage on Route 88(Ocean Ave)

Block 246 Lots 42 & 52

Minor Subdivision to create 4 zero lot line lots & remaining portion

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing irregular lots totaling 1.35 acres in area known as Lots 42 and 52 in Block 246 into five (5) new residential lots, designated as proposed Lots 42.01 and 52.01-52.04 on the subdivision plan. The site is situated in the northern portion of the Township between the east side of Dewey Avenue and the north side of Ocean Avenue (Route 88). Mostly residential dwellings surround the property. Ocean Avenue is a well traveled paved State Highway with a fifty foot (50') right-of-way and a fifteen foot (15') half pavement width. Dewey Avenue is a narrow, improved municipal road with a forty foot (40') right-of-way and a twenty-seven foot (27') pavement width. A five foot (5') road widening easement to the Township is proposed across the Dewey Avenue frontage of the site. Existing Lot 42 contains an existing two-story dwelling with a detached garage to the rear. The property fronts Ocean Avenue (Route 88), a State Highway. The map also shows the tract contains a transition area associated with off-site freshwater wetlands on the eastern part of the back yard. Existing Lot 52 contains an existing dwelling, and the dwelling with all existing improvements will be removed. Existing Lot 52 fronts Dewey Avenue where it intersects Bruce Street.

Public water and sewer is available. Curb and sidewalk exists along most of the street frontages. The lots are situated within the R-7.5 Single Family Residential Zone. No variances are requested to create this subdivision.

We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone. (2) The Board shall take action on whether to accept a five foot (5') wide road widening easement instead of a road widening dedication. It should be noted the Board accepted a road widening easement from the adjoining major subdivision project (SD1716) to the north. (3) Testimony should be provided on the unusual proposed minor subdivision configuration. Proposed Lot 42.01 will be highly irregular in shape and have double frontage, fifty foot (50') frontage on Ocean Avenue and fifty foot (50') frontage on Dewey Avenue. Proposed Lots 52.01-52.04 will all be irregular in shape. It appears the configuration is considering the future extension of Bruce Street and filling of freshwater wetlands. Should this be the applicant's future intent, we have the following recommendation with respect to the proposed layout: (a) Proposed Lot 52.04 will become a corner lot if Bruce Street is extended. Therefore, we recommend increasing the proposed side yard of 21.70 feet to twenty-five feet (25') to avoid having to request a future front yard variance. The additional area for proposed Lot 52.04 would be at the expense of area from proposed Lot 52.03. However, since the combined areas of the zero lot line properties would exceed ten thousand square feet (10,000 SF), no area variances would be necessary for these irregular lots even though proposed Lot 52.03 would be less than five thousand square feet (5,000 SF). Furthermore, the required minimum side yard of seven feet (7') could still be maintained for a smaller proposed Lot 52.03. (4) No variances have been requested by the applicant or identified in our review. The applicant must address the positive and negative criteria in support of any variances that may be necessary. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The General Notes indicate the coordinates are on an assumed datum. However, no coordinates are shown on the map.(2) The General Notes indicate vertical elevation is based on an assumed datum. A bench mark must be provided. (3) An existing detached garage, which is identified as an existing one-story building is located to the rear of an existing two-story dwelling on existing Lot 42. Although not indicated, it is assumed these structures will remain. Existing setbacks must be shown to the corners of the existing dwelling and garage if they are intended to remain. Also, accessory structures would have to be added to the Zoning Data. (4) The Minor Subdivision is based on a Survey dated 12-18-10. A copy of the Survey must be provided. The Minor Subdivision Map does not show the existing driveway for the dwelling and garage on Lot 42. The Zoning Data proposes only two (2) off-street parking spaces for proposed Lot 42.01 which appears incorrect from our site investigation on 1/24/11; we are assuming these structures are intended to remain. (5) Curb and sidewalk exist along most of the frontages of the project. The existing curb and sidewalk is being replaced in front of the proposed duplex lots. Unless a

waiver is sought, the proposed sidewalk must be extended halfway around the curve of the intersection of Dewey Avenue and Bruce Street from the property line of proposed Lots 42.01 and 52.04. (6) Proposed dimensions and elevations are required for the design of the curb and sidewalk replacement on Dewey Avenue. The existing pavement on Dewey Avenue is in poor condition from the construction of utility mains. The proposed curb replacement and utility connections will disturb enough of the pavement to warrant a half width overlay at the completion of the project. (7) The Zoning Data requires corrections which we can review with the applicant's surveyor. (8) The Zoning Data indicates that four (4) off-street parking spaces per dwelling unit will be required. Four (4) off-street parking spaces per dwelling unit are proposed for the duplex lots. Testimony should be provided regarding the proposed number of bedrooms and whether basements are proposed for the future dwellings on proposed Lots 52.01-52.04 to determine if additional off-street parking is required. Testimony should also be provided regarding off-street parking for proposed Lot 42.01. A variance would be required if only two (2) off-street parking spaces are proposed as currently shown in the Zoning Data. (9) If basements are proposed, seasonal high water table information is required. (10) A freshwater wetlands line with a fifty foot (50') transition area line is shown on the plan. A note indicates approved wetlands line from map entitled "Wetlands Delineation Plan of Lots 40, 41, 42, and 67, Block 246" prepared by Harry W. Mager, Jr., P.L.S., dated 11-14-2008, revised 1-7-2010. Future development must take place uplands of the approved buffer or NJDEP permitting may be necessary. (11) The area of proposed Lot 52.04 requires correction. The plan also has missing and incorrect proposed lot dimensions. (12) A ten foot (10') wide Drainage Easement to the Township of Lakewood is shown on proposed Lot 52.04. The proposed Drainage Easement shall be increased in width to twenty feet (20'). A twenty foot (20') wide Drainage Easement should also be shown on proposed Lot 42.01 since the same storm sewer system is shown crossing this property. Proposed bearings, distances, and areas are required for the easements on a per lot basis. (13) A Sight Triangle Easement should be added to the southwest corner of proposed Lot 52.04 to allow for the potential to extend Bruce Street. (14) No outbound corners are shown on the Subdivision Map. Furthermore, the surveyor's certification on the plan has not been signed since outbound corners are not shown and the four (4) monuments to be set are not in place.

(15) The applicant's professionals indicate the proposed lot numbers have been approved by the tax assessor's office. The plat must be signed by the tax assessor's office. (16) Six foot (6') wide shade tree and utility easements are proposed along the property's frontages. Dimensions for the easement on the Ocean Avenue side of proposed Lot 42.01 are missing. (17) Five (5) October Glory Maple shade trees are proposed for the project in front of the Dewey Avenue duplex lots. No shade trees are proposed within the proposed shade tree and utility easement along the Ocean Avenue frontage of the project. Landscaping should be provided to the satisfaction of the Board (18) The Plan does not indicate any existing trees on the site. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. (19) The Improvement Plan indicates roof drains to be directed to the undisturbed rear of the property. (20)

Compliance with the Map Filing Law is required.. (21) Construction details are necessary for improvements required by the Board. A depressed curb detail is required based on the improvements already proposed. Final construction details will be reviewed during compliance submission should subdivision approval be granted. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board. (b) Ocean County Soil Conservation District (c) New Jersey Department of Transportation (if necessary); (d) New Jersey American Water (water & sewer); and (e) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Abraham Penzer for the applicant we can agree to everything in the letter from the engineer we have one concern under #A as proposed to the side yard.

Mr. Glenn Lines PE stated that in the letter Mr. Vogt suggested that we made want to move the line what is shown on the map as duplex #2 so that we should have 25 foot setback which would now be the side setback for lot 52.04 to our side property line, there is the possibility that the owners of the other lot will extend Bruce Street in the future and if we move the property line over then we would get a 25 foot setback from the side , if they ever extend Bruce St. for the lot next door we would then have a conforming 25 foot front setback on that lot otherwise it may put that house in a variance situation. It just adjusts the lot area we can still meet all of the side yard setbacks, parking requirements, it just reduces the lot area of 52.03 by about 440 sq feet but the total duplex lot has the required over 10,000 sq feet so it doesn't require any variance according to Mr. Vogt's letter.

Mr. Franklin stated that there is a big drainage problem down there on the corner of Dewey all the water in there floods in there and up to Ocean Ave. There is a drain pipe in there not shown on these plans.

Mr. Lines stated that there is a storm drainage pipe that goes from an inlet in Dewey that goes to a manhole that is buried on our property and then it goes out to and outfall in the wetlands. There are no easement s on that pipe, we are not touching the pipe at all we are giving a 20 foot easement 10 feet on either side of the pipe where it crosses the new lots. The pipe is shown on sheet two.

Mr. Franklin stated that it doesn't show easement on the plans.

Mr. Lines stated that it will be shown on the plans.

Motion was made to move this application to the 3/15/11 meeting by Mr. Fink and seconded by Mr. Follman.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Banas , yes, Mr. Neiman, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application will be moved to the 3/15/11 meeting no further notice is required.

4. SP# 1741

Applicant: Tashbar of Lakewood
Location: Oak Street, west of Cypress Avenue
Block 1011 Lot 1
Block 1012 Lot 1
Block 1013 Lot 1
Consolidation & Minor Subdivision

Project Description

The applicant seeks minor subdivision approval to allow a land transfer between the owners. The owner/applicant of existing Lot 1 in Block 1011, existing Lot 1 in Block 1012, and existing Lot 1 in Block 1013 is Tashbar of Lakewood, 600 West Kennedy Boulevard, Lakewood, New Jersey 08701. The owner of existing Lot 5 in Block 1012 is Whiting Pines Realty Corp., Inc., PO Box 109, Lakewood, New Jersey 08701. Existing Lot 5 in Block 1012 will be transferred to Tashbar of Lakewood and will become part of proposed Lot 1.01 in Block 1012. A portion of existing Lot 1 in Block 1013 will be transferred to Whiting Pines Realty and will become proposed Lot 1.02 in Block 1012. The subdivision plan indicates proposed Lot 1.01 will be serviced by existing utilities in Oak Street and private individual septic disposal systems. The plan also indicates proposed Lot 1.02 will be serviced by existing utilities, and future sewer and electric extensions. The site is situated in the southern portion of the Township on the south side of Oak Street, west of Vine Avenue. The entire parcel is vacant and wooded. Oak Street is a paved road connecting Vine Avenue and Route 9. The plan shows the street has an existing right-of-way width of fifty feet (50') and an existing pavement width of thirty-six feet (36'). Proposed Lot 1.01 would be much larger than proposed Lot 1.02. The proposed lot line is being created based on maintaining the minimum bulk requirements for proposed Lot 1.02. Proposed Lot 1.01 would be basically a rectangular lot comprising an area of 166,195 square feet. Two (2) previously vacated streets, Hazen Avenue and Dayton Avenue are included within proposed Lot 1.01. Also, a twenty-five foot (25') strip of what appears to be a vacated section of Halsey Street is included within the proposed lot area of new Lot 1.01. Part of proposed Lot 1.01 has frontage on an unimproved length of Halsey Street (to the south) and an unimproved distance of Clyde Avenue (to the west). Proposed Lot 1.02 would be 100' X 142' comprising an area of fourteen thousand two hundred square feet (14,200 SF). The proposed lot would be situated on the southwest corner of Oak Street and Hamilton Avenue. Hamilton Avenue is an

unimproved street on the east side of proposed Lot 1.02. Curb exists along the Oak Street frontage, but sidewalk does not. The other surrounding streets are unimproved. The lots are situated within the R-12 Single Family Residential Zone. No variances are requested to create this subdivision. We have the following comments and recommendations: (I) **Waivers (A) The following waivers have been requested from the Land Development Checklist:** (1) B – Site Features (2) C4 – Location of proposed septic systems on Lot 1.01. Testimony should be provided for the waiver requests. Topography of the site with contours has not been provided and no improvements have been shown. Since no improvements have been proposed, a waiver from providing a location of proposed septic systems has been requested. The Board shall take action on the waivers requested from the Land Development Checklist. We recommend the Board grant the waiver from located proposed septic systems since no development is proposed at this time. We recommend a partial waiver be granted on site features. Existing man made features such as fences and drainage should be added to the site and surrounding roads. (II) **Zoning** (1) The parcels are located in the R-12 Single-Family Residential Zone District. Uses for the proposed lots have not been indicated. Testimony should be provided on the future uses for the proposed lots being created. (2) A waiver from constructing curb and sidewalk along the property frontages is necessary (if approved by the Board). Of the surrounding streets only Oak Street is improved. Curb exists along Oak Street, but sidewalk does not. Should the Board require the construction of sidewalk along Oak Street, existing fencing and drainage must be shown since it could impact the proposed sidewalk location. (3) No variances have been requested by the applicant or identified in our review. The applicant must address the positive and negative criteria in support of any variances that may be required. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (III) **Review Comments** (1) A portion of proposed Lot 1.01 is shown within the Halsey Street right-of-way. A street vacation for this section of Halsey Street has not been shown. Testimony is required to address this discrepancy. (2) The one hundred forty-five foot (145') dimension shown for existing Lot 5 shall be corrected to one hundred twenty feet (120'). A twenty-five foot (25') dimension shall be added to the extension of the property line protruding into Halsey Street. (3) A correction should be made to note existing Lot 5 shall be merged into new Lot 1.01. (4) The proposed setback lines shall be added on the Minor Subdivision Map. Proposed typical dimensions should be added for any front, side, and rear yards. (5) The General Notes reference a Survey dated 9-10-2005. The Certifications reference a Land Survey dated 11-23-2010. A correction is required to the Minor Subdivision Plan. A Copy of the survey should be provided. (6) Because the proposed uses for the contemplated new lots have not been addressed, proposed off-street parking requirements have not been addressed. (7) The applicant's professionals have indicated the proposed lot and block numbers were approved by the tax assessor's office. The signature block for the tax assessor must be revised to "new block and lot numbers have been assigned". (8) Proposed shade tree and utility easements are shown along all property frontages except for Halsey Street. The proposed easement shall be added to the Halsey Street frontage

unless a waiver is sought. (9) No shade trees are proposed for the project, and are required unless a waiver is sought. Landscaping should be provided to the satisfaction of the Board. (10) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Our site investigation on 1/24/11 noted mature trees on-site. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, Township review should include tree protective measures to save mature vegetation where practicable. (11) Sight triangle easements have not been proposed at the intersecting streets. However, it should be noted that only Oak Street is improved. (12) The symbol for existing curb is the same as the proposed property lines. The existing curb symbol must be changed.(13) Due to no construction proposed at this time, the Board may wish to require the cost of any improvements required by the Board to be bonded or placed in escrow to avoid replacing them in the future. (14) The Monument Certification has not been signed since the monuments are not in place at this time. (15) Compliance with the Map Filing Law is required. (16) Construction details must be provided for improvements required by the Board. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); and (c) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Glenn Lines stated that when the Township sold the lot there was one piece left by an outside owner. There is an agreement with that owner to trade that piece of property so we can subdivide off the corner so instead of having a lot with a donut hole in it we are willing to trade with them that's why we want to subdivide off the one lot and then we consolidate his lot into ours. We are not proposing any improvements at this time, there should be a future school application on it, and this is the first step in the process. I understand that we normally get sidewalks on everything we would like to postpone that until the school application, there are no other sidewalks in the area.

Mr. Schmuckler stated that this type of application should go straight to a public meeting.

Mr. Vogt stated that they recommended a partial waiver on the survey information, that is not a problem.

Mr. Lines stated that since they are not building at this time they are asking for a waiver of topography, trees, there is nothing on the property right now it is a fully wooded lot, we would provide all of this when they come in for the school.

A motion is made by Mr. Fink and seconded by Mr. Follman to move this application to the 2/8/11 meeting.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arcchi, yes, Mr. Banas , yes, Mr. Neiman, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application will be moved to the 2/8/11 meeting no further notice is required.

5. SP# 1783

Applicant: Jechiel Weinfield
Location: Read Place, east of Albert Avenue
Block 855.03 Lots 22
Minor Subdivision & variance to create 2 lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 193' X 230' property totaling 44,390 square feet (1.019 acres) in area known as Lot 22 in Block 855.03 into two (2) new residential lots, designated as proposed Lots 22.01 and 22.02 on the subdivision plan. The site contains an existing frame dwelling which will remain on proposed Lot 22.02. Proposed Lot 22.01 will become a new residential building lot. Public water and sewer is not available. Therefore, private individual septic disposal systems and potable wells will be required. The site is situated in the southern portion of the Township on the south side of Read Place, east of Albert Avenue. Existing dwellings neighbor the property. Read Place is a paved road connecting Albert Avenue and New Hampshire Avenue. The street has an existing right-of-way width of fifty feet (50') and a varying pavement width. Proposed Lot 22.01 would be smaller than proposed Lot 22.02. The proposed lot line is being created based on maintaining the minimum lot width of one hundred feet (100') for proposed Lot 22.02. Proposed Lot 22.01 would be 93' X 230' comprising an area of 21,390 square feet. Proposed Lot 22.02 would be 100' X 230' comprising an area of 23,000 square feet. Curb and sidewalk does not exist along the street frontage, but both are proposed. The lots are situated within the R-20 Single Family Residential Zone. Variances are required to create this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-20 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Width (proposed Lot 22.01, 93.00 feet, 100 feet required) – proposed condition. (b) Minimum Side Yard (proposed Lot 22.02, 3.15 feet, 10 feet required) – proposed condition. (3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including**

but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. (II) Review Comments

- (1) Coordinates are required on at least three (3) corners of the existing property.
- (2) The proposed setback lines are accurately depicted on the Minor Subdivision Map. However, proposed typical dimensions should be added for the front, side, and rear yards.
- (3) The Minor Subdivision references a Topographic Survey dated 2/25/09 and a Land Survey dated 2/26/09. Copies of the surveys should be provided. Based on our field observations the Surveys must be corrected and/or updated to show the following: (a) Dimensions of the existing frame dwelling. (b) Existing spot shots and elevations along the centerline and existing edge of pavement on Read Place. (c) An existing structure (garage/shed) southeast of the existing dwelling and its proposed status (to remain/to be removed)
- (4) A Legend is required on the plans.
- (5) Site improvements are proposed along the frontage of the project. The proposed improvements include concrete curb, concrete driveway aprons, concrete sidewalk, and shade trees. The proposed curb is set fifteen feet (15') from the centerline of Read Place. It is not clear whether road widening is required since the distance of the existing edge of pavement from the centerline of Read Place is not shown.
- (6) Proposed top of curb elevations are required for the design of the proposed concrete curb
- (7) Proposed dimensions are required to properly locate the proposed sidewalk within the right-of-way.
- (8) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings, such as the existing dwelling shown on proposed Lot 22.02. Proposed Lot 22.01 proposes a five (5) bedroom dwelling which requires three (3) off-street parking spaces according to R.S.I.S. standards. The Schedule of Bulk Requirements proposes four (4) off-street parking spaces for each proposed lot. Driveways are proposed for both properties which are not large enough to accommodate the proposed number of spaces. The plans must be revised to provide the minimum number of off-street parking spaces proposed.
- (9) Testimony should be provided as to whether a basement is proposed for the future dwelling on proposed Lot 22.01. If so, seasonal high water table information will be required. Parking shall be provided to the satisfaction of the Board in accordance with Ordinance 2010-62.
- (10) The certifications on the plan should be corrected to conform to Section 18-604B.1., of the UDO.
- (11) The approximate locations are shown for the existing septic system and well on proposed Lot 22.02. The General Notes indicate proposed Lot 22.01 will be serviced by private well and septic. Ocean County Board of Health approval will be required for the Minor Subdivision.
- (12) Proposed lot and block numbers must be approved by the tax assessor's office.
- (13) A proposed shade tree easement is shown along the property's frontage. The proposed easement shall be revised to a shade tree and utility easement. Easement areas for the proposed individual lots must be completed.
- (14) Six (6) shade trees are proposed for the project, three (3) October Glory Maples and three (3) Pin Oaks. Landscaping should be provided to the satisfaction of the Board.
- (15) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Our site investigation on 12/17/10 noted mature trees on-site. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plan for

proposed Lot 22.01 submitted for Township review should include tree protective measures to save mature vegetation where practicable.(16) Testimony is required on the disposition of storm water for proposed Lot 22.01.(17) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future.(18) Compliance with the Map Filing Law is required. (19) Construction details must be corrected and additional details provided for improvements required by the Board. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); (c) Ocean County Board of Health (well & septic); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Lines stated that they would address all of the engineering comments, with regard to the variances all of the lots on this block are generally 96.5 feet wide on the other side of the street they are 100 feet wide and are compliant. This block they all got subdivided into 96.5, the lot we are talking about was combined into one lot 193 feet wide and we are just subdividing. The two variances are that we are providing 100 feet on one lot and 93 on the other and that gives us 3.15 feet of clearance to the existing house to the new property line.

Mr. Banas asked why are they not dividing the lot evenly.

Mr. Lines stated that the property line would go through the existing house, if they do that they would have to have an easement for the house to go over the line.

Mr. Banas asked what is the side yard clearance.

Mr. Lines stated that it is 3.15 feet to the property line. If we increased it to a 10 foot conforming side yard, then the other lot would only be 86 feet wide.

Motion to move to the 3/15/11 meeting was made by Mr. Herzl and seconded by Mr. Schmuckler.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Banas , yes, Mr. Neiman, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application will be moved to the 3/15/11 meeting no further notice is required.

5. CORRESPONDENCE

1. SD# 1760

Applicant: Pine Street Development
Request for reconsideration of previous denial.

Mr. Penzer for the applicant. We came to the Tech meeting and the issue is what is the Township going to do with the Vine Street Area, we were in the middle of building and it gave an impression that we were trying to put something over on somebody. What we have done now is that we have knocked off the variances on the side, and we would like to come back to show you why this would work. The building is up already, instead of turning it down.

Mr. Lines stated that they asked for a variance originally on lot 6.02 and we did not need to. Mr. Franklin stated why we should give you a variance on that, the plan has been revised so that 6.02 no longer request a variance. We still have a large lot, but we are still unsure as to what is going to happen on Vine Street in the future. All the applicant is requesting now is to put the existing duplex on conforming lots and leave a remainder lot.

Mr. Banas asked are there any variances to the application and what are they.

Mr. Lines stated that there are variances, the remainder lot in 6.03 in the R10 zone you need 75 feet wide and it is 51.12 feet on this portion in the back. At this point we are doing nothing with this area. Depending on what happens with Vine Street, there are several things that could be done.

A motion was made by Mr. Follman to rehear this application at the 3/15/11 meeting. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arcchi, yes, Mr. Banas , yes, Mr. Neiman, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application will be moved to the 3/15/11 meeting no further notice is required.

6. PUBLIC PORTION

7. APPROVAL OF THE MINUTES

None

8. APPROVAL OF BILLS

A motion to approve the bills was made by Mr. Schmuckler and seconded by Mr. Follman

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arcchi, yes, Mr. Banas , yes, Mr. Neiman, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

9. ADJOURNMENT

PLANNING BOARD MEETING
FEBRUARY 1, 2011

TOWNSHIP OF LAKEWOOD
PLAN REVIEW MEETING

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Secretary