

I. 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 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. Franklin, Mr. Neiman, Mrs. Koutsouris, Mr. Banas, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONAL

Mr. Vogt was sworn in.

Mr. Neiman said he did not think they were going to hear all the applications on the agenda and #9 - Yeshiva Keter Torah (SP 1801A) approached the board about the possibility of not being heard so Mr. Kielt said they could make the announcement at the end of the meeting about what date they will be carried to and it was possible they could be carried to March 3rd, March 17th or even in April. The applicant agreed to waive time until the March 17th meeting.

4. NEW BUSINESS

1. SD# 1650 (Variance requested)
Applicant: Scott Wegeman
Location: 766 Albert Avenue, north of Salem Street
Block 1159 Lot 62
Minor Subdivision for 2 lots – 1 flag lot

Mr. Vogt prepared a letter dated January 14, 2009 is entered in its entirety. The Applicant is seeking Minor Subdivision Approval to subdivide Block 1159, Lot 62 into two (2) lots, one of which will be a flag lot. New Lot 62.02 is proposed as a flag lot, with 24,213 square feet in area, and new Lot 62.01 will be 20,002 square feet in area. The existing 1-story residential dwelling is currently located on the proposed Lot 62.01 The subject parcel is 44,215 square feet in area (1.015 acres) and situated on Albert Avenue, within in the R-20 Single-Family Residential

District. The following comments in (bold) indicate the current submission's compliance with previous planning and engineering review comments: Planning Review Comments (T&M letter dated November 21, 2008) Zoning and Variance. The subject property is located in the R-20 Single-Family Residential District. **Fact – no additional information necessary.** Single-family residences are a permitted use in this zone district, subject to a minimum lot area requirement of 20,000 square feet. Flag lots, per Section 18-805G, are permitted in all residential districts, and have the minimum lot area of the zone exclusive of the "flagstaff." The proposed subdivision will comply with lot area requirements. **Fact – no additional information necessary.** A variance is requested for a lot width of 95 feet for proposed Lot 62.01, where 100 feet is required. **Fact – no additional information necessary.** A variance is requested for a side yard setback of 4.7 feet for proposed Lot 62.01, where 10 feet is required. **Fact – no additional information necessary.** A variance is required for a side yard setback for an accessory structure of 4.3 feet on proposed Lot 62.01, where 10 feet is required. This is an existing nonconformity. **Fact – no additional information necessary.** The positive and negative criteria for the variance should be addressed. Supporting testimony must be provided justifying the requested variances. Review Comments. Section 18-805G5 states that flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principals, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configuration or other physical characteristics or constraints of the land related to the proposed development concept. The applicant should testify regarding whether this layout is consistent with good planning principals. Per the applicant's cover letter, testimony shall be provided at the time of public hearing. Section 18-805G6a requires that all flag lots shall not be further subdivided, nor shall the access strip to same be used as access to any other lot or tract of land. The applicant should agree to this as a condition. Per the applicant's cover letter, they have no objection to this condition. The NJ RSIS requires 2.5 parking spaces per dwelling. The plan indicates that 3 spaces will be provided per dwelling. The parking complies with RSIS. **Fact – no additional information necessary.** The plan has typographical errors for the lot length along the northern lot lines of the two proposed lots. We have spoken with FWH Associates regarding the "typos," and they have agreed to correct same. It is our understanding that the lengths will be revised to 210.55 feet and 174.02 feet, for Lots 62.01 and 62.02, respectively. The referenced lengths have been corrected on the plans. The zoning table should be revised to indicate the correct lot area for lot 62.01, and to identify the non-conformity for the accessory structure side yard setback. The plan has been revised as requested and the non-conformity for the accessory structure side yard setback identified. The plan should indicate the limits of clearing on the lot, and identify existing trees to remain, and clarify proposed methods to protect existing trees during construction. Per the applicant's cover letter the existing edge of trees has been added. A "proposed limit of disturbance" line has been added to the plans and a note added stating that the limits of clearing will be delineated with orange construction fencing to avoid removal of trees outside of the area of work. Sidewalks are not proposed along the street frontage. Proposed sidewalk and curb have been added to the plan. Testimony should be provided regarding the location of residences on the adjoining lots. Residences on adjoining lots have been added to the plan. Proposed shade trees and a shade tree easement should be indicated. Shade trees and the requested shade tree easement have been added to the plan. White Pines are proposed to screen the driveway. We would recommend a more columnar species since the White Pine will have a wide circumference, exceeding the area provided. The species proposed for the screening has been revised to *Arborvitae*. The proposed driveway surface should be indicated and a detail provided. We defer to the Board Engineer for further comment. The proposed driveway surface and relevant detail has been added to the plan. The plans will likely require Soil Conservation District approval. The plans should be revised accordingly. Per the applicant's cover letter, Soil

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Conservation District approval will be sought and obtained prior to obtaining a building permit. Section 18-805G3c requires an area be provided for flag lots, along the street frontage, for solid waste and recyclable pick-up on pick-up days. However, no continual storage of trash is permitted in this area. The plan indicates this area within the right-of-way of Albert Avenue. This area should be relocated within the lot boundary. The location of the temporary waste storage area has been relocated within the lot boundary. The applicant proposes septic and well for the proposed dwelling on lot 62.02. The Board of Health should review same. The applicant should provide testimony concerning the proximity of sanitary sewer lines. In addition, testimony should be provided regarding the suitability of the site soils for the septic system. Per the applicant's cover letter, testimony will be provided at the time of public hearing. The location of proposed gas, telephone, and electric services to the existing dwelling should be indicated to confirm that no utility easements will be required. Locations must be provided. The lot numbers on the plat should be consistent with the lot numbers assigned by the Township Tax Assessor. Per the applicant's cover letter, proposed lot numbers were previously approved by the Tax Assessor and proof of same submitted prior to the application being deemed complete. Compliance with the Map Filing Law is required. Per the applicant's cover letter, there is no objection to this item. Ocean County Planning Board approval is required. Per the applicant's cover letter, this approval is pending. The applicant shall provide an update on the status of this approval at the time of public hearing. Engineering Review Comments (T&M letter dated December 1, 2008) The Applicant is seeking Minor Subdivision Approval to subdivide Block 1159, Lot 62 into two (2) lots, one of which will be a flag lot. An existing 1-story residential dwelling is currently located on the proposed Lot 62.01 and a 2-story residential dwelling is proposed on the new flag lot. The properties are situated on Albert Avenue, within the R-20, Single Family Residential Zone. *Fact – no additional information necessary.* The applicant is requesting the following variances for Lot 62.01: Minimum lot width; 95 FT is proposed, where 100 FT is required. *Fact – no additional information necessary.* Minimum side yard setback; 4.7 FT is proposed, where 10 FT is required. *Fact – no additional information necessary.* The applicant should request the following variance for Lot 62.01: Minimum side yard setback (accessory building); 4.3 FT is proposed, where 10 FT is required. *Fact – no additional information necessary.* No variances are requested or required at this time for proposed Lot 62.02, the flag lot. *Fact – no additional information necessary.* The applicant should revise the Zoning Table so that all proposed lot information shown matches what is provided on the plans. The Zoning Table has been revised as requested. Ocean County Planning Board and Ocean County Soil Conservation District approvals will be required. Evidence of these approvals shall be made a condition of final subdivision approval. Per the applicant's cover letter, Ocean County Planning Board approval is pending, and Soil Conservation District approval will be sought and obtained prior to obtaining a building permit. The letter also notes that no construction is proposed at this time. The applicant's engineer should provide an update on the status of these approvals at the time of public hearing. The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot, which meets NJ RSIS standards. The Board should determine if the proposed number of parking spaces will be adequate. The applicant should provide a turnaround for the parking spaces on the flag lot to eliminate the need for vehicles to back down the flag lot accessway. The plan has been revised to include the requested turnaround. The existing and proposed residence will be serviced by well and septic field. *Fact – no additional information necessary.* There is no existing curb or sidewalk along the sites' frontage to Albert Avenue. The applicant has not proposed curb or sidewalk as a part of this application. The board should determine if curbing and sidewalk should be included with this development. Proposed curb and sidewalk has been added to the plan. The applicant should provide a 6 FT wide shade tree and utility easement to be dedicated to the Lakewood Township along Albert Avenue at the frontages of the lots. The requested 6-foot shade tree easement has been provided on the revised plan.

Although not required for subdivision approval, a two (2) foot separation between the seasonal high water table elevation and the lowest floor elevation is needed, per the plot plan ordinance. *Fact – no additional information necessary.* The applicant has labeled the row of proposed buffer trees along the southern lot line of the “flagstaff” but has not provided any information regarding the buffer plantings shown along the northern lot line of the “flagstaff” and eastern lot line of proposed Lot 62.02. The applicant should address this issue. The proposed trees have been labeled on the revised plan as requested. The proposed septic field associated with proposed Lot 62.02 is less than 100 FT away from the proposed well, which does not conform to the requirements of section 7:9A-4.3 of the New Jersey Administrative Code (N.J.A.C.). The applicant should address this issue. The applicant should also include the location of any wells or disposal fields on the adjacent properties so separation distances can be verified. The proposed well has been moved to allow 100 feet of separation from the proposed septic field on Lot 62.02, and the proposed well and septic field on adjacent Lot 61 are located on the plan. However, the distance from the proposed septic field on Lot 62.02 to the proposed well on Lot 61 should be labeled, though it appears to be approximately 100 feet when manually scaled. The proposed septic field associated with proposed Lot 62.02 is less than 50 feet away from the proposed septic field on Lot 61, which does not conform to NJAC 7:9A-4.3. This item must be addressed. The applicant has added a note to Lot 63 stating that there are no wells or septic on that lot. A similar approach should be taken with Lot 14, directly to the rear of the proposed Lot 62.02, in light of the proposed location of the septic field. The applicant shall relocate the temporary trash storage area to be located on-site. The location for temporary trash storage has been moved on-site. The applicant should show any existing wooded areas on-site and the limit of clearing on the plans. The revised plan includes existing edge of trees and the proposed limits of clearing have been added. The applicant should provide buffer trees shown along the entire length of the southern property line of the flag lot. The revised plan include buffer trees along the entire southern property line of Lot 62.02 as requested. We recommend that the “pole” for the flag lot be relocated to the run along the northern property line to increase the side yard setback by five (5) feet. This would require that the existing driveway be reconstructed. The applicant should discuss this issue with the Board. Per the applicant’s cover letter, a flag lot subdivision is proposed on neighboring Lot 61 to the south, with the flagstaffs from both subdivisions running along the same property line. Therefore it is the applicant’s engineer’s opinion that the flagstaff should remain as shown. The applicant should revise the plans to connect the proposed driveway for the flag lot to the paving of Albert Avenue. The plan has been revised as requested. The plan has been prepared in accordance with the New Jersey Map Filing Law. *Fact – no additional information necessary.*

Brian Flannery appeared on behalf of the applicant and said the variances occur because they are providing the flag stem in fee simple rather than as an easement and he knows the board prefers fee simple. He feels this is a better zoning alternative and it is his professional opinion that the board can grant those variances without any detriment to the zone plan or zoning ordinance or public good. The remainder of the comments in the professional report is minor in nature and Mr. Flannery said they agree to satisfy them.

Mr. Neiman asked the nature of the houses on the side and behind the flag lot and Mr. Flannery said to the north it is a vacant lot, to the south there is a small home typical of the neighborhood, which is also the last application on the agenda for a flag lot and the driveways abut each other. Mr. Flannery said the neighbors have spoken to each other and that is the way they have decided would be the best, it is similar to what has been done on this same block in the past and said there is no adverse impact to the neighbor to the south because they are doing the same thing and the north they have left the maximum distance possible, added the additional buffering as requested by the board. Mr. Flannery marked exhibit A1 which is a

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rendered version of the Minor Subdivision map that was submitted. Mr. Flannery said the property to the west is Township property where the affordable housing is occurring and is vacant right now.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Schmuckler said the comments with the well, water and septic problems, he guesses they will have to go through the State and County Board of Health and Mr. Flannery said the County Board of Health would give that permit and said the lots would sustain the septic and the public sewer is out on New Hampshire Avenue which is more than 1,000 ft. away. Mr. Flannery said they do have curbs and sidewalks.

Motion was made by Mr. Banas, seconded by Mr. Schmuckler, to approve this application

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

The attorney for the item #2 was not present so Mr. Lines, the engineer for the applicant asked if they could skip them for the next application while he called Sam Brown, who is the attorney for SD 1654. Item #3 – SD # 1655 was heard next. The attorney for applicant #3 was also not present so Mr. Neiman said if they are not present, they will go to the end of the agenda, so #2 and #3 will be moved to the end.

#4 was present, so that was heard next.

4. **SP # 1911 (Variance Requested)**
Applicant: Dr. Israel England
Location: Kennedy Boulevard & Princeton Avenue
Block 141 Lots 6 & 7
Preliminary & Final Site Plan for proposed medical office

Mr. Vogt prepared a letter dated February 10, 2009 and it is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The applicant proposes to construct a 3,352 SF dental office building with eighteen (18) parking spaces at the above-referenced location. Access to the proposed site will be primarily provided by a proposed parking area behind the renovated building from the Princeton Avenue frontage. In addition, as a result of Ocean County Planning Department's recent decision not to allow on-street parking along the property's Kennedy Boulevard East frontage, three additional off-street parking spaces are now proposed in the front of the property, including one (1) handicap accessible parking space. In addition, as depicted on the "Site Plan", up to an additional 5 spaces could be provided at the discretion of the Planning Board. Four (4) of these spaces, currently proposed to be "banked" and installed if/when directed by the Board, would be installed in the eastern portion of the property frontage. One (1) additional space, currently proposed to be "banked" and installed if/when directed by the Board, could be installed with the 15 additional spaces proposed in the rear of the property. The installation of all (currently proposed and banked) spaces would

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provide the twenty-three (23) spaces required by the Township code. The tract consists of two lots that total 15,585 SF (0.36 acres) in area, and contains two (2) one-story frame structures with basements, asphalt driveways extending to Kennedy Boulevard East, and concrete walkways accessing the buildings. The existing buildings will be renovated and connected by a proposed breezeway. Associated site improvements and parking is proposed for the new use. The property is located in the northern portion of the Township on the southwest corner of Kennedy Boulevard East, a County Road, and Princeton Avenue, a Township Road, east of Route 9 and south of the Howell Township border. The majority of the adjacent and surrounding property is developed and consists of residential uses. The adjacent four (4) lots to the south and west are single-family residential dwellings. A townhouse complex to the north is on the opposite side of Kennedy Boulevard East and other residential dwellings to the east are on the opposite side of Princeton Avenue. The applicant received a change of use approval from residential to medical from the zoning officer on August 15, 2008. The following comments are provided in accordance with our original letter dated February 3, 2009. Additional comments per review of the revised submission are provided in (bold). Zoning. The site is situated within the OT, Office Transitional Zone. Per subsection K (1) g of the UDO, under “permitted uses” in the OT Zone cites “Dentists” as a permitted use. *Fact.* Per review of the site plans and application, the following variances are requested:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>
Front Yard Setback	25 ft	18.79 ft (Kennedy) 19.86 ft (Princeton)
Side Yard Setback	12 ft	9.64 ft

The above listed existing nonconforming conditions will continue with the proposed building renovation. Per the applicant’s engineer’s response letter, variances have been requested. Our review of the site plans indicates a variance is required for the number of off-street parking spaces. The minimum parking requirements in accordance with 18-807 Medical or Dental Offices is one (1) space required per one hundred fifty square feet (150 SF) of Gross Floor Area. Per the applicant’s engineer’s response letter, a variance has been requested if necessary. The positive and negative criteria should be addressed. Testimony is required from the applicant’s professionals justifying all of the above referenced variance requests. Review Comments- Site Plan/Circulation/Parking. No survey plan is provided. The Existing Conditions Map provided on Sheet 2 of 6 is signed by a Professional Engineer. The general notes reference that the outbound and topographic survey information is taken from a map prepared by Acre Survey Company. However, no Professional Land Surveyor is referenced in this note. The revised plans should contain a survey of existing conditions signed by a Professional Land Surveyor (PLS). A signed, sealed survey has been provided. Per note #3 on Sheet 1 of 6 of the plans, the lots will be consolidated by deed should site plan approval be granted. *Fact.* As indicated in the site plans, access is mainly proposed via a 24 foot wide entrance off of Princeton Avenue, leading to a row of fifteen (15) parking spaces. All of these spaces will be located behind the proposed building. Four (4) off-street parking spaces included a handicap accessible space, and four (4) on-street parking spaces along Kennedy Boulevard East are proposed. However, the County has prohibited the on-street parking along Kennedy Boulevard East and will not allow the back out of vehicles from the driveway spaces in front of the site. As indicated previously, a variance appears necessary for the number of parking spaces proposed on the property. As noted above and as indicated on the site plans, a minimum of eighteen (18) off-street spaces are proposed per the revised plans, with an additional five (5) banked spaces that could be provided at the discretion of the Board. Testimony must be provided to the Board’s satisfaction that the proposed development can operate based on the eighteen space minimum. Conversely, if the Board requires additional spaces (up to the 23 space Code requirement), they

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should be provided. If the project is approved by the Planning Board with a reduce number of spaces (and remaining spaces banked), we would recommend the following conditions, at a minimum: Separate bonding or equivalent financial guarantee must be posted for the "banked" spaces and held at least one (1) years after the C/O is granted, and the need for additional parking (if any) can be evaluated. If additional parking is found necessary, part or all of the banked spaces should be installed within 60 days, weather-permitting. Any expansion of the proposed use, or a new use on this property would necessitate a resubmission for review by the Planning Board, where the adequacy of the parking would be re-evaluated. The general notes indicate that refuse removal will be by way of individual trash cans with curbside collection on days consistent with the surrounding residential area. Testimony is required regarding the adequacy of this method. The waste receptacle area should be designed in accordance with section 18-809.E. of the UDO. Per the applicant's engineer's response letter, testimony will be provided. It is recommended that an on-site accessible route be designed between the rear parking lot and the building entrance facing Kennedy Boulevard East. As noted on the revised plans, additional sidewalk has been provided. This is satisfactory. The existing curb will be replaced at various locations along the property frontages. Pavement replacement along with proposed pavement grades must be provided to insure gutter flow is properly conveyed to the existing inlet at the corner of Kennedy Boulevard East and Princeton Avenue. Per the applicant's engineer's response letter, pavement grades were provided, and pavement replacement will be provided as necessary to provide positive flow. This is satisfactory. No loading/delivery area is delineated on the plans. Testimony is required to document the adequacy of deliveries for facility operations. Per the applicant's engineer's response letter, deliveries along Kennedy Boulevard locally stop curb-side. Vehicular circulation plans must be provided to confirm accessibility for delivery and emergency vehicles that will need to access the site. A waiver of the circulation plan has been requested. If granted, we recommend review and approval of the proposed plans by the local fire and police officials to confirm adequate emergency access. Curb exists along the entire frontage of the property and sidewalk exists along the property's Princeton Avenue frontage. Sidewalk is being proposed along the Kennedy Boulevard East frontage. Detectable warning surfaces are required for the existing handicap ramp at the street intersection and all proposed handicap ramps associated with the project. The proper handicap ramp and detectable warning surface details are required. Per the applicant's engineer's response letter, a detail has been provided (and surfaces will be provided). Architectural. An architectural plan set was submitted for review. Per review of submitted plans, the building will be less than 20 feet in height, and will contain two dentist offices. The offices will be separated by the center vestibule which connects the two old dwellings. Fact. The applicant's professionals should provide testimony regard the proposed building, façade and treatments. At a minimum, we recommend that renderings be provided for the Board's review and use prior to the public hearing. Per the applicant's engineer's response letter, a rendering will be provided for Board review at the Public hearing. It appears utilities will generally remain in the basement areas. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. Per the applicant's engineer's response letter, air conditioning equipment has not been identified at this time. The applicant agrees to screening prior to air conditioner installation. Grading A detailed grading plan is provided on Sheet 3. Proposed grading will generally slope towards the street frontages or the proposed inlets in the parking and grassed areas. Fact. Per review of the current grading plan, it is generally acceptable. Proposed contour lines are required for final review and to insure the project is graded correctly during construction. Proposed contours have been provided. Stormwater Management An underground stormwater recharge system is proposed to address runoff from the parking lot and the building. A four inch (4") emergency outlet pipe between the proposed system and an existing inlet at the corner of Kennedy Boulevard East and Princeton Avenue has been designed. Unfortunately, per recent County Planning Board review, the

County will not allow this emergency outlet connection. Per the applicant's engineer's response letter, and per review of the revised plans and the revised stormwater report, the proposed underground recharge system has been sized to retain and recharge the 100-year storm event. No discharge piping is proposed (other than recharge). As indicated previously, an on-site stormwater recharge system of 18" perforated pipe surrounded on all sides by 1 foot of clean stone is proposed for stormwater management purposes. The length of the recharge system will be 256 feet as depicted on the plans. Per the applicant's engineer's response letter, the length of proposed piping has been increased to 286 feet, increasing proposed storage. Per the routing calculations provided in the stormwater management report, only the water quality storm has been routed. A further review of the revised design will occur after the County issues are addressed. We believe that the proposed recharge design can be modified as necessary to provide suitable stormwater management for this site (without affecting the proposed site layout). If/when this project receives Board approval, we will consult with the applicant's engineer to ensure that the final system is adequately sized, and necessary details and information provided on the plans to ensure that the system is constructed adequately. Said revisions should be a condition of Board approval. As currently designed, the stormwater recharge system piping has an emergency overflow that would drain stormwater out to an inlet at the corner of Kennedy Boulevard East and Princeton Avenue in extreme events. The inlet as described in the report, would act as a relief and drain overflow water back into Kennedy Boulevard East. The Ocean County Planning Board review of this outflow system will not allow the proposed connection to the existing inlet. The applicant's engineer must design an alternate relief method to protect against recharge system failure. Per the applicant's engineer's response letter, and as evident on the plans, stormwater flow that exceeds the capacity of the system (if ever) would discharge from the inlet in the rear parking area onto Princeton Avenue. Additionally, the two (2) proposed inlets in the northeast (grassed) portion of the site would also overflow. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Per the applicant's engineer's response letter, a manual will be provided as a condition of Board approval. Maintenance of the proposed recharge system will be provided by the applicant/owner of the site. Landscaping Duplicate plants are shown in the planting list. We believe the "TH" symbol is for a different species than indicated in the list. This item has been corrected on the revised plans. Except for the existing stockade fence adjacent existing Lot 9, no screening is provided from the rear parking lot. Additional screening should be considered. Per the applicant's engineer's response letter, testimony regarding proposed landscaping will be provided. The overall landscape design is subject to review and approval by the Board. *Fact.* The applicant has not provided a six (6) foot shade tree and utility easement along the property frontage, or any sight triangle easements for the proposed project. The applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. An easement is now provided on the revised Lighting and Landscape Plan. Additional planting details are required. Only a shade tree planting detail is presently shown. A shrub planting detail is provided all be filed as a condition of approval. An easement is now provided on the revised Lighting and Landscape Plan. Lighting A detailed lighting design is provided on Sheet 4 of the plans. Better isometric data is needed to determine if the design is adequate to illuminate the proposed use while minimizing spillover onto adjacent sites. Per the applicant's engineer's cover letter, additional lighting data will be provided. If this project is approved by the Board, we recommend that lighting is provided in accordance with Township standards. Shielding is being provided to reduce minor spillover adjacent to the site. Per the applicant's engineer's cover letter, shielding will be provided. A cut sheet on the lighting detail is required. Per the applicant's engineer's cover letter, adequate details will be provided upon receipt of lighting data. Utilities Sheet 3 of the site plans depict utilities present within the right-of-ways of Kennedy Boulevard East and Princeton Avenue. All proposed water and sewer utility

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information must be provided on the revised plans. We are not assuming the existing service connections can be reused with the building renovations. Per the applicant's engineer's cover letter, and per the revised plans, new connections will be provided Note #4 on Sheet 1 of the plans indicates that public water and sewer services will be provided by the NJ American Water Company. **Fact.** Signage. No signage information is provided other than details for traffic signage on Sheet 6 of the plans. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. Per the applicant's engineer's cover letter, all proposed signage will be building mounted and will comply with Township standards. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. See (1.), above. Environmental Site Description Per review of the site plans, aerial photography and a site inspection of the property, the site and surrounding areas are predominantly developed. Per our 1/27/09 inspection of the site, the two (2) lots each contain one-story frame dwellings with basements. The houses front Kennedy Boulevard East, with each unit having a curb cut and driveway. **Fact.** Environmental Impact Statement. No Environmental Impact Statement is necessary since the proposed new floor space is less than 5,000 square feet. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated Sites (including deed notices of contaminated areas); Threatened and endangered species habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland areas. Per NJDEP mapping, there were no environmental issues found to be associated with the development of this property. **Fact.** Tree Management Plan. No Tree Management Plan was reviewed. The applicant shall either submit this document or request a waiver from submission of a Tree Management Plan, contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. It should be noted that most of the mature trees depicted on the plans behind the existing buildings will have to be removed for construction of the parking lot. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Per the applicant's engineer's cover letter, a waiver of the tree management plan is requested. We support this waiver, since no existing mature trees within the site can be preserved under the current design concept. The majority of mature trees along the property frontage should be preserved via installation of tree protective measures (e.g., snow fencing) prior to construction. Plans should be revised accordingly. Construction Details. Construction details are provided on Sheet 6 of the plans. Details include both county and site improvements. Applicant agrees. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Per the applicant's engineer's cover letter, these details will be revised as a condition of Board approval. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Applicant agrees. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board (received); Water and Sewer Service (NJAW); Ocean County Soil Conservation District; and All other required outside agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant and said they could meet all the items but the key issue that they need the boards' help is that Dr. England will be in one part and there will

be another Doctor in the part. The County, on December 19th, changed the law and said Kennedy Boulevard cannot have any more parking or backing out of. They were before the Ocean County Planning Board on December 15th so Mr. Penzer argued that he should be exempt but they said no. Mr. Neiman asked about the a turn around and Mr. Penzer said they could not back out, it would have to be a turn around or two separate lanes, in and out. Mr. Penzer said their position is with 18 parking spaces they have more than enough spaces, and if the board feels they want the extra 5 spaces to bank it, they could do that. His suggestion is that they are never going to need it. Mr. Lines said he spoke to Dr. Englard who said he has only used 6-7 spaces his entire career and the other doctor, who is a dentist, would be similar, so it would be his expect testimony that 18 spaces would be plenty for him and another dentist. Some of his office staff do not drive and get rides to work. Mr. Neiman asked the nature of the other physician and Mr. Penzer said it was related to dental. Mr. Neiman asked if it was an existing practice that was moving into this building and Mr. Penzer they do not know but said there is no real waiting time, the patients go in and out. Mr. Penzer said the other issues that were raised, they are exempt, they are less than 5,000 ft. so they don't need to have an environmental impact statement and in regard to the trees they believe that they would not need a tree management plan because they are probably going to take all the trees anyway. Mr. Vogt said they would request it be formally waived based on the plans and the only trees they could salvage is in the frontage so what they are asking is applicable protection for what can be salvaged in the front. Mr. Neiman asked about planting additional trees in the front and Mr. Vogt said that is an option. Mr. Penzer said there is not much room to do it. Mr. Vogt said the site is pretty maxed out and there is not much room. Mr. Penzer said the variances are existing conditions, they agree to replace any pavement. They agree to work with Mr. Vogt on the stormwater management to satisfy him. They can meet the remainder of the comments in the report.

Mr. Banas asked how many spaces are required for parking and Mr. Penzer said 23 but they are asking for 18 but they can bank 5. Mr. Banas asked him why he is changing the ordinance and Mr. Penzer said because the law says they are supposed to meet each application based on the facts before you and he is asking the board for a variance based on the facts of Dr. Englard's practice and his experience is he needs only 6-7 spaces maximum. Mr. Banas said he'll bet he could find another 12 people who say he needs more parking spaces and said there is a set of ordinances that the Municipal Government has adopted and suggest the board follow the ordinance as listed; if 23 spaces are required, you should provide 23 spaces. Mr. Penzer said they are here to do the board's wishes, they have the room, they just don't feel they need it but he respects what Mr. Banas says. Mr. Neiman suggested swearing Dr. Englard in for more questioning.

Dr. Englard was asked how many employees were there and he said 5 and Mr. Neiman asked how he booked his appointments and he said he sees one patient per time slot and his hygienist sees one patient per time slot, so maximum there are 2 patients per time slot. Mr. Neiman asked if he sees his practice growing if he moves into a bigger building, maybe 2 hygienists or 3 and Dr. Englard said he has been the same size for 16 years. Dr. Englard said the other office is of similar type, but smaller. Mr. Neiman asked how many treatment rooms between both offices and Dr. Englard said 4 treatment rooms for the other office and 4-5 for his office.

Mr. Banas had a hypothetical question and said if he had a request to sell his business and the offer was too good to pass up, are you guaranteed that that new applicant would keep the same conditions as you are describing. Mr. Penzer answered and said they would tell the new applicant that if he needed anymore parking spaces he would have to come back to this board

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and Mr. Banas said he would rather than that have some written document say any future sale say only "XX" number of spaces based on the application set forth today.

Mr. Neiman said they should start off with 20 and bank 3 spaces. He said looking at the architectural, there are 16 spaces in the waiting room and 9 exam rooms, so there is a potential to have quite a number of patients. Dr. Englard said the reason there is a large number in the reception area is because there is often a mother that comes with her children and he is only treating one child. Mr. Penzer said Mr. Vogt had a suggestion that the applicant put in the 18 spaces bond for the 5 spaces for one year and if they did not need them they wouldn't do it and if they needed them, they were bonded and they would have to perform.

Mr. Banas said his whole scheme on this is that if you are going to do anything, follow the ordinance; it is so much cleaner, so much easier. Mr. Penzer said they will agree to the 23 spaces and will put them in.

Mr. Jackson said he was speaking to Mr. Neiman and does not know if it is a conflict, but Mr. Neiman was once a patient of Dr. Englard and recommended he step down. Mr. Neiman left the dais. Mr. Schmuckler said he would rather see them banked. Mr. Penzer said they would do whatever the board wants.

Mr. Herzl acted as chairman and asked if they had room to put the 23 spaces and Mr. Penzer said yes and said they will put the 23 spaces.

Mr. Herzl opened the microphone to the public

Gerri Ballwanz, Governors Road, Lakewood was sworn in. She said she lived in Coventry Square which is at the light across the street where this building is going to go up and any kind of extra office building with increased density within that block is really going to impact the traffic and backup. She is glad to see there is going to be 23 parking spaces because in the future to put in the spots, it is easier to do it now. She knows it is a question of grass and bushes vs. impervious surface and one thing she would like to suggest is that there be no left turn out of the parking lot because it is so close to the red light and cars making a right from Kennedy onto Princeton is too close to cars making a left out of this parking lot.

Mr. Vogt said Kennedy Boulevard is a county road and the county has jurisdiction on the movements on what is allowed and what is not and he believes that with the exception of modifying the parking areas, they have already approved it, basically allowing left and right turns.

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

Mr. Banas asked if there was a tree easement on Kennedy Boulevard and Princeton Avenue and is there room to plant trees and Mr. Lines said yes. Mr. Vogt said there is room on Kennedy Boulevard although it is somewhat limited if you are putting all the parking spaces. There is also an easement in the side yard of Princeton Avenue which you can plant some. Mr. Banas said he did not see them in his plans and Mr. Lines said they are on the landscaping plans identified as Bradford Pears on sheet 4 and Mr. Banas asked if they are being planted every 50 ft. and Mr. Vogt said they are not shown every 50 ft. on Princeton. Mr. Lines said there are 2 on Princeton, about 50 ft. apart and on Kennedy there are a few existing large diameter trees they are proposing to keep supplement with additional Bradford Pears because of the driveways. Mr. Banas requested the board engineer work with the applicant's engineer in accordance with the

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ordinance and Mr. Penzer agreed. Mr. Vogt said the most practical place would be along the Princeton Avenue frontage.

Motion was made by Mr. Banas, seconded by Mr. Schmuckler, to approve the application with 23 parking spaces and a Shade Tree easement.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. SD# 1567A (Variance requested)
Applicant: S&H Bldrs (formerly Kelli Darlymple)
Location: Whitesville Road and Lafayette Boulevard
Block 252 Lot 4.02 (new lots 4.03, 4.04)
Amended Minor Subdivision to eliminate proposal for water main extension on Whitesville Road

Mr. Vogt prepared a letter dated January 13, 2009 and is entered in its entirety. The Applicant is seeking an Amended Minor Subdivision Approval to eliminate the proposed water main extension along Whitesville Road and provide wells for the proposed dwellings on Lots 4.03 & 4.04, Block 252. The subject parcel is located at the intersection of Third Avenue, Whitesville Road and Lafayette Boulevard. However, per the plans, Lafayette Boulevard is vacated (0.79 acres). The surrounding land use is generally residential. The tract was part of a minor subdivision in which Lot 4.02 was subdivided to create Lots 4.03 and 4.04. The original Minor Subdivision Approval was granted February 27, 2007. A structure labeled "Dwelling Under Construction" is situated on each lot. The properties are situated on Whitesville road, within R-12, Single Family Residential Zone. The following comments in (bold) indicate the current submission's compliance with the most recent (previous) planning and engineering review comments: Planning Review Comments (T&M letter dated November 24, 2008) Zoning and Variances As noted above, the lot is located in the R-12 Residential Zone District. Single-family residences are a permitted use in the R-12 Zone. **Fact – no additional information necessary.** A variance was previously granted under application # SD1567, for a lot width of 77.5 feet on Whitesville Road for new Lot 4.03, when a minimum of 90 feet was required. **Fact – no additional information necessary.** A variance is required for a front yard setback of 27.3 feet on Whitesville Road for new Lot 4.04, when a minimum of 30 feet is required. **Fact – no additional information necessary.** The applicant must address the positive and negative criteria for the requested variance. Supporting testimony must be provided justifying the requested variance. Review Comments. The applicant should state the reasons for the revised application. Per the plans, it appears that the changes in the application consist of Lafayette Boulevard being vacated, and the dwelling under construction on Lot 4.04 encroaching into the required front yard setback. The encroachment appears to have triggered the revised application. Supporting testimony must be provided (if not provided already). Tax assessment data does not list Lot 4.04 as a lot. Tax assessment data lists Lot 4.02 as the existing lot, and lists Shalom Bauman as the owner. The data we reviewed may not have been recently updated; therefore, the applicant should clarify the status of the prior subdivision and whether it has been filed. If not, then the application should be revised to list Lot 4.02 as the current lot, and the title block and notice limits should be revised accordingly. The applicant, S&H Builders, c/o Mark Bauman, should also clarify the ownership of the lot. The plan still references Lot 4.04 as the existing Lot and S&H Builders as the owner. Supporting testimony must be provided (if not provided

already). Chapter 18, Section 805. F, applies to through lots. Since Lafayette Boulevard has been vacated, this section no longer applies to these two lots. Therefore, the requirement for a landscaped buffer on the secondary frontage no longer applies. Under the previous application, the applicant had agreed to provide said buffer. The applicant should clarify whether same is still proposed. Per review of the revised plans, landscape buffer is no longer shown along Lafayette Boulevard. This is satisfactory. The plans indicate the locations of aprons, but do not depict the proposed driveways. Since the proposed disposal fields are in close vicinity to the drives, the applicant should depict the proposed drives to confirm that they will not conflict with the disposal fields. Proposed driveways are depicted on the revised plans. Per review of the proposed driveway locations vs. the proposed septic system locations, it appears that the driveways can be installed without impacting the proposed septic systems. This is satisfactory. We note that curb, sidewalk and shade trees are proposed along Whitesville Road. *Fact – no additional information necessary.* Lot numbers on the plat should be consistent with the numbers assigned by the Lakewood Tax Assessor. Correct lots from the Assessor should be provided prior to perfecting the subdivision. Off-street parking for any dwellings on the subject lots must be in compliance with the NJRSIS. Currently the plans indicate that the site will comply. *Fact – no additional information necessary.* The shade tree easement should be extended along the Third Avenue frontage. Third Avenue is currently unimproved. The subdivision plan must be still be revised to extend the easement along Third Avenue (unless relief is sought by the Applicant). It should be noted that the property's Third Avenue frontage is entirely within the site triangle with Whitesville Road. The ordinance number and date of the vacation of Lafayette Boulevard should be identified on the plat. This information must still be provided on the plan. Compliance with Map Filing Law is required. *Fact – no additional information necessary (prior to perfecting the subdivision)* Outside agency approvals, which will be required, include: Ocean County Planning Board; Ocean County Board of Health (if applicable); Soil Conservation District; (if applicable) and; Water and sewer utilities. Engineering Review Comments (T&M letter dated December 1, 2008. Zoning and Variances. The applicant has previously requested and been granted the following variance: Minimum lot width; 77.53 FT is provided for Lot 4.03, where 90 FT is required. *Fact – no additional information necessary.* Two (2) asterisks have been provided next to a non-conforming minimum front yard setback for Lot 4.04, but the applicant has not included a label for the asterisks. The applicant should address this discrepancy or request a variance for this non-conforming issue. The revised plan indicates the need for a (new) variance. This is satisfactory. Ocean County Planning Board approval will be required. Evidence of this approval shall be made a condition of final subdivision approval. *Fact – no additional information necessary.* The proposed residences will be serviced by well and septic field. Subsequent to the last review of this amended subdivision request, the County Health Department, indicating that the well and septic system permits for new Lot 4.03 were rescinded. At a minimum, public water and sewer service appear necessary to develop and occupy new Lot 4.03. As noted on the revised subdivision plan, the Applicant is now seeking relief with respect to the previously proposed water main extension along Whitesville Road. Testimony is necessary from the Applicant regarding how these lots, particularly proposed Lot 4.03 will be serviced for water and sewerage. The proposed septic field associated with proposed Lot 4.03 is less than 100 FT away from the proposed well for Lot 4.04 and an existing well on adjacent Lot 4.01, Block 251, which does not conform to the requirements of Section 7:9A-4.3 of the New Jersey Administrative Code (N.J.A.C.). The applicant should address this issue. The applicant should also include the location of any wells or disposal fields on the adjacent properties so separation distances can be verified. Locations of proposed well and septic systems are now depicted for both lots, as well as a nearby existing well on adjacent Lot 4.01. Testimony should be provided by the Applicant's professionals regarding why two (2) new wells are shown as proposed for Lot 4.03. The applicant is providing concrete sidewalk and curbing along the lots' frontage to Whitesville

Road. Fact – no additional information necessary. It appears that since the previous Minor Subdivision Approval, Lafayette Boulevard has been vacated because half of the right-of-way is now included in the proposed lots. The applicant should provide a copy of the resolution approving the vacation, as evidence the vacation has been completed. This item remains outstanding – evidence of vacation must be provided. Map Filing Law (compliance) Outbound corner markers are to be set at all property corners prior to final approval and the surveyor's certification is to be revised to conform to the Map Filing Law indicating that "the outbound corner markers have been found, or set", rather than "to be set" as shown on the plan. This information is still outstanding. Complete curve data is required to be shown for all curved property and easement lines. Complete curve data is provided. This is satisfactory.

Mr. Doyle Esq. appeared on behalf of the applicant and said this 2 lot minor subdivision had been previously granted to the prior applicant and the rule at that time was that lots of this size were not allowed to have both wells and septics. Subsequently, the applicant here purchased the property and the ordinance was changed allowing for both septic and private water and based upon that building permits were issued and homes were constructed. The sole purpose of the application is because there is a notation on the original subdivision map that says "water to be provided by public water". They seek to revise that to be consistent to what they intend to provide pursuant to the now current law. In addition, unfortunately through the mason's error, the house was located instead of 30 feet from the property line which is required, it is located 27.6, which now requires a variance for that 9% differential.

Mr. Neiman asked **Mr. Vogt** for the details on the application and **Mr. Vogt** said the plans say water but he believes they were going to do septics to begin with and **Mr. Doyle** said that was correct. **Mr. Vogt** said he has a record from Ocean County Board of Health on December 15th issued a letter rescinding the septic system and well permit on one of the two properties, Lot 4.03. **Mr. Doyle** said the ordinance said you could not have both private well and septic, that has been changed, so they sought to have both. The proposal to the Ocean County Board of Health, which has to approve the septic field, was based upon evidence that was before the engineer as to where the neighboring lot well was located and based upon that a septic permission was give for Lot 4.03. The septic approval for Lot 4.04 is not an issue, that was granted by the Board of Health and has never been rescinded. The 4.03 has in fact, because of newer documentation provided for evidently by the property owner directly by to the Board of Health which we were at the time of this application unaware. We understand that any approvals are subject to the approval by the Board of Health but the lot line would remain and they would hopefully have the ability through this application to allow the completion of the near completed home on Lot 4.04: short of that, they are stuck on 4.03 until they can fix a solution.

Mr. Vogt said there is a note on the plans with the water main that was shown on Whitesville Road and asked if they were going to eliminate that water main and **Mr. Doyle** said it would be eliminated because it is a significant distance and therefore a significant cost out of proportion to a 2 lot minor and consistent with other applications with which private water was allowed. **Mr. Doyle** said they understand private water has to be the appropriate distance from the septic field of neighboring lots and they do provide that on Lot 4.04; on Lot 4.03 they have to resolve that. **Mr. Vogt** asked if that water main was part of the first subdivision approval and **Mr. Doyle** said it was because of a note and because of a then required ordinance no longer required. **Mr. Vogt** asked if they are seeking board approval of the application without the water main with the understanding that if and when they want to build on lot 4.03 they have to resolve the septic and well issue or come up with a way of getting them water.

Mr. Jackson suggested speaking to Mr. Kielt because he recalled an upset applicant and numerous letters regarding this application. Mr. Kielt summarized and told the board the initial application was submitted by Kelli Darlymple and they received approval of the subdivision subject to the extension of the water main to service the 2 lots. After that the property was sold to the Baumans and the Baumans came in and requested a road be vacated in the back which was granted by the Township Committee which gave them additional area for both lots. The Baumans then submitted plot plans to show septic and well and not showing the water main and it came their attention by the adjacent owner, Mrs. Darlymple, and at that point it was explained that it would be in everyone's best interest if they came back to the board to make the change formally. Mr. Doyle said it was also determined they needed a variance for that additional 2.4 ft. offset on the setback so that is why they are here.

Mr. Banas asked how far away is the city water and Mr. Doyle said it is about 1,000 ft. away at a cost of \$200/ft. Mr. Banas asked why the board was going to move the water in there and now they are suddenly not moving water? Public water is a lot safer than septic. Mr. Doyle said the question seems to be the water needs to be potable and the way to get that is either by public water system or by private wells and it would fit the general good to have public water but it is difficult in some situations and developers are not generally put through that if it is a hardship and is difficult. However, Lakewood had an ordinance that said regardless of the difficulty, if your lots are going to be this size, you have to do it. That ordinance was taken off the books as he understands it, so we are living with the law because Lakewood made a judgment and development should happen and they are seeking to do that with potable water.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Graviano appeared as planner for the applicant and stated he felt this application fell under the C2 classification of variances where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits outweigh any detriment. Under the C2 requirements a hardship is not a requirement for the granting of a variance; what must be shown is the following; 1) That it relates to a specific piece of property, 2) That the purposes of the MLUL would be advanced by the deviation in the zoning ordinance requirements and he feels it meets it by the following; criteria G40:55D2 – to provide sufficient space and appropriate locations of a variety of residential uses to meet the needs of New Jersey citizens as discussed previously this is located in the R12 district and the applicant proposes a conforming use on a lot size that exceeds the minimum requirement by 8,000 sf in a municipality where housing is scarce and in demand the proposal will help fill the housing needs of New Jersey citizens. 3) The applicant must prove that the variance can be granted without substantial detriment to the public good and he feels this variance can be because the 2.7 ft. reduction is only a 9% reduction in what is required by ordinance and the deviation still allows for the provision of necessary off street parking and the reduced front yard setback does not create any detriment to the neighboring property owners both existing or future. Also, he said the curvature of Whitesville Road provides additional distance between the edge of the pavement and existing setback. 4) The applicant must prove that the benefits outweigh the detriments and the house is existing and the circumstance not requiring the developer to tear down or substantially alter the dwelling outweighs any detriment. He does not feel this application will impair the zone plan or zoning ordinance because the zone plan and zoning ordinance provide for single family detached dwellings on 12,000 sf lots and the applicant provides a single family detached dwelling on a 20,000 sf lot in keeping with the intent and

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purpose of the zone plan and zoning ordinance and he feels the requested variance can be granted without any detriment to the public good and the benefits outweigh the detriments.

Mr. Neiman asked if he was the planner on the original application and Mr. Graviano said no.

Mr. Neiman re-opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Percal, seconded by Mr. Herzl, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Item #2 was heard next

2. SD # 1654 (Variance requested)
Applicant: Shmuel Perlstein
Location: 179 Spruce Street – east of Cypress Avenue
Block 778.01 Lot 18
Minor Subdivision for 2 lots – 1 flag lot

Mr. Vogt prepared a letter dated January 14, 2009 is entered in its entirety. The applicant seeks minor subdivision and variance approvals to subdivide Lot 18 into two lots. New Lot 18.03 is proposed as a flag lot, with 14,847 square feet in area, and new Lot 18.02 will be 9,984 square feet in area. There is an existing residence on the parcel which will be retained on proposed lot 18.03. The subject parcel is 24,831 square feet in area (0.57 acres) and has frontage on Spruce Street. The surrounding land uses are predominantly residential; however, a school is located east of the site on Lot 1. The following comments in (bold) indicate the current submission's compliance with previous planning and engineering review comments: Planning Review Comments (T&M letter dated November 21, 2008) Zoning and Variance. The subject property is located in the R-12 Single-Family Residential District. **Fact – no additional information required.** Single-family residences are a permitted use in this zone district and have a minimum lot area requirement of 12,000 square feet, and flag lots per Section 18-805G are permitted in all residential districts, and have the minimum lot area of the zone exclusive of the "flagstaff," which is 12,000 square feet in area for the R-12 Zone. Proposed Lot 18.03 now meets the minimum lot area of the zone exclusive of the "flagstaff". However, Proposed Lot 18.02 is undersized and requires a lot area variance. The existing residence on new Lot 18.03 has a non-conforming rear setback of 11 feet (20 feet required), and a non-conforming side setback of 8.5 feet (10 feet required). **Fact – and variances have been requested for the existing nonconforming setbacks.** Section 18-902E4b requires a lot width of 90 feet, where a lot width of 70 feet is proposed on new Lot 18.02. Therefore, a bulk 'c' variance is required. **Fact – testimony shall be provided to justify the variance request.** The plan should be corrected to eliminate the lot width variance for proposed Lot 18.03. The 20 foot "flagstaff is sufficient for access and the lot width should be corrected in the zoning schedule. Section 18-902E4f(2) requires a rear yard setback of 10 feet for an accessory structure. Whereas, 0.5 feet is provided on Lot 18.03. A bulk 'c' variance is required. **Fact – testimony shall be provided to justify the variance request.** A waiver is requested for a lot area of less than 12,000 for the flag portion of Lot 18.03. As stated above, Section 18-805G2 requires that a flag lot meets the minimum lot area of the zone exclusive of the flag staff. Therefore, a 'c' variance is required. The lot area for

the flag portion of proposed Lot 18.03 now exceeds 12,000 SF. However, proposed Lot 18.02 is now less than 12,000 SF and requires a variance for lot area. Section 18-805G5 states that flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principals, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configuration or other physical characteristics or constraints of the land related to the proposed development concept. The applicant should testify regarding whether this layout is consistent with good planning principals. *Fact – testimony must be provided.* Section 18-805G6 states that all flag lots to be created shall further conform to the following requirements: Such flag lots shall not be further subdivided, nor shall the access strip to same be used as access to any other lot or tract of land. The location of said dwelling shall be depicted on the subdivision plans. A front yard setback as stipulated for the particular zone shall be provided to the property line adjacent to the front of the proposed dwelling. The building setback to all other property lines shall be minimum of the stipulated rear yard setback for the particular zone. All other area and dimensional requirements shall comply with those stipulated for the particular zone. Since the applicant proposes to retain the existing dwelling, the flag lot does not meet the 20 foot rear setback and 10 foot side setback requirements to the property lines. Therefore, bulk 'c' variances are required for an 11 foot setback to the northern property line, and 8.5 feet to the westerly property line. The zoning schedule should be revised accordingly. The zoning schedule has been revised, and testimony should be provided. The side setback lines for proposed Lot 18.03 require correction. Section 18-902E4h permits a maximum building height of 35 feet. The height of the existing and proposed dwelling should be provided. The heights of the existing and proposed dwellings should be provided; however it appears that the structures are complying since they are each two (2) stories. The positive and negative criteria for the variance should be addressed. *Fact – testimony must be provided.* Review Comments. The plan states that the existing dwelling to remain on Lot 18.03 has four (4) bedrooms; therefore, per R.S.I.S., 2.5 parking spaces are required. The plan states that the proposed number of bedrooms for the dwelling on proposed Lot 18.02 is 5; therefore, per R.S.I.S., 3.0 parking spaces are required. The plan states that 3 parking spaces will be provided for proposed Lot 18.03 and 4 parking spaces will be provided for proposed Lot 18.02, which would comply with R.S.I.S. However, the plan should be revised to depict an apron and driveway on proposed Lot 18.02 that clarifies how this parking will be required. The driveway and associated parking spaces for proposed Lot 18.03 must be dimensioned. It appears the parking area and driveway is inadequate for three (3) spaces. According to the plans, proposed Lot 18.02 will have a five (5) bedroom dwelling with four (4) parking spaces. The architectural plans indicate a five (5) bedroom dwelling with a two (2) car garage. However, the dwelling on the architectural plan does not match the dwelling on the minor subdivision plan. The architectural plan has a much wider dwelling (64') than the minor subdivision plan (42') and it will not fit within the setbacks. The architectural plan must be revised. The plan should indicate the limits of clearing on the lot, and identify existing trees to remain, and clarify proposed methods to protect existing trees during construction. It appears virtually all of the existing trees will be wiped out by the development since the existing wooded area is very limited. Proposed shade trees should be indicated. Proposed shade trees, buffer planting, and screening has been proposed. The types of shade trees should be shown. The proposed driveway surface should be indicated and a detail provided. We defer to the Board Engineer for further comment. This information is still required. The plans will likely require Soil Conservation District approval. The plans should be revised accordingly. Based on the revised plans, it appears each proposed lot will not have disturbance in excess of 5,000 SF. The applicant should provide testimony regarding the need for Soil Conservation District approval. Section 18-805G3c requires an area be provided for flag lots, along the street frontage, for solid waste and recyclable pick-up on pick-up days. However,

no continual storage of trash is permitted in this area. This area should be indicated on the plan. The area shown on the plan should be moved adjacent to the right-of-way. The location of the existing water, sewer, gas, telephone, and electric services to the existing dwelling should be indicated to confirm that no utility easements will be required, and that the existing locations will not cause a hardship to proposed Lot 18.02. The locations of existing utilities must still be provided. The cover letter states the existing electric service to new Lot 18.03 will be relocated underground. Per the plan, an existing fence conflicts with the proposed drive and parking area on Lot 18.03. Please address. A note has been added to the plan that the existing fence will be removed from the proposed driveway. Required performance guarantees should be addressed, as necessary. The cover letter states no objection. The evergreen species along the driveway access area should be specified. Arborvitaes have been proposed. The lot numbers on the plat should be consistent with the lot numbers assigned by the Township Tax Assessor. The cover letter notes that the proposed lot numbers have been approved. Compliance with the Map Filing Law is required. *Fact – no additional information is necessary at this time.* Ocean County Planning Board approval is required. Testimony should be provided on the status of County Planning Board approval. Engineering Review Comments (T&M letter dated December 1, 2008) The applicant needs the following variances for Lot 18.02: Minimum lot width; 70 FT is proposed, where 90 FT is required: Minimum lot area; 9,984 SF is proposed, where 12,000 SF is required. Supporting testimony must be provided justifying the requested variances. The applicant needs the following variances for Lot 18.03 (flag lot): Minimum rear yard setback; 11 FT is proposed, where 20 FT is required. This is an existing condition. Minimum side yard setback; 8.5 FT is proposed, where 10 FT is required. This is an existing condition. Minimum rear yard setback (accessory structure); 0.5 FT is proposed, where 10 FT is required. This is an existing condition. Supporting testimony must be provided justifying the requested variances. The applicant should revise the values shown in the Schedule of Bulk Requirements for Minimum Lot Area and Minimum Lot Width for Lot 18.03 to correctly reflect the conditions shown on the plans. The lot width for proposed Lot 18.03 must be corrected and the variance requirement eliminated. It must be noted that a variance is required for proposed Lot 18.02. Ocean County Planning Board approval will be required. Evidence of this approval shall be made a condition of final subdivision approval. *Fact – no additional information necessary.* The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for proposed Lot 18.03 and four (4) off-street parking spaces will be provided for proposed Lot 18.02, which meets NJ RSIS standards. The Board should determine if the proposed number of parking spaces will be adequate. The applicant has provided a turnaround for the parking spaces on the flag lot to eliminate the need for vehicles to back down the flag lot access way. As stated previously, dimensioning is required on proposed Lot 18.03 to determine parking adequacy, and architectural coordination is required on proposed Lot 18.02 to determine parking adequacy. There is no existing curb or sidewalk along the sites' frontage to Spruce Street. The applicant has proposed curb and sidewalk along the sites' frontage as a part of this application. The applicant should extend the proposed access drive for the flag lot to meet the street, and provide a driveway apron and depressed curb. Grades and construction details are required for the driveways, aprons, sidewalk, and curb. The applicant has provided a 6 FT wide shade tree and utility easement to be dedicated to the Lakewood Township along Spruce Street along the frontages of the lots. *Fact – no additional information necessary.* Although not required for subdivision approval, the applicant will be required to show a two (2) foot separation between the seasonal high water table elevation and the lowest floor elevation, per the plot plan ordinance. The cover letter indicates that testimony will be provided at the hearing. The applicant shall provide a title for the plan and show the Block and Lot numbers in the title block. The title for the plan shall be "Minor Subdivision Plan for Block 778.01, Lot 18". The applicant shall provide a temporary trash storage area to be located on the flag lot. The area shall be moved adjacent the right-of-way. The applicant should show any existing wooded

areas on-site and the limit of clearing on the plans. The existing woods line has been shown and the proposed limits of clearing need to be better defined. The plan shall be revised to show the location of the neighboring dwellings to show proper screening has been achieved. The cover letter stipulates that testimony is to be provided at the hearing. The applicant should provide buffer trees shown along the entire length of the western property line of Lot 18.02. The buffer trees provided along the flag lot access drive and within the front yard setback appear to be sufficient. The Board should determine if the proposed buffering is sufficient. The cover letter indicates that testimony is to be provided at the hearing. Buffering ends at the "flagstaff" of the flag lot and no buffering is provided along the westerly side of the front lot. The type of evergreen trees to be planted along the pole portion of the lot shall be identified. The species, size, and quantity shall be identified and a planting detail provided. Planting details are needed for all landscaping. The applicant should provide low growth planting to supplement the row of white pines to be planted between the two subject properties. The latest plans show Norway spruce proposed between the two subject properties. Low growth planting should still be considered. The plan has been prepared in accordance with the New Jersey Map Filing Law. *Fact – no additional information is necessary.*

Mr. Brown Esq. appeared on behalf of the applicant and stated this is a flag lot which requires variance for the flag pole portion of the lot. Mr. Lines is the engineer for the applicant and stated the existing house on the back portion of the property has a non conforming rear and side setbacks of 11 ft. where 20 ft. is required and side yard of 8.5 ft. where 10 ft. is required and they are pre existing non conformities. Mr. Jackson asked how long the house has been there and Mr. Lines said it has been there more than 30 years and it will stay. Mr. Lines said they will provide 3 off street parking spaces for the existing house and the front lot they need variances for lot area and lot width because of the pole portion. The neighbor to the east is Bais Kaila girls' school and they have provided screening along the access driveway on both sides with arborvitaes and they are providing buffering between the proposed home in the front and the existing home in the rear along that property line. There will be a dumpster enclosure for the rear home about 12 ft. off the road so they don't have to wheel the garbage back and forth and it could be there on the off days and brought out and collected curbside and they would have their mailbox would remain where it is, they are only relocating a little bit of the driveway towards the rear. These are single family homes and the existing home does not have a basement. The proposed home has 5 bedrooms with 4 parking spaces in the driveway and a basement. Mr. Vogt had a comment about the architectural plans and said they noted there was a difference in the architectural that was submitted vs. what is shown as what is fitting within the plans; they are showing a dwelling that is 42 ft. wide on the plans and the architectural show a wider dwelling. Mr. Brown said the architectural were submitted to show what the house would look like and they are not insinuating that they would be anywhere outside the building envelope. Mr. Vogt said the final architectural that will be submitted will be provided for a house of no more than 5 bedrooms is going to fit within what is shown on the plans and Mr. Brown said that is correct.

Mr. Lines said he believes the variances can be granted without any detriment to the zone plan or zone ordinance.

Mr. Banas asked what the square footage required of the flag and Mr. Lines said the rear portion of the flag is 12,000 sf and they have 14,847 sf and if you take the flagstaff off it is a 12,000 sf lot. Mr. Banas said lot 18.02 only has less than 10,000 sf and asked if they couldn't round them off a little better to make them 12 and 12 and Mr. Lines said that is how they submitted the plans originally and at the plan review meeting they were told the board did not want it subdivided that way so they increased the rear lot to be 12,000 sf and included the flag pole portion with the rear. Mr. Banas asked what buildings are in Lot 8, 9, 10, 12, 1, etc. are they developed? Mr.

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Lines said they surrounding lots are all developed with single family residential. Lot 18.01 is owned by the Township and is vacant. Mr. Banas told Mr. Lines that the board has always required to show the placement of each one of the buildings on these lots that he cited so that the board can put a buffer between the existing future flag lots and the others so there is not a hindrance of seeing what is going on. No one envisioned that a flag lot would be constructed, so as a result, what the Planning Board has done in the past is required vegetation around the entire property as well as locating all of the buildings on the adjacent lot; furthermore, with 5 bedrooms, it would require 4 parking spaces not the 3 that you have identified. Mr. Brown said this is different than your classic flag lot because ordinarily there is a house in the front end of the property and a flag lot is being created in the rear, in which case it is appropriate to ask for appropriate vegetation and buffering for the neighbors; here, an existing home is in the rear and the neighbors are not being affected and they have added a buffer between the 2 lots. Mr. Banas asked about the buffering along the township property, just because it is vacant. Mr. Brown said there is nothing unique about this front lot; it is house on a row of single family homes just like you would find on any other block and he does not think there is anything in the ordinance that would require specific buffering just because the lot was created through the flag lot which now exists behind it.

Mr. Neiman opened the microphone to the public

Seeing no, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SD# 1655 (Variance requested)
Applicant: Aryeh Weinstein
Location: 5 North Apple Street, north of East County Line Road
Block 172 Lot 17
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated January 13, 2009 and is entered in its entirety. The applicant seeks minor subdivision and variance approvals to subdivide Block 172, Lot 17 into two lots. Both proposed lots, Lots 17.01 and Lot 17.02 will be 10,069 square feet in area. There is an existing residence on the parcel which will be removed prior to the subdivision. The subject parcel is 20,138 square feet in area and situated at the northern extent of North Apple Street. North Apple Street terminates at the northern boundary of the parcel, and the southern boundary of the parcel abuts Kennedy Boulevard East. The surrounding land use to the west is single family and there is a residential condominium complex to the north. The property across the street is currently before the Board for a residential subdivision. The Planning Board granted minor subdivision approval for the parcel across North Apple Street at the November 18th meeting. The following comments in (bold) indicate the current submission's compliance with previous planning and engineering review comments: Planning Review Comments (T&M letter dated November 21, 2008) Zoning and Variance. The subject property is located in the B-4 Wholesale Services Zone District. **Fact – no additional information necessary.** Single-family residences are a permitted use in this zone district with a minimum lot of 7,500 square feet. **Fact – no additional information necessary.** No variances are currently requested. However, the plan should be revised to provide a 25 foot front yard setback on the Kennedy Boulevard

frontage on Lot 17.02, or a 'c' variance is required. Additionally, the applicant should demonstrate that 3 parking stalls can be provided on each proposed lot. The applicant should also testify to the proposed number of bedrooms per dwelling. A front yard setback variance has been requested for proposed Lot 17.02. A 7.5 foot front yard setback has been provided on the Kennedy Boulevard frontage of proposed Lot 17.02, the same distance as the proposed side yard setback. Whether 3 parking stalls can be provided on each lot must still be demonstrated. Also, testimony is required regarding the proposed number of bedrooms per dwelling. If the applicant cannot demonstrate that they can meet the RSIS parking requirement of 3 spaces, and if the front yard setback is not provided on the Kennedy frontage, then the positive and negative criteria for the variance should be addressed. Supporting testimony must be provided justifying the requested variance. Review Comments. The applicant must show road improvements along the frontage of the proposed lots. Otherwise, planning variance is required. A Road Improvement Plan has been provided. However, the plan lacks proposed grading and existing utility information (drainage). Additional information is necessary. The applicant should provide an update of the status of this application addressing the prior approvals. FWH states there are no prior approvals for this application. The Planning Board should decide if a partial turnaround is appropriate for public vehicles, or if a cul-de-sac should be provided. A partial turnaround has been shown on the Road Improvement Plan. This proposed turnaround is associated with application number SD-1425C. The plat indicates that water and sewer will be provided by New Jersey American Water Co.; however, proposed utilities should be indicated on the plan. Additionally, if the existing dwelling is currently served by septic or well, the plan for these utilities should be clarified (i.e. abandoned in accordance with NJDEP standards). Proposed water and sewer have been indicated on the Road Improvement Plan. These utilities are shown to be constructed by others and are associated with application number SD-1425C. A proposed utility easement is required on proposed Lot 17.01 to allow for construction of these utilities. Additionally, a note has been added to the plans stating that all onsite septic systems and wells are to be abandoned in accordance with NJDEP standards. Sidewalks are not proposed on either frontage. The Board should discuss if same should be provided. Sidewalk has been added to the project. The existing residence and all improvements must be removed prior to the signature of the plat, unless a performance guarantee is posted. *Fact – no additional information necessary.* Shade trees should be provided. Shade trees have been added. The lot numbers on the plat should be consistent with the lot numbers assigned by the Township Tax Assessor. *Fact – no additional information necessary.* Compliance with the Map Filing Law is required. *Fact – no additional information necessary (prior to perfecting the subdivision).* The applicant is not the listed owner of the property. Permission from the owner should be provided. Signature of the Certified Owner Block on the Minor Subdivision Plan must be provided. Ocean County Planning Board approval is required. Ocean County Planning Board Approval is pending. Engineering Review Comments (T&M letter dated November 30, 2008) The applicant is not requesting any variances at this time; however, the southern property line of Lot 17.02 is shown to have a 7.5 foot setback. This shall be revised to a 25 foot setback or a variance will be required. A variance has been requested. The proposed front yard setback of 7.5 feet along Kennedy Boulevard is the same as the proposed side yard setbacks of the proposed lots. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. Outside agency approvals from the Ocean County Planning Board and Ocean County Soil Conservation District are pending. The applicant should revise the plans to provide a 25 foot front yard setback for proposed Lot 17.02 for the sites' frontage along Kennedy Boulevard East. A 7.5 foot setback has been provided and a variance requested. The applicant states in the zoning schedule three (3) off street parking spaces are required and three (3) parking spaces will be provided. Per NJ RSIS standards a single family dwelling with five bedrooms is required to provide three (3) off

street parking spaces. The Board shall determine if the proposed parking spaces will be sufficient. In addition, the plans shall be revised to demonstrate the lot has sufficient area to accommodate the dwelling and three (3) off street parking spaces. This information must still be provided on the plan and/or by testimony. There is no existing or proposed curb or sidewalk along the property frontage. The Board should determine to what extent curb, sidewalk, and roadway improvements will be required. Proposed curb and sidewalk has been shown on the Road Improvement Plan. Proposed grades and existing utilities must be added to properly evaluate the design. A 6' utility and shade tree easement along North Apple Street at the property frontages are proposed to be dedicated to the Township. **Fact – no additional information is necessary.** The existing dwelling spans the proposed lot line. The dwelling shall be removed prior to signature of the final plat or a bond posted to ensure its prompt remove after the subdivision is perfected. **Fact – no additional information is necessary.** The applicant should include any and all existing utilities on-site. A note has been added to the plans stating that any existing septic systems and wells onsite shall be abandoned according to NJDEP standards. The applicant has provided a note on the plans indicating that sanitary sewer and potable water service will be provided by New Jersey American Water Co. Proposed sanitary sewer and potable water has been shown on the Road Improvement Plan. This work is indicated as being constructed by others and is associated with application number SD-1425C. A utility easement will be required on proposed Lot 17.01 to accommodate this work. On the Planning Board application, the Applicant's name and the property owner's names are not the same. The applicant should address this discrepancy. FWH claims that the applicant and owner have signed an Ownership Affidavit which addresses this issue. Comments pertaining to the New Jersey Map Filing Law will be provided prior to signature of the final plat. **Fact – further review will be required.**

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said the application is for a conforming 2 lot subdivision and they are requesting 1 variance for front yard setback which is a technicality in nature; the front yard setback is to Kennedy Boulevard and if Kennedy Boulevard had any possibility of being a roadway they would respect the front yard setback. It is more like a side yard setback; there is a detention basin constructed there and the county made their intentions very clear that it wasn't going to be a road when they built the detention basin and there is a railroad crossing further down that they cannot cross the railroad. Based on that, Mr. Flannery said they are asking for a setback variance and looking at the positive and negative criteria, he feels there is no negative criteria, it will be conforming with the other lots and the board can grant it without any detriment to the zone plan or zoning ordinance and certainly it is a benefit to the general welfare by providing a useable lot and marked exhibit A1 which was a rendered version of the submitted plan. Mr. Flannery said with respect to the other comments in the report, they are minor in nature and they would agree to satisfy the board's professional.

Mr. Vogt asked for testimony on the number of parking stalls and the number of bedrooms and Mr. Flannery said they would agree to 4 parking spaces per lot minimum. Mr. Vogt asked how if there was a maximum number of bedrooms and Mr. Flannery said whatever the ordinance permits and plot plans would be provided.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Banas, seconded by Mr. Herzl, to approve

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ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SP# 1903 (No variance requested)
Applicant: Seventy GSP Assoc. LLC/Garden Walk
Location: Route 70, west of Garden State Parkway
Block 1160.01 Lots 41.20 & 219
Block 1160.10 Lot 219
Block 1160.11 Lots 1, 2, 3 & 4
Preliminary & Final Major Site Plan - 472 apartments, clubhouse, bank, restaurant and retail

Mr. Vogt prepared a letter dated February 11, 2009 and it is entered in its entirety. The applicant seeks Preliminary and Final Major Subdivision and Major Site Plan Approval to subdivide seven (7) lots, Block 1160.01, Lots 41.20 & 219; Block 1160.10, Lot 219, Block 1160.11, Lots 1, 2, 3, and 4, and to vacate two (2) right-of-ways, Commerce Boulevard and Bennett Boulevard East, in order to create eight (8) new lots. The combined development area is approximately 65 acres. Current uses include vacant fields, a wooded area, and a large retention basin for the Lakewood Industrial Park. The site is bordered on the north by Airport Road and the Lakewood Cogeneration Plant, the Lakewood Industrial Park to the west, the Garden State Parkway to the east, and on the south by New Jersey State Highway Route 70 and commercial developments. The applicant is proposing the construction of a residential and commercial development within the above-listed block and lots. The residential portion of the project will include six (6) apartment buildings consisting of four hundred and seventy-two (472) units and a twelve thousand six hundred and fifty (12,650) square foot clubhouse. The proposed commercial development includes a bank, a restaurant, and four (4) retail shopping buildings. Access to the site will be provided via State Highway Route 70. The project is proposed in four phases as follows: Phase I - Construction of the private roadway, Lot 1.01, and all site improvements associated with Lots 1.05, 1.06, and 1.07. Phase II - All improvements proposed on Lot 1.08. Phase III - All improvements on Lot 1.02, and Phase IV - All associated improvements on Lots 1.03 and 1.04. The following is a detailed summary of the uses of the proposed lots and blocks. Block 1160.13, Lot 1.01 - 116,163 square feet (2.667 acres) Includes the proposed private right-of-way, Garden Walk Boulevard. *Fact – No response required.* Block 1160.13, Lot 1.02 - 334,200 square feet (7.672 acres) Includes two retail buildings, labeled 'Retail 2' (33,750 square feet of floor area) and Retail 3,' (16,250 square feet of floor area) with associated parking. Both buildings are proposed with multiple storefronts. *Fact – No response required.* Block 1160.13, Lot 1.03 - 118,352 square feet (2.717 acres) Includes a multi-family mid-rise apartment building, labeled 'Building B,' and associated parking. Building B is proposed with four (4) levels and 40 apartments, ranging from one to two bedrooms, plus sitting rooms or dens. *Fact – No response required.* Block 1160.13, Lot 1.04, - 182,877 square feet (4.198 acres) Includes two (2) multi-family mid-rise apartment buildings, labeled 'Building C' and 'Building D and associated parking. *Fact – No response required.* Block 1160.13, Lot 1.05 - 1,324,171 square feet (30.399 acres) Includes two (2) multi-family mid-rise apartment buildings, labeled 'Building G' and 'Building F,' associated parking, and a large retention basin. *Fact – No response required.* Block 1160.13, Lot 1.06 - 358,072 square feet (8.22 acres) Includes a multi-family mid-rise apartment building, labeled 'Building E,' and associated parking. *Fact – No response required.* Block 1160.13, Lot 1.07 - 91,336 square feet (2.097 acres) Includes a multi-family mid-rise apartment building, labeled 'Building A,' a separate clubhouse building with a pool, and associated parking. Building A is proposed with four (4) levels and 72 apartments, ranging from one to

three bedrooms. *Fact – No response required.* Block 1160.13, Lot 1.08 - 330,538 square feet (7.588 acres) Includes one (1) large retail building, labeled 'Retail 1', consisting of multiple storefronts, a proposed bank in a separate building, and associated parking. Retail 1 is proposed to have 30,000 square feet of floor area. The proposed square footage of the bank is not provided. The bank scales to 3,500 square feet of floor area. The bank area is shown to be 3,250 square feet on both the engineering and architectural plans. This application was tabled after a December 2, 2008 meeting and rescheduled for the forthcoming (February 17, 2009) Board Hearing. Comments provided below are in response to our review of the current application, previous review comments, and communication with Township professionals. The following comments in (bold) indicate the current submission's compliance with previous planning and engineering review comments: Planning Review Comments (T&M letter dated December 2, 2008) Zoning and Variances. The tract is located in the B-5 Highway Development Zone. Per Ordinance No. 2008-12, Mixed Use Mid-Rise Development, is a Conditional Use in the B-5 Zone. *Fact – No additional information required.* Lot to Abut Street - MLUL 40:55d-35 requires that all lots abut an improved right-of-way. The proposed layout results in Lots 1.03, 1.06, and 1.07 being landlocked and not abutting an improved public right-of-way. The lots all abut a private street. Therefore, a planning variance is required. Testimony should be provided to assure the Planning Board that the roads will be improved to Township standards and access will be adequate to meet health, safety, and welfare requirements. Variance Requested. Testimony is to be provided. Section 18-1012A identifies conditions that must be met to qualify as a Mixed Use Mid-Rise Development. The tract appears to meet these requirements relative to tract size, density, etc., however, it does not appear to meet the following tract setback requirement: 18-1012A7c requires that Parking lot and paved surfaces are setback 15 feet. The current configuration indicates a setback of approximately 14 feet near the Garden State Parkway on Lot 1.04, approximately 10 feet on Lot 1.08, and 10 feet near Route 70 on Lot 1.02 for the roadway. Please address throughout the tract. This could result in a jurisdictional issue if not revised. Setbacks have been revised to provide the required fifteen (15) feet. Per Section 18-1012B, since the developer proposes phased construction, the undeveloped lands shall be subject to public ownership requirements until all lands are integrated into the approved development plan. *Fact – No additional information required.* The applicant should verify that, in accordance with 18-1012.D.3.a., the minimum floor area per dwelling unit is 1,000 square feet, and that all balconies, if provided, are a minimum of 24 square feet in area. Applicant has indicated that the minimum dwelling unit floor area is 1,000 square feet and that the minimum deck area is 24 square feet. The architectural plans indicated dwelling units with less than 1,000 square feet (minimum 846 square feet for Unit type A). All of the decks are not completely dimensioned, but scale to provide in excess of 24 square feet. Per section 18-1012.D.4.d., facilities to serve the recreational needs of the residents of the Mixed Use, Mid-Rise Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five (5%) percent of the tract is required and must include passive and active recreation. The applicant should indicate the percentage of the tract for recreation. The applicant has provided passive and active recreation. The areas have not been provided. The applicant should provide the areas allocated to passive and active recreation and the calculation of the percentage of each of the total tract area to demonstrate compliance with the five percent (5%) requirement. The positive and negative criteria for the requested variances should be addressed. *Testimony Required.* Review Comments. Architectural Plans. The Architectural Plans do not provide the proposed floor area of the proposed bank. The plans should be revised to indicate the proposed floor area. We scale the area at 3,500 square feet. The engineering drawings indicate 3,250 square feet. Both the engineering and architectural plans indicate that the bank is 3,250 square feet. The Architectural drawings do not provide floor plan layouts for the Retail buildings. The plans only indicate the scaled floor area and a rendering of the storefronts. The applicant should testify regarding whether the indicated floor

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areas are accurate, since the required parking is based on these numbers. The square footage for each building is provided although the interior layouts are not provided. The parking calculations in the table on the engineering drawings reflect this floor area. Testimony Required. The Architectural Drawings indicate that residential units 'C' and 'G' have dens; however, the layout does not indicate a room for a den. Please revise the Architectural to remove the indication that a den is provided for these units. The architectural drawings do not indicate a room for a den for units 'C' and 'G'. The Architectural plans indicate that residential unit 'E' has two (2) bedrooms plus a den. The den depicted in the layout could easily be converted into a bedroom. The layout also indicates an optional bedroom. Therefore, for parking calculations, unit 'E' will be counted as having three (3) bedrooms. The plans should be revised accordingly. Unit 'E' has been indicated to be a 2 bedroom unit plus a den or optional third bedroom. The unit has been included as a 3 bedroom unit for the calculation of parking requirements. The Architectural Drawings only provide layouts and a listing of units for residential buildings 'A' and 'B'. However, the Engineering plans provide buildings labeled 'A' through 'G'. We believe that the intent was for Building 'A' to correspond with all L-shaped residential buildings, and Building 'B' to correspond to all rectangular residential buildings. If this assumption is correct, then the Architectural Drawings should rename the buildings to correspond to the Engineering plans, since currently the Architectural Drawings Building 'B' has a different shape than the Engineering Drawings Building 'B'. Please address. If this assumption is incorrect, then layouts, unit types, and numbers of each unit types, should be provided for buildings 'A' through 'G' and the shapes of the buildings should correspond between the two sets of plans. The engineering plans have been revised to indicate the type of building (A or B) by building number (1 thru 7). The applicant should submit a Traffic Impact Report for review. A Traffic Impact Report has been submitted. Parking. The parking requirements for the residential aspects of the tract are based on RSIS requirements. Based on RSIS garden apartment parking requirements apply to Mid-Rise apartments. Mid-Rise apartments are defined as having more than two (2) floors, but less than ten (10) floors, therefore all residential buildings on the tract meet the RSIS definition of mid-rise apartment. Therefore, the parking will be applied per RSIS at 1.8 spaces per one-bedroom apartments, 2 spaces per two-bedroom apartment, and 2.1 spaces per three bedroom apartment. We have applied parking under the assumption that the number and type of units in all buildings on the engineering drawings correspond to buildings 'A' and 'B' based on the shape of the building. The applicant should confirm that this approach is accurate. The residential parking requirement is 950 spaces as identified in the following Table:

Unit Types	Engineering Layout, Buildings A, B, C, E, F, & G # of Each Unit	Engineering Layout, Building D	RSIS Parking Total per Unit Type
Unit A, 1 bedroom	6 per building = 36 total	1	37 units x 1.8= 66.6
Unit B, 2 bedrooms	23 per building = 138 total	11	149 units x 2 =298
Unit C, 2 bedrooms	13 per building = 78 total		78 units x 2 =156
Unit D, 2 bedrooms	3 per building = 18 total	12	30 units x 2 =60
Unit E, 3 bedrooms	16 per building = 96 total	16	112 units x 2.1 =235.2
Unit F, 2 bedrooms	3 per building = 18 total		18 units x 2 =36
Unit G, 2 bedrooms	5 per building = 30 total		30 units x 2 =60
Unit H, 3 bedrooms	3 per building = 18 total		18 units x 2.1 =37.8
Total	432 units	40 units	950 parking spaces

The parking table included on the engineering plans has been reviewed. We agree with the calculation of the number of spaces required for the residential units. However, a review of the spaces provided per building and per phase indicates that for phases 2, 3 & 4 there are an inadequate number of spaces provided. The total number of parking spaces adjacent to the residential buildings is less than required. Further, the orientation or location of the spaces results in many of the spaces being of questionable benefit to the residents. It should be noted that the total number of parking spaces presented on the plans and noted in the parking calculation table exceed the required. However, there is a significant excess of parking allocated to the commercial area. The retail and bank aspect of the project results in the following parking requirement per Ordinance based on Retail and Banks based on the Architectural Drawings. The Architectural Drawings and Engineering Drawings do not correspond for floor areas, therefore, this should be rectified: Retail 1, 30,000 square feet at 1 space per 200 square feet of floor area = 150 spaces. Based on our calculations, 246 spaces provided. Retail 2, 33,750 square feet at 1 space per 200 square feet of floor area = 168.75 spaces. Retail 3, 16,250 square feet at 1 space per 200 square feet of floor area = 81.25 spaces. Based on our calculations, Retail 2 & 3 combined require 250 spaces while 353 spaces are provided. Bank, 3,500 square feet (scaled from plans) at 1 space per 300 square feet of floor area = 11.67 spaces. Based on our calculations, 10.8 spaces are required based on the 3,250 square feet shown on the plans - 35 spaces are provided. Clubhouse, 3,000 square feet at 1 space per 400 square feet of floor area = 7.5 spaces. Based on our calculations, 90 spaces are provided. Total spaces required for retail, bank and clubhouse are based on our calculations, 419 spaces. The total number of spaces required for the commercial area is 419 spaces. Based on our calculations, the plans indicate that 709 spaces are provided. The applicant's parking calculation on sheet three (3) of the engineering plans indicates 85,100 square feet of retail and 3,250 square feet of bank, and 12,650 square feet of Clubhouse. This does not correspond to the Architectural Drawings. If these numbers are correct, then the Architectural Drawings should be revised and the parking requirement would then be 425.5 parking spaces for retail plus 10.8 spaces for bank, plus 32 spaces for clubhouse, resulting in a total of 468 parking spaces. The building areas on the plans and on the architectural plans agree. Based on our calculations, the required commercial parking is 419 spaces while 709 spaces are provided. Based on the above, 950 spaces are required for residential, and 412 spaces are required for retail and bank (or 468 spaces if the engineering drawings are correct). Therefore, the total parking required is 1362 parking spaces (or 1418 spaces based on engineering drawings). The applicant provides 1,644 parking spaces on the total tract, therefore, the parking provided throughout the tract meets RSIS and Ordinance requirements. However, the applicant proposes separate lots and Phased construction. Therefore, the applicant should provide a table that provides a breakdown of the parking provided on each individual lot versus the parking required on each individual lot. Once this information is provided, we will determine if diminimus exceptions from RSIS or bulk 'c' variances for parking are required for the respective lots. However, it should be noted that Section 18-807C does permit parking within 1,000 feet of a parcel provided that acceptable assurances are provided to the Board that guarantee that this parking will remain available in the future. A parking allocation by phase based on our calculations, is summarized as follows:

Phase	Required		Provided	
	Residential	Commercial/Other	Residential	Commercial/Other
1	290	8	352	90
2	290	0	258	0
3	145	0	123	0
4	225	0	196	0

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	5	0	161	0	284
	6	0	250	0	335
Total	949		419	929	709

Total Required = 1360

Total Provided = 1635 (Applicant indicates a total of 1641 spaces)

Section 18-807C9 states that where a residential subdivision is designed so as to not permit on-street parking in accordance with RSIS, then the developer shall post “No Parking” signs through the development. The plan should be revised to indicate the locations of said signage on Garden Walk Boulevard. No Parking signs have been designated on the site plan along Garden Walk. The sign notation and/or legend should be revised to correlate to the details (e.g. Plan designation for a No Parking sign is S7. The details identify this in accordance with MUTCD standards as R7-1). The proposed layout results in Lots 1.03, 1.06, and 1.07 being landlocked, i.e., lots without frontage on a public street. The applicant should testify regarding whether this configuration provides sufficient and permanent access. Testimony Required. Given the proposed layout, an access easement is required on Lot 1.01 for Lots 1.02 through 1.08. The applicant has indicated that an access easement has been provided for Lots 1.02 through 1.08. This should be added to the site plan notes, included on the final plat and included in the deeds for Lots 1.01 through 1.08. The proposed utilities traverse abutting lots throughout the tract. Utility easements should be provided. We defer to the Board Attorney and Board Engineer for further comment. The applicant has indicated that a blanket easement will be provided for all utilities. We note that there is a reference (Note 23) to a blanket easement to the Township and the Lakewood Municipal Utilities Authority. A note should be added to address all other applicable utilities. Since these are individual lots it is our understanding that an easement would be required for each lot and that this easement would have to be reflected in both the final plat and each lot deed. Our office would like additional information on the structure of the blanket easement for the eight (8) lots. The applicant should clarify if refuse collection and snow plow activities for the private road will be by private hauler. Currently, the Environmental Impact Statement indicates that that refuse will be in accordance with Lakewood Township; however, is unclear on whether pick-up is private. The applicant should clarify if these services will be shared among all uses, or will be separate, and whether they will be handled privately. The applicant has indicated that the refuse collection and snow plow activities for the private road will be by private hauler and that the commercial and residential units will have separate services. Testimony should be provided to clarify the responsible parties and how the service arrangement will be effected. The ownership structure for the individual lots, the retail spaces and the individual residences is unclear. The method of insuring the services will be provided should be provided. The Board may wish to consider a guarantee in the form of a bond or an irrevocable letter of credit to insure funds are available for the required services. The applicant should testify regarding the adequacy of the recreation areas on the site since 472 residential units are proposed, and currently the only recreation space is a clubhouse and pool. As noted above, the areas provided for passive and active recreation should be provided. Testimony should be provided to demonstrate the adequacy of the proposed recreational facilities. Sidewalk is proposed for the majority of the proposed private roadway, Garden Walk Boulevard, however, sidewalk is not provided at the bulb of the cul-de-sac, nor on the easterly side of the private road near Route 70. Sidewalk should be provided in these areas to provide a continuous walking path that connects throughout the development, for those walking for recreational purposes. Sidewalk is proposed to, but not around the cul-de-sac bulb. Additionally, the gravel walking path has been provided around the wetpond that begins at the center of the cul-de-sac

bulb but is not connected to the sidewalk. It is recommended that the sidewalk continue around the bulb to provide a continuous walking path around the development and to provide access to the gravel walking path. It should be noted that the walking path terminates on the far side of the pond due to site constraints. Landscaping and Lighting. The applicant proposes lighting throughout the tract and on the private roadway. The applicant should identify the entity responsible for maintenance of the lighting on the private roadway. It is indicated that the owner of Lot 1.01 will be responsible for the maintenance of the lighting. Additional information is required regarding the entity owning the roadway and the ownership structure. Testimony is required. The applicant should consider a more decorative fixture throughout the tract. The applicant should review the proposed fixture with the Board. There are five of lighting fixtures shown with three mounts. One is a standard Cobra type street lamp. The second is a "shoebox" double light type mount. The third is a wall mount. All lighting is indicated to be high pressure sodium with 20 ft. pole mounting heights and a 15 ft. high wall mounting height. The Board may wish to consider different light fixture styles. Additionally, the symbols used to designate two of the light types are almost identical. Different symbols should be used for clarity. Due to the extent of landscaping proposed, it would assist the review if the lighting plan was provided on a separate plan from the landscaping. The landscaping plan should be supplemented to provide parking lot perimeter landscaping, screening behind the Retail 3 building, and foundation plantings. Parking lot perimeter and foundation landscaping has been provided for Retail 3 building. The applicant must obtain approval from the governing body to vacate Commerce Boulevard and Bennett Boulevard East. Fact – The applicant has indicated that approval for the vacation will be obtained and will be forwarded to the Board. The Board may wish to include the submission as a condition of approval. The limits of tree clearing are identified on the Tree Management Plan. The applicant proposes plantings throughout the tract to supplement trees removed for construction. Fact – No additional information required. The Board should determine if a shade tree easement should be provided for the private roadway. A six (6) foot wide combined shade tree and utility easement has been provided. The Fire Official should review the plan relative to emergency access. A facsimile with a transmission date of September 8, 2008 from Lakewood Fire District No. 1 indicates that the Fire Official has no comments. The Environmental Impact Statement (EIS) (at Page 4) indicates that the tract abuts Airport Road. This is incorrect. The E.I.S. should be revised. Page 4 of the E.I.S. has been revised to remove the reference to the tract abutting Airport Road. The E.I.S. indicates that the seasonal high ground water table is at a depth of 1 foot below the surface on Page. 8. The applicant should verify if this is accurate. The reference to seasonal high groundwater on Page 8 is based on the Soil Conservation Service report for the period of November to June in the area of Atison Sands. The boring logs were performed in February. The logs indicate a minimum estimated seasonal high groundwater elevation at approximately 3 ft below the surface. The location of the soil types on the site in the E.I.S. is unclear and the location of the soil borings is not provided. The E.I.S. should address the applicability of the NJDEP Flood Hazard Control Act to the site, and the location of the 100-year flood zone relative to the tract. The E.I.S. indicates that the site has been designed to be located outside the 100 year flood zone. It is also noted that the report indicates that CAFRA and Flood Hazard Certifications have been submitted to the NJDEP but no decision has been received. It is stated that the proposed project will comply with the Flood Hazard Control Act. A map indicating the FEMA 100 year flood hazard area and the NJDEP flood hazard area should be included in the E.I.S. The E.I.S. should be revised to indicate the correct zoning requirements based on Ordinance No. 2008-12. The zoning requirements on page 21 of the E.I.S. indicate the B5 Highway Development Zone. The lot numbers on the plan should be consistent with the lot numbers assigned by the Township Tax Assessor. An October 16, 2008 letter from the Municipal Tax Assessor indicates that new lot numbers have been assigned. However, the list of lot numbers is not attached. The applicant has indicated in their

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January 8, 2009 response letter, that the lot numbers correspond to the numbers assigned by the Tax Assessor. A copy of the lot numbers as assigned by the Municipal Tax Collector should be provided. Compliance with the Map Filing Law is required. Fact – No additional information required. Agency Approvals. The required outside agency approvals may include, but are not limited to: Fact – The status as noted by the applicant is indicated Ocean County Planning Board; Pending NJDOT; Sewer and water utilities; Pending Soil Conservation District; Pending NJDEP for water and sewer extensions; NJDEP Letter of Interpretation (LOI) (Freshwater Wetlands); NJDEP Flood Hazard Area, if applicable; Pending and, All other required Outside Agency approvals. Engineering Review Comments (T&M letter dated December 2, 2008) General The applicant is seeking Preliminary and Final Major Subdivision and Site Plan approval to subdivide seven (7) existing lots and vacate two rights of way, Commerce Boulevard and Bennett Boulevard to create eight new lots, for the construction of a mixed use development. The proposed development will consist of four commercial buildings to contain a bank, restaurant, and retail shopping space. The residential portion of the development will consist of six (6) apartment buildings containing 472 units. The project is proposed to be build in phases. The property is located along the north side of US State Highway Route 70, west of the Garden Sate Parkway. The site is situated within the R-40/20, Residential Cluster Zone. The site is located in the B-5 Highway Development Zone. The applicant has not requested any bulk variances at this time. A variance is requested for the lots not having frontage on a public right-of way. Outside agency approvals from Ocean County Planning Board, Ocean County soil Conservation District, NJDEP for CARFA (sic.), Water Main Extension, Wetlands Letter of Interpretation (LOI), and treatment Works Approval (TWA). Evidence of the approvals will be made conditions of Planning Board Approval. The applicant has indicated that copies of the outside agency approvals will be provided upon receipt. The receipt of agency approvals may be included as conditions of approval by the Planning Board. An LOI dated September 3, 2008 has been received from the NJDEP. This letter indicates acceptance of the wetlands delineation. It notes that the site development plans are to include the lines as depicted in the approved plan and that the DLUR reference number (1514-07-0013.IFWW070001) and the note “Freshwater Wetlands/Waters Boundary Line as verified by NJDEP” is to be included on the delineation lines. This notation has not been shown on the plans. The existing rights of way within the proposed development shall be vacated as a condition of approval, and a copy of the resolution granting the vacation shall be provided. Fact – No additional information required. The applicant has provided a total of 1,641 parking spaces for the development. Based on the calculations provided by the applicant 976 are required for the residential portion of the development and 437 are required for the retail use. The applicant shall provide a break down of the parking by building and size of residential unit, i.e. number of bedrooms, to verify the required parking has been provided. As noted above, the applicant has provided a table indicating the number of parking spaces to be provided by phase by unit bedroom count. Our calculations indicate that 1,635 parking spaces have been provided which exceeds the required 1,360. However, our calculations indicate that 949 residential spaces are required while 929 have been provided. Additionally, the location of the parking in relation to the residential structures results in the spaces being of questionable value to the residents (particularly phase 1). A traffic report shall be provided for review. A traffic report has been provided and reviewed by our office. We offer the following comments and recommendations: Table II on Page 21 summarizes the existing conditions and the anticipated build out conditions. The major impacts are indicated to be at the following intersections: NJ Rte 70 & Airport Rd LOS is at F on weekdays and will be F with build out. Mitigation is suggested. LOS is at D on Saturdays and will be at E with build out. Mitigation is suggested. The increase in delay times is considered to be significant (20± seconds). NJ Rte 70 and Parkway Southbound ramps LOS is at D on weekdays and will be E with build out. Mitigation is suggested. LOS is at E on Saturdays and will be at F with build out. Mitigation is

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suggested. The increase in delay times is considered to be significant (15± seconds). NJ Rte 70 and Shorrock Street LOS is at D on weekdays and will be E with build out. Mitigation is suggested. LOS is at C on Saturdays and will be at D with build out. Mitigation is suggested. Delay time increased 6± seconds. Preliminary comments were received from the New Jersey Turnpike Authority via correspondence dated December 3, 2008. It is noted that Garden Walk Boulevard is located approximately 700 feet downstream of the Authority's proposed entrance ramp and that a high volume of ramp traffic is expected to utilize this connection. It does not appear that the traffic analysis has considered this new interchange and the associated anticipated traffic volume. Additionally, the Authority notes that a driveway or public road connection is not permitted within the limits of the acceleration lane and taper. It does not appear that the proposed ramp design has been considered in the traffic report and the site design. The Authority instructs the Developer to coordinate the site entrance design with the Authority and to provide a traffic analysis of the site's impact on the Route 70 acceleration lane. A plan of the proposed ramp and the proposed site access should be provided. If the increased volume of the proposed ramp has not been included in the design, a revised traffic report should be submitted that provides an analysis of the impacts of this design. Approval of the site entrance at the designated location by the New Jersey Turnpike Authority may be made a condition of approval. Additionally, the Board may wish to include the proposed mitigation and NJDOT approval as a condition of approval. The proposed street name shall be approved by the Lakewood Township Zoning Secretary. A copy of the approval of the name Garden Walk Boulevard by the Planning Board Secretary was submitted by the applicant. Cross access easements will be required to allow traffic to flow from one section of retail use to another. As noted above, the applicant has indicated that a blanket easement will be provided for Lot 1.01 (Garden Walk Boulevard) to allow access by Lots 1.02 through 1.08. As stated above, this should be added to the site plan notes, included on the final plat and included in the deeds for Lots 1.01 through 1.08. Again, the ownership of Lot 1.01 should be clarified. The ownership of Garden Walk Boulevard and Bennett Boulevard shall be noted on the plans. If the roadways are to be private the ownership and maintenance responsibilities shall be addressed. A note (#24) has been added to the plan indicating that Garden Walk Boulevard and Bennett Boulevard are to be private roads. The applicant has indicated that the ownership and maintenance responsibilities will be discussed at the meeting. The residential portion of the development will require a Home Owners Association type of agreement to be formed between the residential lots. Ownership and maintenance agreements will be required between the commercial and residential lot owners for the maintenance of the stormwater management system. The applicant has indicated that ownership and maintenance agreements will be provided between the commercial and residential lot owners for the maintenance of the stormwater management system. As noted above, there are additional maintenance, access and other items that should be addressed in ownership documents. Information as to the specifics of the ownership structure should be provided. If an association(s) is to be created, copies of the master deed(s) should be provided. It should be clarified if the units are rentals, condominium type, fee simple or alternate ownership. The relationship between the owner of Garden Walk Boulevard, the retail lots and the residential lots should be defined. Plan Review. It does not appear the applicant has provided a sufficient number of trash enclosures on site. Additional enclosures shall be provided throughout (sic.) the site. The applicant indicated that documentation from Waste Management services stating that the number of trash enclosures provided on site is sufficient. An email from Adam Longo dated December 23, 2008 was provided. Additional testimony is to be provided. It is recommended that calculations be provided showing the estimated occupancy of the buildings and the number of residents to be served by each of the trash collectors together with the size of the collectors and the collection schedule. Additionally, projections should be provided for the trash generation anticipated from the retail/commercial facilities with collector size and schedule. It is noted that the trash enclosure detail includes a one (1) - 6 CY

and one (1) – 4 CY container. Are both intended to be used for trash collection or is one for trash and one for recycle? If recycle is included, the recycle container should be noted. Calculations and other information (e.g. collection schedule) should be provided to confirm the adequacy of the container sizes. If both containers are intended to be trash containers, the rationale for the use of two of the specified size and the configuration of placement should be discussed. It is our opinion (subject to review of the requested calculations and the Waste Management report) that larger containers should be provided and could be placed in the proposed enclosures. One container should be provided for trash collection and one for collection of recycling. The applicant shall provide testimony on any proposed site identification signage that may be installed and if the signage will meet the ordinance requirements. The locations of the signs and details have been provided. The setbacks should be shown on the plans. The location and details are to comply with the LUO requirements – specifically Sections 18-804 and 18-812. It is unclear if the signs are to be illuminated and if so, what type and intensity of illumination is to be provided. Note that signs shall not be located within the sight triangles and are limited in both area and height. The site plan shall be revised to show the roadway dimensions, curve and curb radii, dimension areas for parking spaces, regular and handicapped, drive aisle, sidewalks, and all other aspects of the development. The site plan shows drive aisle, dimension areas for parking spaces, curve and curb radii dimensions. The standard parking stall is noted to be 8' wide by 18' long. RSIS (5.21-4.15) specifies 9' wide by 18' long. The dimensions for the handicapped spaces are provided in the detail but should be noted on the site plan as should the designated van accessible spaces. The width of Garden Walk Boulevard is not shown. The sidewalk width is not shown on the site plan. The detail indicates "width as shown on the plan" and 4' wide. Sidewalk widths on the plan scale from 2' wide to 7' wide. Additional dimensions should be provided. The widths shown on the plan should scale to the approximate specified dimensions. Van accessible handicapped parking spaces shall be provided. The applicant has indicated that all handicapped spaces provided are van accessible. The dimensions provided on the construction detail indicate widths for van accessible spaces. Dimensions should be provided on the site plan to confirm the intended parking and service aisle widths. The roadway striping and traffic markings shall be shown on the site plan. Roadway markings are shown on the plans. It is unclear if striping has been shown. It appears that limited entrance striping has been provided at the drive access points and Bennett Boulevard. A legend should be added to designate the striping. Stop bars should be added at the stop sign locations. Additional striping is required at the northerly Building 2 and the easterly Building 4 access driveways. Striping and road marking details should be added to the construction details. All striping and road markings shall be in compliance with MUTCD standards. The location of proposed signage shall be shown on the plans. Road signs have been shown on the plans and details have been added to the construction details which references standard MUTCD designations. A legend has been provided for the signage. The legend should be modified to reflect the reference in the construction details. The sign identification should indicate the MUTCD designation and all signage should be in compliance with MUTCD standards. The location of proposed cross walks shall be shown. No crosswalks are shown on the plan. Crosswalks, at a minimum, should be provided at the intersection of the drives with Garden Walk Boulevard, across Bennett Boulevard, at the clubhouse and within the retail areas connecting the parking to the access walkways. The applicant's engineer should contact our office to discuss specific locations and the crosswalk detail. No Left Turn signs shall be installed at parking lot egress points that abut the roadway where there is a median. No Left Turn signs have been provided as requested. An additional sign is required on the southerly driveway adjacent to Residential Building 1 and the easterly driveway for Building 4. The sign at the drive for Residential Building 2 is shown to be located in the median. This sign should be relocated to the building 2 driveway. No left turn signs should be provided at each access drive. One of the two parking lot access points shall be removed from the north side of the cul-de-sac bulb. The two access points are too close

together and present a safety issue. There is only one parking lot access point on the north side of the cul-de-sac bulb. The profile plan for Road A shall be revised to be named Garden Walk Boulevard. The profile plan has been renamed. No Parking signs shall be provided along Garden Walk Boulevard. No Parking signs have been provided. As noted above, the sign identification should be modified to correspond to the details and should show the MUTCD designations. All signage should be in compliance with MUTCD standards. It should be noted that angled parking is provided toward the end of Garden Walk Boulevard adjacent to the cul-de-sac on both the north and south sides of the roadway. It is unclear if Bennett Boulevard will be a new street or part of the residential lot containing building A and the Clubhouse. The applicant shall clarify the limits of the roadway. The applicant has indicated that Bennett Boulevard will be part of proposed Lot 1.01 and that testimony will be provided to further clarify the proposed roadway. The comments above regarding ownership and maintenance of Garden Walk Boulevard should also be addressed for Bennett Boulevard. The radius of the cul-de-sac bulb shall be shown on the plans. The radius should be shown on the phase site plans. The applicant shall provide street lighting along Bennett Boulevard. Street lighting has been provided along Bennett Boulevard. Stormwater Report Review. The applicant shall provide an overall drainage area map with drainage areas that match with those named in the report. It is difficult to translate from the inlet area map to the report calculations. The applicant proposes to control storm water flows by collecting storm water in a storm sewer drainage system. The collected storm water would discharge to either one of two infiltration basins or to a wet pond. A portion of the site generated flows would not be collected and are indicated as by-pass areas. Additional information is required to adequately review the storm water management system including, but not limited to, the location of the referenced soil sampling and permeability testing, the indication of the seasonal high water at the infiltration basin sites, the 100 year storm water elevations in each of the infiltration basins and the wet pond, and details of the emergency overflow channels (spillways). The applicant should provide information to demonstrate compliance with the requirements for the wet pond and the infiltration basins. The applicant should contact our office for further review. The applicant has not met the required stormwater rate reductions for the ten year storm to Route 70. We do not recommend this waiver be granted and recommend the applicant look into revised grading to capture more of the offsite runoff. The applicant's engineer stated that the runoff rate is 0.1 CFS greater than the recommended reduction and that this may be considered negligible. The stormwater report indicates that pre-development flow is 0.1 CFS. The required 25% reduction would result in a stormwater flow of 0.075 CFS. The proposed post development flow shown in the report is 0.2 CFS or 27 times the required. It is, in fact, an increase and not a reduction. While we agree that a reduction of 0.025 CFS may be considered de minimus, it is our opinion that doubling the pre-development flow is not. We recommend that the stormwater management (i.e. grading and storm water collection) be modified to maintain the predevelopment flow, at a minimum. It should be noted that the Storm Water Management regulations N.J.S.A. 7:8-5.4(a).3.i states that the stormwater leaving the site shall not exceed the pre-construction flow. It is anticipated that the NJDEP and the NJDOT will also review the storm water impacts on Route 70. We would defer to their determination as to the adequacy and impact of the increased off site flow. Environmental Impact Statement (by Trident Environmental Consultants, August 2008) Section I of the Environmental Impact Statement appears to reference another lot. The applicant should clarify this discrepancy. Section I has been modified to reflect the property. However, the section refers to Block 1160.10, Lot 219. The correct reference should be Block 1160.10, Lot 1. EIS Page 5 of 23 does not appear to adequately address the project with respect to existing and proposed demographics. We recommend that the applicant identify the existing demographics and impacts of the proposed project on these conditions. Section E – Demographics on page 5 of 23 indicates that "...the proposed development is a medical building ...". This section should be revised to indicate the correct proposed and to address the anticipated impacts more

completely and in greater detail. The applicant proposes to use municipal utilities for their source of potable water and disposal of sanitary wastewater. We recommend that the applicant provide a statement from the MUA to demonstrate capacity for the proposed project. The applicant has indicated that an application for approval has been submitted to the Lakewood Township Municipal Utilities Authority but that the MUA will not provide a commitment letter until after approval. This may be considered to be included as a condition of approval. A Letter of Interpretation (LOI) exists for the site. A copy of the LOI and approved plan should be provided to the Township and T&M for review. The width of the transition area should be shown on the development plans. As noted above the LOI was provided. The additional notations as detailed above should be added to the plans. The NJDEP determined that the wetlands are of Intermediate and Ordinary Resource Value. The associated transition areas should be shown on the site plan. As indicated on the plans, site grading is proposed. However, the report does not indicate whether soils will be imported from an off site source. The applicant should state whether fill will be imported to the site. If fill is to be imported, we recommend that the applicant perform analytical testing, in accordance with N.J.A.C. 7:26E-6.4(b)2.iii through iv, N.J.A.C. 7:26E-6.4(b)3. (d) and (e), on the fill at a frequency suitable to demonstrate that contaminants are not present within the fill soil at concentrations above the relevant NJDEP Soil Cleanup Criteria. Note 21 was added on Sheet 8 stating that if fill is to be imported, analytical testing shall be performed in accordance with the references to confirm compliance with the Soil Cleanup Criteria. A portion of the proposed development, specifically the apartment complex, borders the Lakewood Cogeneration facility. We recommend that the applicant indicate whether air quality concerns exist at the site, given the proximity of these two (2) land uses (§18-820B.3a.1). The EIS addresses the general air quality in Lakewood Township. The above concern is not specifically discussed. The applicant should address the specific concerns raised in this comment. As discussion of the presence of the flood hazard area should be provided. If this area exists, the location of the New Jersey Department of Environmental Protection (NJDEP) regulated floodplain and flood hazard area boundaries should be shown on the plans to determine whether the proposed project will impact the floodplain. The applicant has indicated that testimony will be provided regarding the presence or absence of any flood hazard area and floodplains. If there are flood hazard areas or flood plains that affect the site they should be shown on the site plan. The proximity of applicable flood plains or flood hazard areas should be addressed in the EIS. A large waterbody and freshwater wetland area borders the site to the north. The applicant should indicate the direction of flow to/from this waterbody and whether the proposed development will impact this feature. (§18-820B.3a.2). The direction of flow should be more clearly delineated. The impacts of modification of the water level in the wet pond should be discussed in the EIS. The proposed stormwater management basis will probably receive nutrients and fertilizers from the storm water runoff. The applicant should provide maintenance and cleaning plan for the proposed basins that takes these concerns into account. The infiltration basins and wet pond are recognized as water quality control techniques. The applicant should provide calculations to support the removal efficiency indicated. A Storm Water Management Operation and Maintenance Plan was provided. The plan should identify the entity and individual(s) responsible for the implementation of the plan. Additionally, while equipment costs are provided, the plan should present an estimate of the annual and twenty (20) year operating costs. The means and methods of funding maintenance activities should be provided. The New Jersey Department of Environmental Protection (NJDEP) Landscaping mapping and results from the Natural Heritage Program database search of October 11, 2006 indicates that suitable habitat for the northern pike snake and the barred owl or an occurrence of these species exist at the site. Considering the NHP database search findings are over two (2) years old, the applicant should provide a recent NHP database search. The applicant has indicated that a recent NHP database search has been ordered. This will be reviewed upon

receipt. The NJDEP GIS mapping indicates the presence of northern pine snake and barred owl at the site. While the applicant has indicated that a study was performed in 2006 for the northern pine snake, we recommend that the applicant provide the basis for their findings at that time. In addition, the applicant should indicate whether a new study should be required to provide additional information as to the suitability of habitat and the existence of both species at the site and adjacent area. (§18-/820B.3b.2). The EIS indicates that a six (6) month survey was performed in 2006-2007 and that the northern pine snake did not inhabit the site. This is satisfactory. Since the apartment complex will border the Lakewood Cogeneration facility, there are concerns related to sound level impacts from the facility on the proposed use. The applicant should provide information and a discussion to address these potential impacts during the daytime and nighttime hours. (§18-/820B.3c.2). On-site noise readings are provided. It is noted that the reported levels are at 7 a.m. and 3 p.m. The applicant should provide testimony as to the impact of these levels and whether these reflect the nighttime levels. The testimony should include a comparison of the recorded levels to other residential facilities. The applicant's professional indicates that no environmental concerns were noted at the site during a site investigation, and as such, a Phase I Environmental Site Assessment was not completed for the subject site. Considering the site will be used for residential uses and that "minimal amounts garbage and debris" were noted by the professional, we recommend that a Phase I Site Assessment be performed for the subject site. A Phase 1 Site Assessment was provided. The assessment concludes that there is solid waste and debris scattered on the site consisting of plastic bottles, plastic bags, wood pallets, wood pieces, tires, metal scraps, old carpet, old furniture, concrete rubble and other miscellaneous debris. No hazardous materials were observed. The author recommends that areas of staining be identified and soil sampling and analysis of these areas be conducted upon identification. We agree with the author's recommendations. Construction Detail Review. The stop detail shall be revised to show red retro-reflective sheeting fastened to the front of the post. The detail has been revised. The handicapped ramp detail shall be revised to show the dimension of the detectable warning surface and call out the installation of truncated domes. The detail has been revised. The street sign detail shall be revised. The street sign has been modified per information provided by T&M Associates. In all other aspects, street signs should comply with the MUTCD, D3 requirements. New Jersey Map Filing Law Comments pertaining to the New Jersey Map Filing Law will be provide prior to the public hearing for this application. It is recommended that the applicant contact our office to review this further. ADDITIONAL COMMENTS Dimensions should be provided on the architectural plan elevations for the residential structures indicating the height of the building to the roof peak and to the highest point. Dimensions should be provided on the architectural plan elevations for the commercial structures indicating the height of the building to the roof and to the highest point. The height of building facades shall also be indicated. The locations and dimensions of all building signs should be provided. A soil erosion control plan and details is to be provided. All road signs shall comply with MUTCD standards and shall be in accordance with NJDOT specifications. A circulation plan shall be provided. The applicant shall demonstrate that large vehicles such as fire trucks, delivery trucks and moving vans can negotiate within the residential and commercial lot areas. The applicant should agree to Title 39 enforcement on the eight (8) lots. It is recommended that additional buffer landscaping be provided along the Garden State Parkway adjacent to residential buildings 3 & 4. The table of contents for the E.I.S. should be corrected to show the correct page numbers. There is angled parking accessible from both the north and south sides of Garden Walk Boulevard associated with Residential Buildings 3& 4 which is Phase 4 and Residential Buildings 6&7 which is Phase 2. Our office has concerns about this parking location and orientation. We recommend the applicant's engineer contact our office for further review. Although it appears that the angled parking is intended to be 45 degree, this should be designated on the site plan. It appears that the number of handicapped spaces provided and the location of the spaces does not comply

with the ADA standards. The roadway width for Garden Walk Boulevard scales to be 10 ft. wide. The applicant is requested to provide calculations regarding the traffic volume. Based on the traffic report data, it appears that the width of the traveled way should be increased. In the area with on street parking, additional width is required. Our office has concerns regarding the driveway access from the Retail Building 1 area to the Clubhouse area. It is our opinion that since the clubhouse is intended for use by residents only, the area should be isolated from a general public access area due to safety considerations. There is a discontinuity in the profile for Garden Walk Boulevard at station 19+04.44. This should be corrected. Stationing should be provided on the site plan to correspond to the profiles for Garden Walk Boulevard and Bennett Boulevard. The centerline for Garden Walk Boulevard should extend around the cul-de-sac bulb and the point of convergence identified on the plan and profile. The location of the 6' wide shade tree and utility easement as shown on the overall development plan should be reviewed and modified as necessary. It appears that the easement extends through parking areas located near the end of Garden Walk Boulevard. The easement should be shown on the phase site plans as well. The applicant has indicated that Lakewood drainage easements are to be vacated. The applicant shall submit documentation that the governing body has approved these vacations. The applicant should review the locations of fire hydrants and confirm that the number and location is in compliance with RSIS standards (5:21-5.4). The applicant should review the lot listings in the plan title block to confirm that the proper lots and blocks are referenced (all plans). The applicant should provide testimony as to whether the buildings will be protected by sprinklers. No fire service connection is indicated for Retail 3. If fire protection is intended, the connection should be shown. The applicant should indicate if fire flow testing has been conducted and whether adequate supply and pressures are available. The applicant should indicate whether the existing water main is to remain or be removed. If it is to remain, it should be indicated if the main is to be connected to the proposed water distribution system and the means of connection. The applicant should confirm that the water supply system complies with the RSIS requirements including but not limited to 5:21-5.3 b, c, & d. RSIS standards require a minimum of 20 PSI (46 feet) of water pressure at the curb. However, multi-storied buildings are proposed. The applicant should review the pressure provided at the curb to insure adequate water pressure at the highest point in the structure. The applicant should provide calculations for the sanitary waste flow which demonstrates that the proposed collection system has adequate capacity for the anticipated waste flow. The capacity of the proposed pump station should be provided. Additional details regarding the proposed pump station design should be provided including, but not limited to, type of station proposed, exterior appearance of the station, building dimensions, method of providing emergency power, location of a standby generator (if proposed) and other details. Testimony should be provided regarding odor and sound control. It is noted in the EIS that there are FW-1 & FW-2 waterways. The report addresses the classification for Cedar Bridge Branch. It is noted that Kettle Creek is near the site. This waterway should also be addressed. It is recommended that signage be provided indicating the location of the buffer area and restrictions on disturbance of this area. The standing water elevation for the wet pond should be shown on the drainage plan. The 100 year water elevation should be shown for all of the stormwater management basins. A boring location plan showing the locations of the soil test pits and samples shall be provided. The depth of seasonal high groundwater elevation in the areas of the infiltration ponds (Pond A and Pond B) shall be shown on the plans. The permabilities used for the designs of the infiltration ponds is to be provided. The location of soil borings to confirm the permeability for these ponds should be shown. The detail for the infiltration basin should be modified to show the minimum required separation from the bottom of the infiltration layer to seasonal high ground water. The applicant should provide a copy of the completed New Jersey Groundwater Recharge Spreadsheet. Calculations should be provided for the water quality storm. Our office

may have additional comments after receipt of revised documents and supplemental information.

Mr. Vogt said the review letter is large because the project is large and there is a lot of technical work that needs to be done to bring it from the preliminary and final and then compliance stage. He said the comments in the letter are 2 part: they noted compliance with the current application by the prior engineer and planner and secondly they had additional comments more towards what they wanted the plans to look like towards the compliance phase if it is approved. There are a lot more technical comments dealing with the utilities and other issues which were not part of the first set of review comments. Mr. Vogt did meet with the applicant's engineer and went through the entire letter and they are going to agree in principle with virtually all of the comments.

Mr. Neiman asked if Mr. Vogt reviewed the letter from the NJ Turnpike Authority and Mr., Vogt said he did they did discuss that and there will be testimony on that. Due to the proximity of the local interchange which is being upgraded, there have been concerns with upgrading that and the impacts of this project and vice versa and said what the board will hear tonight from the applicant's consultant's including their traffic professional is that they are going to comply with the applicable recommendations.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Troutman from McDonough & Rea Associates, Mr. Jesudason, and architect from JLM Design Group, and Mr. Weise from Trident Environment. Mr. Jackson cross examined each professional for their credentials and backgrounds and they were all recognized by the board as experts in their fields.

Mr. Doyle interrupted and asked if his application #10- be carried and Mr. Neiman asked that this be continued and see how this goes.

Mr. Neiman asked Mr. Flannery to give a brief overview of the application. They marked the exhibits as followed: A1 is a rendered version of the overall development plan which was submitted as part of the application. A2 is a perspective rendering of the architectural buildings. A3 is a front elevation of the proposed commercial area.

Mr. Shea said this is a 65 acre tract in the B5 zoning district on Route 70 and no variances are being sought. Mr. Flannery said the property has frontage along Route 70 and to the east of the property is the Garden State Parkway with the exit 88 interchange, the industrial park would be to the northwest. This project came to the board during the Master Plan process and the property was recommended by the Master Plan advisory committee for a mixed use type of development and this board suggested at that time to go back to the Township Committee and show a specific proposal, since it is one property, and proceed that way, and that is what has been done. The ordinance was approved about a year ago which added a conditional use to the B5 zone to allow this type of development. The concept is that you have a commercial development corridor along Route 70 and the area behind it provides an opportunity to have mixed use where there is housing near the commercial that will cut down on trips; this particular development will provide a good number of housing opportunities close to major roadways so that the impact on roadways is limited and it satisfies several of the goals in the Lakewood Master Plan. Mr. Flannery said there is a total of 472 units similar to the Washington Square on Cedar Bridge Avenue and in front of that along Route 70 there is almost 12,650 sf of commercial and clubhouse. The parking for commercial is 709 spaces and 909 for residential. They have applications pending with the DEP for flood hazard areas for CAFRA, they have

prepared the information to go to the NJDOT. This is a step in a process that has a few more steps before they are finished and Mr. Shea said they have already received Ocean County Planning Board Approval and Shade Tree Approval. The traffic engineer is currently working on the redesign of the exit 88 interchange of the parkway so he is well aware of the items and the DOT has standards which he understands so they have touched all bases and now they need to finalize it and one by one get the approvals.

Mr. Neiman asked what the blue area on the map is and Mr. Flannery said it is a detention basin that was constructed probably 20 years ago for this area and water from this site drains into there, water from some of the industrial property next door flows through a wetlands corridor into that area and it provides stormwater management for the area and it is a part of this property. The DEP has met with the applicant and has acknowledged that it was done and this was the way it is supposed to go. Mr. Neiman asked Mr. Vogt if he feels the stormwater management will suffice and Mr. Vogt said there is a lot technically and they are not 100% there at this phase of the application nor are they for any application, particularly this size. The "t" shaped basin in the back will take most of the stormwater but the final stormwater design is not only going to be subject to his review but also CAFRA and NJDEP. Mr. Flannery said they have submitted for CAFRA application and have had meetings with them.

Mr. Flannery continued with his overview of the project and said the only relief they are asking for the project is with respect to a technicality in the MLUL where it states they need to have access to a public right of way and they are proposing, because these will be apartments, it will be a site that will be rented out, so there will be an owner and not a homeowners association, so they are proposing private roadways and as such it is not on a public road but it is his opinion that it has access to a public road and they don't need a variance but the attorney has advised the board in the past that if it is an issue like this where somebody may say that you do, it is better to request the variance so they are requesting the variance to allow those lots to be subdivided not on a public right of way. They agree with the comments in the professional's letter that all the of the documents will be provided to them to indicate that there will be adequate and proper access in perpetuity.

Mr. Neiman asked Mr. Franklin about the garbage pick up and public roads and asked if he had a chance to look at this application and Mr. Franklin said he did not but looking at it quickly he said some of the streets would be public streets and the garbage would be picked up by the township. He would have to see what the applicant designed and Mr. Flannery said they designed dumpsters and they are shown on the on the site and there is an internal system where the trash is collected internally and then it is taken to the dumpsters. They anticipated that it would be picked up by private haulers and had submitted to waste management associates on the number of dumpsters. If Mr. Franklin is saying the township is picking it up, they have an excess of parking spaces and if he says they need more dumpsters they can provide extra dumpsters. The roadways are all wide enough to be RSIS compliant and can be public roads if that is the board's intent. These are rentals and the applicant is going to be the owner and the applicant is saying he is ok with it this way; he is also a very nice man who has been in town a long time and if the town says they would rather have them public roads, they meet RSIS, the can become public roads, then whichever way they board would prefer to go they will agree. As far as the trash pick up, the applicant has set it up with a private hauler, they have the availability of excess parking spaces if the township wants to do that, and they would certainly agree to a condition that they would satisfy the Department of Public Works with respect to the dumpster area.. Mr. Franklin said it is the public works advantage to pick up an area this size because they pick it up from dumpsters which is at a lesser price; no matter what system they use the township has to pay for it, so if he has to pay for it at a higher rate, it is

cheaper for him to pick it up himself and it would lower his rate on the overall picture. Mr. Neiman said the board would feel more comfortable if Mr. Franklin would review this application for his input and Mr. Flannery said the applicant is comfortable with Mr. Franklin being a condition of approval as well. Mr. Neiman said he would recommend not to have any parking along Commerce Boulevard on both sides because there is enough parking inside. Mr. Flannery said they would defer to the board and the professionals for that. Mr. Flannery said on A1 they have indicated the sidewalks in red and there are sidewalks all the way along. They are typically 2 bedroom units so it is not anticipated that there will be a lot of kids but the sidewalks are there; they only come out to Route 70 and if he had kids and they were living there, he would not let them go to Route 70. Mr. Neiman asked if they planned on having a fence around the detention basin and Mr. Flannery said they did not show a fence because it is a large area and if you are looking at safety issues, Route 70 is certainly more dangerous than the detention basin. If the board feels a fence is needed, even a partial fence, they would agree to that.

Mr. Schmuckler said this will be privately owned, they are not selling off the different units within this land, so it is the developer's decision to based on who they are renting out to and Mr. Neiman said it is still the boards' responsibility to make sure the application is safe. Mr. Banas suggested the Franklin fence is appropriate for this project and Mr. Neiman agreed. Mr. Flannery said the reasoning in the past for the Franklin fence has been the township would be maintaining it and the township would not be maintaining it so they would go along with Mr. Schmuckler's reasoning that the applicant is going to be the one who is owning it and maintaining it and to force him to put in a fence that Mr. Franklin can maintain and Mr. Neiman said not necessarily a Franklin fence but some fencing should be around a detention basing this size. Mr. Shea said they are not resisting the request, it is just the expense and the type of fence.

Mr. Banas said they have identified this type of fence because of it's aesthetic beauty, easily for maintenance and he would go along with that and said if it was good for the entire community certainly this good enough for that. Mr. Flannery said the Gluck fence would also have those qualities as well. Mr. Banas said if the municipality is going to pick up the trash and asked if this now negates the need for a variance and Mr. Flannery said if the board's action is to make the entrance road a public road, then there would not be a variance required. Mr. Banas asked if it would be a gated community and Mr. Flannery said no.

Mr. Flannery said there are very few issues in the report that they need to address, most of them are technical comments and they will satisfy the board's professional. Mr. Schmuckler questioned the variance brought up 3a on page 6 of the review letter and asked if that setback variance and it talks about jurisdictional issues and wanted to know if that has been satisfied and Mr. Flannery said that it has been and there is not setback variance. Mr. Flannery said the comments that need address start on page 6 which is the street, which he feels is a variance that is not needed, and the applicant will defer to the board on that if they would like it to be a public road, even if it is a private road, the MLUL requires access to a public road and the properties will have access through the easements that are other conditions in Mr. Vogt's report, and taking the conservative approach, he feels the board can grant that variance without any detriment to the zone plan or zoning ordinance or public good. Under floor area of the units, the ordinance says the minimum average floor area has to exceed 1,000 sf and they do have units less than 1,000 but the average area is 1,165 sf which exceeds the 1,000 sf so they do comply with the ordinance. Mr. Flannery said the only additional variance they need is for the signs and the sign ordinance is difficult to follow because of the difference of the speed limits of the roads and you don't know if you are if you are on the private road or the public road but a conservative review on the ordinances would be that the need a variance for the entrance sign

because it is closer than 15 ft. to the street; they need a variance for the commercial entry signs because they sign area that is allowed is 15 sf and 48 sf is provided and the 48 sf is certainly more in keeping with the uses along Route 70 and it is in everybody's benefit to have the larger signs and if the board reviewed these sign details they are nice details and he thinks they are appropriate. The clubhouse signs would be closer than 15 ft. to a street if it is a public street and the maximum sign area is 15 sf and 48 sf is proposed. They have gone with 48 sf for the whole sign, but if you look at just the lettering, that is complying with the 15 ft., so it is his professional testimony that you are better off with a beautiful sign with all the decorative area that is going to look nicer than just putting up a small sign that would more closely comply with the ordinance. Mr. Shea introduced exhibit A4 and A4a which is the sign exhibits for the sign entry sign and the villas and the club. Mr. Flannery said the final sign that they need relief for is the residential entry sign; the maximum sign area is 15 sf and 48 sf is provided; also maximum height of 5 ft. and 6 ft. is proposed.

Mr. Shea wanted to bring in the traffic engineer to testify about the NJ Turnpike Authority letter and to address any concerns.

Mr. Neiman asked if there was a tot lot on this application and Mr. Flannery said there is a recreation area at the clubhouse and the market for this is not families so the clubhouse is geared more toward a non family type usage. As far as open space that is available for recreation, if in the future it was family, they have all the area in the world. Mr. Neiman said you can say it is not family orientated but you are looking at newlyweds, possibly 1-2 kids and Mr. Flannery said if the board wants a tot lot they can add a tot lot at the end of the entrance road. Mr. Neiman said they should designate on the plans an area for a tot lot. Mr. Neiman asked if the size of the clubhouse was large enough to accommodate and Mr. Flannery said it is consistent with standards for this many units. Mr. Flannery said this is not a local community where there is going to be prayer services there. That is not the market of this development, it is not the standard application for Lakewood.

Mr. Banas asked if there were any signs within the visibility of the Garden State Parkway and Mr. Flannery said driving by they will not see them and Mr. Banas asked if there was any intent to put any signs whatsoever visible to the Garden State Parkway and Mr. Flannery said no. Mr. Banas said that should be listed as a recommendation for the board as a part of the resolution.

Mr. Flannery continued with the report and said on page 7 it indicates they should provide the area for recreation which should be 5% and they will add that to the plan; it exceeds 20% so they more than comply. Mr. Flannery said parking is an issue that was discussed with a few pages of comments and page 11 has the summary which indicates that for the total required is 1,360 and the total provided is 1,635 so they have more than is required. He pointed out that what is listed for commercial also includes the clubhouse. Mr. Jackson asked how big the clubhouse was Mr. Flannery said it was over 3,000 sf and Mr. Jackson asked for the architectural layouts and Mr. Flannery said the architect is present. He said it would consist of a small meeting room and the architect would go through the plan.

Mr. Flannery said they will provide cross access easements if it is a private road between the commercial and residential roads and between the various sections of the residential. They defer to public works on the trash collection. Mr. Jackson interrupted again and said when a developer comes in with an application of this size there is usually a demographic that they are looking for; seniors, young families, etc. and asked if they did any marketing and what ages or cross section would they be marketing toward and Mr. Flannery said it was empty nesters,

young people that can't buy a house because they don't have a job or it is not affordable, divorced people who lost their house and need a place to rent, etc. and this is an ideal location for those type of uses because its' commuting ability, it is right on the parkway. On page 26 of the report, they discuss the angle parking and the number of handicap spaces meet the ADA requirements and what they propose is submitting to the Lakewood ADA Committee and let them take a look at it; they will add spaces wherever they will be useful. The access from the retail by the clubhouse, in the southwesterly portion of the site where the parking area from the clubhouse intersects with the parking from the retail they have indicated they will delete that and modify that. Mr. Vogt said they talked about that and the front area only, there will be linkage in the back of the lot. Mr. Flannery said other than that they agree to comply with the remainder of the comments from the professionals.

Mr. Shea pointed out that the report that they keep making reference to is dated February 11, 2009 from Remington Vernick & Vena and consists of 28 pages and there is no serious disagreement between the applicant and the items in the professional report.

Mr. Troutman testified next about traffic and Mr. Neiman asked him to talk about the traffic within the complex, where the entrances and exits are and they also want to discuss the Turnpike Authority's letter and their concern. Mr. Troutman said he was assigned to do a full traffic study and Mr. Vogt said he did go over the study. Mr. Troutman said if you look in the letter; item 1 references the traffic analysis for phase 2 expansion in connection of GSP interchanges 88 and 89. He is also the author and is the sub consultant to Ocean County who is responsible for obtaining the permits for the interchange improvements and they recently met with the Turnpike Authority to decide on a final concept on how that interchange is going to look and in addition discussed the access along Route 70. In terms of the impact of the interchange, the limits of that project and well to the east of their proposed access, their property has approximately 1,370 ft. of frontage along Route 70 and under DOT standards they can probably have 4 separate commercial lots with 4 driveways along that stretch; they are proposing 1 main boulevard and they are proposing it in a location that is far enough west that it is outside the acceleration lane from the ramp that exists the parkway to go west on Route 70 and they can coordinate that design with the Turnpike Authority as well as with the NJDOT since the NJDOT has to approve the access design and the County has to go to DOT to get approval for what they have to do to the interchange and how the intersections along Route 70 are going to change so both those applications are going to hit down NJDOT around the same time and everything will be reviewed and coordinated. Mr. Neiman asked how many means of access there were and Mr. Troutman said there is one access off Route 70 and there is another property access to Airport Road via an extension of Bennett Boulevard. The access from Route 70 will be right in right out only and the traffic that wants to leave and go east will have 2 options; make a right onto 70 west and use the jughandle at Airport Road or they can go out Bennett Boulevard make a left onto Airport Road and come out that way. They have recommended some signal timing adjustments to meet the DOT standards at some of these traffic signals. Mr. Jackson asked if the jughandle could not handle the amount of cars created by the applicant the DOT would make them improve that intersection and Mr. Troutman said yes.

Mr. Banas asked Mr. Troutman what is he recommending that the board do at this point and time at the jughandle on Airport Road and Mr. Troutman said they are recommending more current traffic signal timings there to suit the time of day patterns that they have seen; shifting some time so there is better utilization of the green time there and in terms of the intersections to the east, at the parkway ramp, and at Shorrock Street, and Mr. Banas said don't go so fast, he was talking about Airport Road and said they were only going to change the timing of the signal light. Mr. Troutman said yes and Mr. Banas suggested they review those comments because he

goes through there 4-5 times a day and it is extremely busy now. He also said Mr. Troutman indicated that he is making recommendations for exit 88 on the GSP and Mr. Troutman said yes and Mr. Banas asked him to share some of those ideas with the board and Mr. Troutman said there is a concept that is being advanced that on the east side of the parkway they are going to propose an exit onto a northbound service road that parallels the parkway and from that service road you would pass over Route 70 and you would either be able to exit and loop around behind the hotel and come down to Shorrock Street and get on Route 70 there or you would be able to continue up to Cedar Bridge Avenue and then connect with the ramp system that is already built there. In addition, if you are northbound on Shorrock Street and you want to go north on the parkway, Shorrock Street would be extended around behind the hotel and you would get on the service road and go through the toll plaza that has been built as part of interchange 89 and get on the northbound parkway. Same thing with the southbound traffic off exit 89, they would use the existing exit 89 onto a service road where you could either proceed onto Airport Road or continue down the service road to access Route 70. Mr. Banas asked about an access from Route 70 moving south on the parkway and Mr. Troutman said yes, there is also one if you are headed east on Route 70 there is a proposed entrance where you can make a right turn and go south onto the parkway. Mr. Shea stated Mr. Troutmans testimony about the jughandle at Airport Road and timing changing were about the no build situations. Mr. Troutman said those timings went in around the 1980's so it is about 20 years ago so it is worth looking at those timings again.

Mr. Percal said he has a concern about the traffic and said there is almost 500 apartments and an excess of 80,00 sf of retail area and he is experienced in retail and he can tell them that 80,000 sf or retail will have a hard time surviving just with the internal number of customers in this project. The only way the retail area can survive and thrive is by growing customers from outside of the project which will mean that you will have a traffic situation that would combine the following: in and out of the lot; inside traffic from the residential area to the retail area and in addition he feels you would have to contend if retail has any chance of surviving whatsoever with a number of customers coming in from the outside and utilizing their commercial services. Mr. Shea agrees and said the retail is not totally dependent on the residential neighborhood that they are establishing. Mr. Troutman said the NJDOT does not allow him to assume that anyone from the inside is going to use it so he has to assume that everyone is coming from surrounding population and which roads would be most convenient. There are a couple of level service "F" that they are hoping to improve with the timing change. Mr. Vogt wanted them to clarify that they will meet the requirement of the Turnpike December 3rd letter and Mr. Shea said yes and if approval was granted it could be made subject to satisfying those conditions. Mr. Vogt also wanted them to agree to the current mitigation that they discussed in their existing traffic report and Mr. Shea also agreed.

Mr. Banas asked about the street service level "F" and Mr. Troutman said yes. Mr. Troutman said under the "no build" traffic condition they had some level of service "F" conditions at Route 70 and Airport Road, so if nothing is done at the site and it remains as it is, the level is still at level "F". Mr. Banas said that is what he was questioning when he talked about that intersection and Mr. Troutman said what they did was proposed a traffic signal timing change that would bring a delay for the level of service "F" down lower than what it is under the "no build" condition without creating any "F"s anywhere else. Mr. Banas said suggestions are going to have to be made because the cars back all the way out to Route 70 now and Mr. Troutman said this is all subject to NJDOT and Mr. Banas said that is an easy way for him to say it but it does not satisfy him. Mr. Vogt asked if he had any idea if what they propose would do, from an "F" to a "D" and Mr. Troutman said it would go from an "F" to an "E" so it will be an improvement.

Mr. Banas asked about sidewalks on Route 70 and what was their consideration of that and Mr. Shea said it was up to the board whether they wanted to encourage foot traffic of Route 70. Mr. Flannery said they would be happy to add them there if the board feels they made sense and Mr. Schmuckler asked if it would have to be approved by the State and Mr. Flannery said yes but they State will defer to the township and the applicant will do what the board wants but this is really not the State Highway where you want to encourage pedestrian traffic, they have no where to go. Mr. Neiman said they should not encourage it but Mr. Banas said they are walking now on the north and south sides of Route 70.

Mr. Neiman asked to move onto the environment impact so Mr. Weise was called to testify. Mr. Weise said the board's professional brought up a noise issue level and they have not yet been able to address that. Mr. Neiman asked if there were wetlands on the property and Mr. Weise said yes and told the board that obviously the basin is but there are some isolated areas that they have submitted application to the NJDEP for doing some modification as far as a GP6 which would be filling isolated wetlands, they also have a LOI defining the wetland boundaries on site and transitional that is associated with it. They are allowed 30% under CAFRA and Mr. Flannery said this application is being done under 2 phases, they are anticipating that they will get a Township Center and they would be able increase it; the total impervious coverage is probably about 50% so they are 20% above CAFRA would permit at this time and if CAFRA doesn't grant the status of Township Center (which is 80%) then they would have to scale the project down to an extent. Mr. Neiman asked about a tree save or tree replanting and Mr. Weise said the whole area in the rear is all tree save and is being preserved the way it is as well as the detention area. Mr. Neiman asked about endangered species and Mr. Weise said the area did come up mapped for pine snakes but they did a 2 year study and did not find any pine snakes on the site.

The architect, Mr. Jesudason said it was the most attractive building on the site and they have 6 buildings and the lower levels will be in stone and the upper levels will be in siding. There are no height variances that they are asking for.

Mr. Neiman said that with an application this size you can tell that a lot a planning went into this and he commends the developer and the team for meeting with the engineer and doing all the work and everything for the board.

Mr. Banas had some questions and asked Mr. Flannery where the cogeneration plant was located and where exit 89 is and Mr. Flannery said the facility is approximately over 1,000 ft. north of the site and Mr. Banas asked from the western side of the site, where there is no trees, can you see the cogeneration plant and Mr. Flannery said Mr. Weise said you can see the top of the towers.

Mr. Neiman opened the microphone to the public

William Stevens, licensed engineer and planner and he is here giving testimony on behalf of his client RK Bennet Inc. Mr. Bennet had concerns about the development of this property and how it would affect his property. Mr. Stevens met with the applicant and the applicants' professionals and am simply here to say that they have reviewed the property and plans and are firmly in support of them and would hope they board would approve them think this project would be very beneficial to the Township of Lakewood.

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Noreen Gill, 192 Coventry Drive, Lakewood, was sworn in and said this is a beautiful project. She said this section of Airport Road has so much traffic that comes off of New Hampshire and Cedar Bridge and now she hopes they become very creative here because traffic is that turnaround gets backed up to Route 70 and she doesn't think that changing the timing of the light is the answer, she thinks the overall picture at that intersection is somebody has got to be creative and watch this traffic flow. She also wants to know if the stores will have deliveries in the rear and if there is a basement in the stores for storage. Mt. Jesudason said the stores do not have basements, they are on slabs and are one story structures and the deliveries will be at the back and there will be screening from the apartment building

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She said asked if it was a 3 or 4 story building and was told 4 story. She said there was talk about the B5 zone being adopted at a meeting at the Township Committee when nobody was there or that nobody spoke at that ordinance hearing and Mr. Shea said everyone who spoke was in favor of the adoption of it. She asked when it was adopted because she goes to all the committee meetings and she does not recall this being passed. There was discussion on the date and people spokes about dates anywhere from 3 years ago to 1 year ago. Mrs. Ballwanz said she thought that the B5 zone was supposed to go for further study and Mr. Kielt said that was the discussion at the Master Plan level and what Mr. Shea was discussing was when they came in to amend the ordinance to allow a condition use of this sort. She said she did not recall that meeting but to have allowed residential use at that site which was probably an industrial site, and she thinks that is where the Sam's Club was supposed to go a couple of years ago, who wants to have the cogen tower as their backyard neighbor. She thinks it is just foolish for this developer to come in and to have apartments at this site and she thinks it is totally inappropriate. Mr. Flannery found the date and told her it was ordinance # 2008-12 approved February 28, 2008. Mrs. Ballwanz said that Mr. Percal speaking about how many people would have to be able be using the commercial part but thinking about it, she goes to Costco and she cuts though Airport, and does she want all the traffic going onto Route 70 and then make the jughandle and is thinking for the apartment people, that they only enter but then cannot exit from the apartments onto Route 70 then have to onto Airport Road so the question is do you want the back up onto Airport Road or onto Route 70 and she thinks maybe Airport Road because then they would have other accesses like Cedar Bridge or Oak Street and to not have all that traffic. Mr. Neiman said you do have both accesses and the person who is exiting this complex will decide where he is going and what access makes more sense for that person. The beauty of this application is that there are 2 accesses and 2 exits. Mrs. Ballwanz continued and said with the cogen tower she asked if there are any negative health implications for the people living nearby from any emissions from the tower and Mr. Shea said none were indicated as a result of the environmental study done by Trident. She said there was talk about the impervious coverage which right now is 50% but on the schedule of general regulations of the Township ordinance under the B5 zone, the percent of maximum building coverage is 30% so she guesses the extra 20% is the parking and Mr. Neiman said yes. She said that is enough coverage and there shouldn't be any greater coverage in the future whether Lakewood becomes a Town Center or not, she thinks the impervious coverage is what it should be and it is at the most that it is. She notices that the maximum building height is 50 ft. and asked if this is below 50 ft. and was told by Mr. Neiman that it was 65 ft. Mr. Flannery said you have to look at Ordinance #2008-12 which list this as a permitted use and stipulates that the maximum building height is 65 ft. Mrs. Ballwanz asked if the chart was wrong and Mr. Flannery said the chart is not wrong; that chart applies to the B5 under the traditional uses. This is a conditional use and as a mixed use mid rise buildings can be constructed to 65 ft. in height and they are well under that. She said it is going to be a high walk to anybody being onto that 4th floor so maybe since this is a conditional use you only have it 3 stories high and it will be closer to the maximum height of the guides of 50 ft. Mr. Flannery

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said these are 4 story buildings with elevators so nobody needs to walk to the 4th floor. She does not think this as a conditional use is appropriate for the apartments and she thinks it is going to be terrible with all of the impact of the traffic and the people coming off the parkway they are trying to blend into Route 70 and the light and now to have an entrance it now going to be very fun living in this area.

Mr. Neiman announced that this will be the last application heard this evening. March 3rd technical meeting they only have a few applications for that meeting, so they will put some regular applications on that meeting also. They will just get a time extension here when they carry the applications. Application #7 – SP#1898 Kennedy Ventures – Mr. Brown, the attorney for the applicant said the engineer said he would not be able to attend on March 3rd but would be able to attend the March 17th 2009 Planning Board Meeting and will consent to a time waiver.

Motion was made by Mr. Banas, seconded by Mr. Percal, to carry SP #1898 to March 17, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Application #8 SD 1633A Paradise Realty Group LLC- Mr. Penzer, the attorney for the applicant agreed to the time limit but said the engineer is not available for March 3rd but is available for March 17th, 2009

Motion was made by Mr. Banas, seconded by Mr. Schmuckler, to carry SD #1633A to March 17, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Application #9 SP 1801A Yeshivat Keter Torah- Mr. Kelly attorney for the applicant agreed to be carried to March 3, 2008

Motion was made by Mr. Schmuckler, seconded by Mr. Herzl, to carry SP #1801A to March 3, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Application #10 SD 1649 Lakewood Realty Assoc.- Mr. Doyle agreed to extend the time limit and to carry to March 3, 2009

Motion was made by Mr. Banas, seconded by Mr. Schmuckler, to carry SD #1649 to March 3, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Application #11 SD 1656 Stanislaw Rybska – Mr. Flannery said Chris Rosati will be there for March 3rd

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Motion was made by Mr. Herzl, seconded by Mr. Banas, to carry SD #1656 to March 17, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Neiman then continued with application #6

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

Mr. Shea said they have been working on this application since 2005 to bring this about and thanked Terry and his office for working closely and is asking the board to grant favorable approval and allow the installation of a Dov Gluck fence which would be one that would be acceptable to Terry's office through Brian Flannery's office. (around the detention basin). Mr. Neiman said the other issues they discussed were the garbage disposal and as a condition of approval to work with Mr. Franklin and public works and making sure that this application is ok as far as garbage. The no parking on Commerce Boulevard, he would make that depending on the board, the sidewalks on Route 70, and making the main road public or private. Mr. Neiman said he would like to see it a public road and that is why they discussed the no parking because he does not think it is necessary, there is plenty of parking in the development itself. Committeeman Miller asked how wide the roadway was and Mr. Franklin said they should go through the roadways that they want made public and which ones should be private because there are a lot of them going into the parking lots with right angle parking. Mr. Neiman said the main road and Mr. Franklin said which ones are the main ones and Mr. Neiman said they can discuss that when they sit down and discuss the trash and Mr. Flannery said they have plenty of room to accommodate them meaning public works and the planning board engineer/planner. Mr. Vogt said the one road they need to discuss tonight is that main road, Commerce Boulevard, because it has the variance tied to whether it is private or public. Mr. Flannery said it seems like the boards decision is that the entrance road is going to be public and that negates the variances and the details of how it will be constructed as public would be deferred to the professionals. The variance that is requested is for signage and there are 4 of those main entrance signs.

Mr. Banas said with a project this large, and it is a beautiful project, to have a variance for signage, and Mr. Flannery said they are beautiful signs but Mr. Banas said you can move that sign on Route 70 a little farther back and probably eliminate the variance. Mr. Flannery said they are already 120 ft. from the curblineline on Route 70 and Mr. Banas said that is state property that is the reason they are going back that far but they can still move it beyond and Mr. Flannery said the perception is that it is 120 ft. back and they would like to get it as close as possible and that is what the variance procedure is for; you show that the benefits outweigh the detriments. Here, the detriments are nothing, because nobody is going to know that it is 15 ft. closer than it is supposed to be. Anybody driving past it is going to think that that it is 100 ft. further back than it should be. Mr. Banas said that one is a hard one for him to accept. Mr. Neiman said these signs are usually at the entranceway and to ask for a sign variance he does not think there is a need.

Motion was made by Mr. Schmuckler, seconded by Mr. Miller, to approve the application with the sign variance including the Gluck fence around the drainage basin and the main road being a township road which will negate the need for the other variances.

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ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

7. SP# 1898 (Variance requested)
Applicant: Kennedy Ventures LLC
Location: East Kennedy Boulevard, between Lexington & Monmouth Avenues
Block 140 Lots 3 & 5
Preliminary & Final Site Plan – 7,500 sf 2-story office building

Carried to March 17, 2009

8. SD # 1633A (Variance Requested)
Applicant: Paradise Realty Group LLC_
Location: Squankum, 9th & Monmouth Ave triangle (old VFW building)
Block 154 Lot 1
Preliminary and Final Major Subdivision for 10 multi family lots

Carried to March 17, 2009

9. SP# 1801A (No variance requested)
Applicant: Yeshivat Keter Torah
Location: Apollo Road, west of Squankum Road
Block 104 Lots 57 & 60
Amended Site Plan for proposed school

Carried to March 3, 2009

10. SD # 1649 (No variance Requested)
Applicant: Lakewood Realty Assoc./EZ Storage
Location: New Hampshire Avenue, north of Route 70
Block 1160.03 Lot 44
Minor Subdivision – two lots

Carried to March 3, 2009

11. SD # 1656 (Variance Requested)
Applicant: Stanislawa Rybska
Location: 768 Albert Avenue, north of Salem Street
Block 1159 Lot 61
Minor Subdivision – two lots (1 flag lot)

Carried to March 3, 2009

5. MEMORIALIZATION OF RESOLUTIONS

1. **SP # 1899** (Variance Requested)
Applicant: Yeshiva Yesodei Hatorah
Location: South Pershing Avenue and Towers Street
Block 806 Lots 1 & 8
Block 821 Lot 5
Block 822 Lot 4

Preliminary and Final Major Site Plan for proposed school, dormitory & faculty housing and subdivision into 15 lots

Motion was made by Mrs. Koursouris, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

2. **SP # 1878A** (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 2 story synagogue

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

3. **SD# 1651** (No variance requested)
Applicant: Congregation Chanichei Hayeshivos
Location: 142 & 150 Hollywood Avenue - across from Robin Drive
Block 284.17 Lot 6
Block 284 Lot 88

Minor Subdivision to relocate existing lot lines

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

4. **SP# 1906** (No variance requested)

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Applicant: Congregation Chanichei Hayeshivos
Location: 142 Hollywood Avenue - across from Robin Drive
Block 284.17 Proposed Lot 6.01
Preliminary & Final Site Plan to construct synagogue

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

5. **SD # 1652 (Variance requested)**
Applicant: Congregation Beth Medrash Govoha
Location: 901 Madison Avenue-between 9th & 10th Streets
Block 98 Lot 2
Minor Subdivision to create 2 lots

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

6. **SD# 1631 (Variance requested)**
Applicant: Barbara Flannery/Ridgeway Acres
Location: James Street, Atlantic Avenue & Drake Road
Block 375 Lot 1
Block 377 Lot 26, 26.01
Block 378 Lot 1
Preliminary & Final Major Subdivision - 20 single family lots and 1 open space lot

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

7. **SD # 1653 (Variance requested)**
Applicant: Benjamin Lederer
Location: 1259 Monmouth Avenue and southeast corner of 13th Street
Block 150 Lot 1
Minor Subdivision to create 2 lots

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

8. **Resolution to adopt the amendment to the Master Plan**

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; abstain, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Banas said that when he exits the parkway at exit 89 he observes something that should have been repaired by this time. When the board approved the 3 stacks of the addition to the cogeneration plant they had in the resolution a statement dealing with the fact that they were not requiring at that point of approval a buffer from the exit of the parkway to the cogeneration plant. There has been plenty of time that has elapsed and they should be seeking some which way to get that developed and planted so that cogeneration plant does not stand out like a sore thumb. Mr. Neiman asked how they go about doing that and Mr. Banas said he did not know and said he would ask their attorney to investigate or possibly their engineer to investigate what needs to be done in terms of this. Mr. Neiman asked Kevin who said in his opinion it is too late but referred to Mr. Jackson who said you would have to look at the compliance and see if they are in compliance; that is a code enforcement issue. Did they get permits? Mr. Banas said they allowed time in the resolution to not press the issue until the exit was going to be total developed and the exit is totally developed but no buffer has been added. Mr. Jackson said Mr. Vogt should get the site plan out and do an investigation and Mr. Kielt said it is too late. They would have to talk to the town engineer and see what needs to be done and it sounds like a big job. It was done maybe 10 years ago. Mr. Jackson said the building department should get involved if they are not in compliance and Mr. Kielt said they should get in touch with the head of the building department.

Mr. Banas said regardless of what it is he thinks they should have a report as to what they are going to do or how they are going to do it of something like that because something has to be done. Either that or fold up the department of the Planning Board.

6. CORRESPONDENCE

7. PUBLIC PORTION

Gerri Ballwanz, asked for clarification of what that amendment to the Master Plan resolution was. Mr. Jackson said that was the lawsuit where Scher brought with the A1.

8. APPROVAL OF MINUTES

- Minutes from February 3, 2009 Plan Review Meeting

Motion was made by Mr. Percal, seconded by Mrs. Koutsouris, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

9. APPROVAL OF BILLS

Motion was made by Mr. Percal, seconded by Mr. Herzl, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning