

I. CERTIFICATION OF COMPLIANCE

Vice Chairman Fink 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. Fink, Mrs. Koutsouris, Mr. Akerman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTION

1. SP # 1915 (Variance Requested)
Applicant: Bnos Orchos Chaim
Location: 388 Chestnut Street, west of New Hampshire Avenue
Block 1087 Lot 15
Amended Preliminary and Final Site Plan for addition to existing school

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

5. NEW BUSINESS

1. SP # 1814A (No variance Requested)
Applicant: Bais Tova Girls School
Location: 555 Oak Street
Block 792 Lot 1
Amended Site Plan for 3 story addition to existing school

Mr. Vogt prepared a letter dated March 31, 2009 and is entered in its entirety. The applicant is seeking an amended Preliminary and Final Site Plan approval for an expansion to the existing Bais Tova School for Girls located on Oak Street. Per the June, 2005 Resolution of Approval, the applicant received Preliminary and Final Site Plan approval to construct the existing school (noted as "Phase I" in the resolution), and Preliminary Site Plan approval to construct "Phase II" of the school at a later date. As described in T&M's June 17, 2005 Planning Review letter, the original application was for a 86,791 square foot private school, off-street parking for 285 cars, stormwater facilities and landscaping. Per our review of the resolution and application submission, our review of this application is based on our understanding that the proposed addition request is an amendment to Phase I as approved for this project. Although not shown on the Site Plans, the Soil Erosion and Sediment Control plans depict schematic locations of the "Phase II School" and "Phase II pool" in the southeast portion of the property. Prior to the construction of Phase I, no improvements were made to the existing school's (primary access) Oak Street frontage, nor its (secondary access) Funston Avenue frontage. Per our March 27, 2009 inspection of the site, road improvements along both frontages were made and appear to be adequate for the existing school facility. The Existing Conditions Plan depicts the existing school as having 88,828 s.f. in total floor area (including the basement floor). Per the current application, the applicant is seeking an amended site plan approval to construct a three-story, 37,753 SF addition to the rear of the existing school, and to reconfigure and/or improve the existing Oak Street access drive and parking facility. Per the Schedule of Bulk Requirements on Page 3 of the Site Plans, the number of parking spaces (285) appears to be the same as approved in the original (2005) Site Plan application. The tract in question is approximately 8.9 acres in size, and is wooded with the exception of the recent improvements. Per review of the current site plan submission, it appears that most/all of the proposed addition and access drive/parking improvements were constructed under (existing) Phase I of the project. Zoning Conflicting information is provided in the application regarding the property's current zoning. Per the Site Plans and the Zoning Map excerpt provided on Sheet 1, the property is referenced as being in an area currently zoned as R-40/20 cluster (residential). Per review of the UDO, Public and Private schools are a permitted use in R-40 zones, with clustering being an option under R-40 zoning. Since an (amended) approval is being sought is to expand a pre-existing school use, it is our interpretation that the amended project is likely a permitted use regardless of the existing property zoning. No variances or waivers are sought at this time per review of the plans and application. Testimony should be provided from the applicant's professionals as to whether any variances are necessary for approval of the amended application. Review Comments- Site Plan/Circulation/Parking As indicated previously, revisions are proposed to the existing site access drive and parking to the rear of the school to accommodate the proposed addition. The same number of parking spaces (285) will be provided as per the previously approved plan. As indicated on the plans, and in accordance with Section 19-906C, the UDO requires one (1) parking space per classroom, tutor room, library, meeting room or office. Per the applicant's engineer's estimates, the existing classrooms and offices require sixty-six (66) spaces. Proposed classrooms and offices require forty-five (45) spaces, for a total estimated requirement of 111 spaces for the amended project. Although an argument could be made that 1-2 more stalls could be required for the library and lounge as depicted on the architectural plans, the 285 parking spaces proposed well exceed either interpretation of the UDO requirements. The following traffic and parking notes are included on Sheet 3 of the site plans: "The proposed facility will utilize 16 buses and the arrival of the buses and students will be staggered between the hours of 9:00 and 9:30 in the morning and the buses will leave the school between the hours of 5:00 and 7:00 in the evening". "The buses will enter via Funston Avenue and drop the students off at the Drop Off area". "On-street parking shall not be permitted for any of the streets which border the site". The notes are generally consistent with

the 2005 resolution with one exception – a note was to be added to the plans indicating the number of students. Although it appears that adequate turning movements will be provided for the proposed access drive around the building addition, a vehicle circulation plan should be provided as confirmation. Summary testimony regarding future bus drop-offs and pickups, and general use of the proposed site should be provided to the Board's satisfaction. As indicated in Condition "L" of the 2005 resolution, professional playground equipment and a dedicated playground area were to be provided. An "Existing Playground" is depicted on Sheet 3 (Site Plan) but not on the Existing Conditions Plan. Supporting testimony and site plan information regarding the playground and equipment must be provided. Per our site visit, construction of the playground appears to be underway. As indicated in Condition "M" of the 2005 resolution, external sidewalks were to be connected to internal sidewalks within the development. Testimony should be provided from the applicant's professionals that this condition will be met with the proposed addition and improvements. The plans should be revised to correctly depict the extent of roadway improvements installed along Oak Street. The site plan depicts proposed curbing to be extended from one of the proposed parking islands along the new access drive through the proposed parking area. Testimony regarding the purpose of this curbing should be provided by the applicant's engineer. Confirming testimony should be provided from the applicant's professionals that 2005 resolution items (#14-16) have been addressed. Regarding site triangles required per the resolution, no site triangle is depicted for the Funston Avenue driveway. Architectural. Per review of the architectural plans, they appear generally well-prepared. However, the plans appear to depict a maximum building height of over 51 feet from "average grade", vs. the maximum 35 foot height allowed per the UDO (and 30 foot height proposed per the site plans). Testimony is required regarding the actual proposed building height. Per communications with the applicant's professionals, technical information is forthcoming for the Board's review that will demonstrate that the actual building height will meet UDO requirements. We recommend that color renderings of the building be provided for the Boards use at the forthcoming public hearing for the application. We recommend that location of air conditioning equipment should be shown. Said equipment should be adequately screened. Grading information for the proposed addition, site access drive and parking revisions is provided on the Grading and Drainage Plan, and is generally acceptable. As discussed with the applicant's engineer, we recommend that the forthcoming compliance plans (if the application is approved by the Board) more clearly delineate existing vs. proposed site improvements. A final grading review will be performed during compliance review. Stormwater Management. Per review of the design plans and stormwater report, a minimal amount of new impervious coverage is proposed for the project amendment. The amended site plan will rely on four (4) individual existing underground recharge systems beneath site, the most significant, designated as "Trench System 3" consisting of several thousand feet of underground recharge piping. One outfall was installed as part of the current school as a "bypass" from a portion of the existing building. This outfall is being capped and the flow diverted into system 3. Per our review of the proposed improvements as described in the report, less than 0.25 acres of additional impervious coverage is proposed, exempting the addition from being "major development" as defined in the Township Code and in the NJ Stormwater rule. Information regarding the proposed roof leaders and their discharge(s) into the stormwater collection systems must be provided. Per review of existing information, the proposed system appears to be adequate for stormwater management of the proposed improvements. A final stormwater review will be performed during compliance review (upon review of the above-referenced plan revisions). It is our understanding that the previous approval was granted prior to the Township adoption of its stormwater ordinance (modeled after NJAC 7:8). Confirming testimony should be provided by the applicant's engineer. Landscaping and Lighting No new landscaping appears proposed under the amended application. Confirming testimony must be provided from the applicant's professionals. Two six foot (6') wide shade tree and utility easements are provided

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along the property's Oak Street and Bellinger Avenue frontages. Per the Landscape and Lighting Plan (Sheet 6), additional lighting is proposed within the southern portion of the rear parking lot. Isolux lines depicted in plan view must be labeled (i.e., provide footcandle intensities) to confirm the proposed lighting's adequacy. Testimony should be provided as to whether additional lighting is proposed (or necessary) in other portions of the project. Utilities The plans indicate the site is served by public water and sewer. Proposed utility information must be provided regarding additional infrastructure (if any) necessary to support the proposed addition. The applicant must receive necessary approvals for the increased demand resulting from the proposed addition. Construction Details. All proposed construction details must comply with applicable Township and/or applicable 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. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. A limited Environmental Impact statement was provided for review. The author concludes that since the proposed amendment will result (primarily) is disturbance of a previously-developed area, no significant adverse environmental impacts will occur if proper construction measures are followed. 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); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the site and surrounding (undeveloped) lands are mapped as potential species habitat. Again, since this amendment deals with development of a previously-disturbed area, no significant impacts to habitat will occur from the current proposal. Therefore, we agree with the author's conclusion. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service; Ocean County Soil Conservation District; and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Penzer Esq. appeared on behalf of the applicant and said they agree to everything and are ready to go. Mr. Flannery said they will address all the comments in the report. Mr. Vogt said they had a question about the architectural and the height of the addition and they have since received it and it shows that it will match what is there now and will be within code.

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to advance to the meeting of April 21, 2009

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

2. SP # 1917 (No variance Requested)
Applicant: Lakewood MUA
Location: 2000 Shorrock Street

**Block 1248.23 Lot 70
Courtesy Review for addition to existing water treatment facility**

Mr. Vogt prepared a letter dated April 2, 2009 and is entered in its entirety. The applicant is seeking a courtesy Planning Board review for a small (approximately 1,000 s.f.) ancillary building at its existing Shorrock Street water treatment plant. It is our understanding that building will house treatment equipment to pre-treat potable well water, including but not limited to removal of mercury and volatile organics. As indicated on the application, the property is situated in the O-S zone. The addition, set back approximately 88 feet from the front yard line and over 55 feet from the nearest side yard line will be an expansion of an existing (previously-approved) use. In any event, it is our understanding that the LTMUA as a public entity is not subject to local Zoning requirements. It is our opinion that the proposed water treatment improvements are beneficial, and in the public's interest. We offer the following comments and recommendations: The applicant should provide summary testimony as to the purpose and intended operation of the proposed building addition and equipment, including but not limited to hours of operations, deliveries and pickups to/from the building and potential noise or air emission impacts (if any). Testimony should be provided by the applicant's professionals regarding proposed stormwater management for the facility (a swale is labeled on the site plan). We note that the proposed additional impervious cover is well less than 0.25 acres, and therefore not regulated as "major development" in the NJ Stormwater Rule or the Township Stormwater Ordinance. Testimony regarding the exterior building treatments should be provided to the Board's satisfaction. It should be noted that as depicted on the site plan, the majority of the building front will be behind a remaining tree line along the property's Shorrock street frontage.

Mr. Mark Hubal appeared on behalf of the applicant as engineer for the applicant. He said they are adding a 1,000 sf building on to the existing plant which will contain 2 carbon filters for the removal of low levels of mercury that were discovered in a recently completed well. The mercury will stay in the carbon and when the carbon is filled, it will be trucked out and disposed of off site. They expect the mercury will last a minimum of 2 years, more likely, much more. The traffic in and out will be for maintenance of piping and sampling of the water. The site falls beneath the threshold for stormwater management plan but they have done their best to incorporate a number of non structural best management practices; they are disconnecting the impervious surfaces and taking all the runoff and putting it into vegetative swales on both sides of the addition. They are minimizing the clearing and the grading on the site and the time of concentration for the run off.

Mr. Jackson asked Mr. Vogt if he had any concerns that needs the board's attention and Mr. Vogt said no, with the testimony, it is fine. The board members said they did not have any concerns with this application.

Mr. Kielt said with a courtesy review, they are done and it can be moved without further meetings.

Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to approve the project

Mr. Banas had some questions. He asked what the difference is between low dose and high dose and Mr. Hubel said what they found was 4 parts per billion in the water. He said the safe drinking water standard is 2 and this system will reduce it down to 0. Mr. Banas asked if they had a high dose, where would that level begin at and Mr. Hubel said it is a relative matter but

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anything over 10-20 parts would be considered a much higher dose. Mr. Banas asked where the discarded mercury was being dumped and Mr. Hubel said out of state; the mercury gets absorbed in the carbon and the carbon get disposed, when it is taken out it is considered a non hazardous waste. Mr. Banas asked what the amount of mercury they are getting from native fish in the ocean and Mr. Hubel said he is not a fisherman and does not know.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mrs. Koutsouris; yes, Mr. Banas; yes. Mr. Akerman; yes, Mr. Schmuckler; yes

Mr. Kielt announced that Mr. Banas arrived a short time ago.

3. **SP # 1914 (Variance Requested)**
Applicant: Joseph Rabinowicz/Farm Fresh
Location: 357 Squankum Road @ intersection of Carey Street
Block 169 Lot 21
Preliminary & Final Major Site Plan for 2 story addition to an existing store

Mr. Vogt prepared a letter dated April 1, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The site contains of a total 21,225 SF (0.487 acres). The northerly boundary fronts on Squankum Road. The site is bordered by heavily wooded areas toward the south and the west by property owned by Lakewood Township. Residential structures abut the property to the east. The applicant proposes to expand the existing one story, 1,993 SF retail building and on-site storage trailers, which are to be removed, to a two story, 10,267 SF building in two phases. The first phase would consist of the addition of a 2,411 SF second floor to the existing building and the reconfiguration of the existing parking area to provide twenty (20) spaces. The second phase would consist of adding a 3,172 SF second floor addition and the construction of additional parking. When complete, the first floor would contain 7,996 SF and the second story mezzanine would contain 2,269 SF. Additional site improvements are proposed to reconfigure the entrance and the parking. A total of twenty-four (24) on-site parking spaces are proposed. The applicant is including five (5) on-street spaces to provide a total of twenty-nine (29) total parking spaces. Access to the site will be maintained from Squankum Road. The property is within the B-4 – Wholesale Services Zone. Waivers The following waivers have been requested from the Land Development Checklist: B2 - Topography within 200 feet thereof. B4 -- Contours of the area within 200 feet of the site boundaries. These waivers were granted at the March 3, 2009 Plan Review Meeting. Zoning The site is situated within the B-4 Wholesale Services Zone. Per Section 18-903.D.1.a. of the UDO, retail activities are permitted as defined in the B-1 zone. Grocery and food stores are specifically noted as a permitted use. The applicant should provide testimony regarding the planned uses for the expanded facility. Per review of the site plans and application, the following design waivers appear to be required: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). This is an existing condition. Minimum 50 foot buffer from the adjoining single family residential development (Subsection 18-803.E.2.a). This is an existing condition. Any and all other design waivers deemed necessary by the Board. Review Comments Site Plan/Circulation/Parking A 21' x 38' loading zone is proposed on the westerly side of the building. The loading zone is aligned with the proposed driveway entrance. The applicant should provide testimony regarding the size of delivery vehicles, the frequency of deliveries and standard delivery schedules. The applicant should demonstrate that delivery vehicles will not adversely impact entrance and exit movements and access to the parking area. The applicant should demonstrate via a circulation plan or other acceptable means that there is

adequate access and maneuvering area for delivery, emergency, and trash pickup vehicles that will need to access the site. The bulk requirements schedule on the site plan states that twenty-nine (29) parking spaces are provided. Twenty-four (24) on-site spaces plus a loading zone are shown on the site plan. Two (2) of the on-site spaces are ADA compliant. The applicant has indicated in the parking calculations that there will be five (5) on street parking spaces. These should be delineated on the plan. The paved cartway is shown to be thirty feet (30') wide with two (2), fifteen foot (15') travel lanes. If a minimum seven foot (7') wide parking lane were provided, the travel lane would be reduced to an eight foot (8') width. The road classification and intensity is not provided. However, a minimum traffic width for a local road (each lane) would be 10.5 feet per RSIS Standards. Additional information justifying these proposed spaces is necessary. As noted above a total of twenty-nine (29) parking spaces are proposed including the five (5) on-street spaces. Fifty-one (51) parking spaces are required. The requirements are based on a retail use of 10,267 SF with one (1) space for every 200 SF of gross floor area. It is noted that the applicant is proposing that 6,165 SF of the building will be utilized as retail and 4,000 SF will be utilized for storage. However, 18-807 of the UDO does not differentiate for retail establishments. A variance is required for the number of parking spaces. The applicant should provide testimony as to the number, location and ratio of existing parking spaces. Parking shall be provided to the satisfaction of the Planning Board. The applicant should demonstrate with a vehicle turning plan that the two (2) parking spaces on the easterly most side of the parking area that abut the curb can be utilized adequately and that vehicles can reasonably enter and exit these spaces if the other spaces are occupied. There is an existing 21' x 38' refuse area located on the westerly boundary of the site adjacent to the entrance drive on the street side of the building. It appears that a new wooden fence enclosure is proposed but no screening has been provided as required by 18-803.E.2.d. Testimony should be provided regarding the adequacy of the dumpster and whether a recycling container will be provided in addition to a trash container. The trash area should be constructed such that stormwater drains toward the parking area and away from the adjacent wooded area. Additionally, the setbacks to the trash storage area should be shown. The applicant should provide a phase plan to indicate how the construction will be phased and how parking and access will be maintained during construction. The plan should identify the construction staging area. It is noted that the proposed entrance is approximately sixty-five feet (65') from the intersection of Shafto Avenue and Squankum Road. The fact that the applicant is proposing to eliminate the second existing entrance access drive that was approximately twenty feet (20') from the intersection of Twelfth Street and Squankum Road provides an improved condition. Architectural Basic architectural floor plans and elevations were submitted for review. These plans provide the height to the ceiling. The site plan indicates that the building height will comply (35' vs. 45') and based on the architectural plans, it appears that the building will comply with the height requirements. The height of the building in compliance with the UDO definition should be shown on the architectural plans. There is a discrepancy between the building square footage shown on the architectural plans and the site plan. This discrepancy should be resolved. If gutters and roof drains are proposed, the point of discharge should be depicted and coordinated with the engineering drawings. It appears that there are either roll up doors or garage doors to provide entrance from the loading zone to the building storage and loading area. The applicant should provide testimony regarding the specifics of the entrance. The grading provided is acceptable. Due to the minimal slope on the property and particularly in the parking area (0.6%±), it is recommended that additional spot elevations be provided on the revised plans to better define the proposed drainage pattern. The Existing Conditions Plan shows that the existing curb along Squankum Road along the property frontage has a four inch (4") face. The proposed curb indicates that the new curb will have a six inch (6") curb face. It appears this reveal would match the reveal for the curb to the east. However, no information is provided for the curb to the west. While we do not object to the increased curb face, the method of meeting the westerly curb

should be defined in the event the curb reveal is less than that for the proposed new curb and a detail provided to show the means of transition. It appears that the curb at the rear of the property along the southerly boundary will be removed. This should be clarified and additional spot elevations should be provided. It is difficult to discern the intent along the easterly boundary that abuts the residences. Additional information should be provided to confirm that the proposed construction will not direct storm water onto this property and that there will be no adverse affects on the adjoining property. Better contrast between existing and proposed conditions should be provided on the revised plans. Stormwater Management The applicant's Engineer has stated that since the property is currently completely improved and completely impervious, that the proposed improvements would have no impact on the storm water generation. Although our office is in general agreement with this statement, it is noted that the improvements result in the removal of landscaped area along the frontage and a redirection of storm water flows. The applicant should submit a drainage plan and report indicating the revised flow pattern and the flows associated with the revised flow pattern. It is noted that there is an existing inlet at the southwesterly corner of the site that is to remain. There is no information provided as to how and where this inlet discharges. This information should be provided. The existing and proposed storm water flows to this inlet should also be provided to confirm that there is adequate capacity. Landscaping There is an existing wooden fence on the boundary between the adjoining residences and the easterly property line. Per 18-803.E.3.c, adequate grading and plantings are to be provided which shall include evergreen plantings at least six feet (6') high as a buffer. Either the parking area should be reduced to provide area for the plantings or a design waiver is necessary for the required landscape plantings. The overall landscape design is subject to review and approval by the Board. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontage. Lighting Although the sheet index indicates that sheet 3 of 5 is the Layout and Lighting plan, the sheet is titled Layout plan and no lighting is shown. The applicant should show the location of proposed site lighting with associated isolux patterns. The lighting should be designed such that the site is adequately lighted while minimizing spillage onto adjoining properties and should comply with the requirements of 18-804 of the UDO. Utilities The site has existing water and sewer service. Although not specifically indicated, it is reasonable to presume that it is intended that this service will be used for the expanded use. The applicant should provide testimony to confirm that there is adequate supply for the expanded use. The applicant should provide testimony as to whether the building will be protected by sprinklers. If so, the location of the Siamese connection should be shown and it should be confirmed that the water supply is adequate for the intended use. Testimony should be provided regarding fire protection and a Report from the Fire Commissioners should be provided regarding fire protection on the site. Signage There is an existing sign located at the center of the property on the property line noted to be removed. No information is provided for either proposed free standing, ground, wall, or building mounted signs. A full signage package for free-standing and building-mounted signs must be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance, section 18-812. Environmental Impact Statement The applicant has submitted an Environmental Impact Statement. The document has been prepared by R.C. Associates Consulting, Inc. to comply with Section 18-820 of the UDO. The author concludes that since the proposed amendment will result (primarily) is disturbance of a previously-developed area, no significant adverse environmental impacts will occur if proper construction measures are followed. 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

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potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the site and surrounding (undeveloped) lands are mapped as potential species habitat. Again, since this amendment deals with development of a previously-disturbed area, no significant impacts to habitat will occur from the current proposal. Therefore, we agree with the author's conclusion. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. Tree Management Plan The block, lot and zone reference on the tree protection plan should be revised to show the current property. The proposed improvements noted on the tree protection plan should coincide with the proposed plan. Since the other references in the notes on the tree protection plan appear to refer to a different site, the species of trees should be provided. The applicant should provide testimony to confirm that there are no specimen trees on site and that all trees 10" or greater are shown. All proposed construction details shall, at a minimum, comply with applicable Township or NJDOT standards. All concrete shall be a minimum of Class B concrete (4,500 psi). The trash enclosure detail should be modified to include details for the gate. Handicapped parking details should be added including pavement markings and dimensions. Curb installation should indicate saw cutting along the existing pavement edge for a minimum of two feet (2') from the curb face. Sign details should be provided for all proposed site signage. The pavement/trench restoration detail should be modified to eliminate the feathering and to remove the reference to Wall Township standards. The existing pavement should be saw cut to a depth of two inches (2") a minimum of two feet (2') at all sides of the pavement opening prior to the installation of the surface course pavement. The seams should be infrared sealed. If the curb face for the existing curb is less than the six inches (6") for the new curb, a detail should be provided to show the taper to the existing curb. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Water and Sewer service (NJAW or LTMUA) Ocean County Planning Board; Ocean County Soil Conservation District; All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Penzer Esq. appeared on behalf of the applicant and said they agreed to the comments about the store and said they are removing the trailers and making it an indoor storage facility and store. There is a issue about parking and they will address it a the public hearing.

Mr. Banas asked that the matter be read into record of what is disputed so Mr. Vogt read excerpts from the review letter for the public which dealt with parking and circulation and is incorporated in these minutes. Mr. Penzer said they are prepared to answer those questions at the public hearing

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance to the meeting of May 19, 2009

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

4. SD # 1667 (Variance Requested)
Applicant: Chateau Equities LLC

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**Location: 943-945 River Avenue - former Chateau Grande Restaurant
Block 1040 Lot 1
Minor Subdivision to create 2 Lots**

Mr. Kielt read item #5 which is for the same applicant and they were both heard together.

Mr. Vogt prepared a letter dated March 27, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 1040, Lot 1, into two (2) lots. A vacant restaurant building formerly known as The Chateau Grand is currently situated on-site and will remain as a part of this application. No construction is proposed under this application. Proposed Lots 1.01 and 1.02 have frontage along the east side of River Avenue (Route 9). The proposed lots are situated within the HD-7, Highway Development Zone. The site is mainly bordered by forested lands. The opposite side of Route 9 is developed with mainly commercial uses. We have the following comments and recommendations: Zoning The parcels are located in the HD-7 Highway Development Zone. The existing restaurant use is a permitted use in the zone. The plan indicates that the uses for proposed Lot 1.01 will be retail/office and proposed Lot 1.02 will be residential. Per review of the Subdivision Map and the zone requirements, two (2) front yard setback variances are requested for existing conditions for proposed Lot 1.01 in this application: Non-residential development fronting on a State highway shall provide a minimum front yard setback of 150 feet. The existing front yard setback from Route 9 is 44.9 feet. Front yard setback is 50 feet except along a State highway. Broadway is an unimproved 50' right-of-way bordering the south side of proposed Lot 1.01. The existing front yard setback from Broadway is 19.4 feet. Review Comments In the schedule of bulk requirements, for proposed Lot 1.01, the minimum lot frontage shall be corrected to 328.82' and the minimum front yard local road shall be corrected to 19.4'. The minor subdivision plan shows the existing restaurant to remain, no construction is proposed at this time. In a separate major site plan application for proposed Lot 1.01 the existing building will be converted into retail and office use with associated site improvements. However, a stormwater management basin servicing the project on proposed Lot 1.01 will be located on proposed Lot 1.02. Testimony shall be provided regarding ownership of the proposed lots since facilities will be shared. An existing conditions plan in the major site plan application indicates existing drainage piping from Route 9 discharging near the northerly border of proposed Lot 1.02. The topography indicates this storm sewer discharge drains onto adjoining property to the north via an existing swale. The storm sewer is not shown on the minor subdivision plan and no existing or proposed easements are indicated for this State drainage system. This matter shall be addressed. The proposed lot numbers have been assigned by the Tax Assessor and the plat signed by the Tax Assessor and dated on 02/25/09. Compliance with the Map Filing Law is required. Road widening dedications (if necessary) should be provided to the Township and shown on the plat. A proposed six foot (6') wide shade tree and utility easement shall be depicted on the plan along all property frontages (unless waived by the Board). Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; New Jersey Department of Transportation; and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

5. SP # 1916 (Variance Requested)
Applicant: Chateau Equities LLC
**Location: 943-945 River Avenue - former Chateau Grande Restaurant
Block 1040 Lot 1.01**
Preliminary & Final Site Plan for office and retail

Mr. Vogt prepared a letter dated March 31, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. This site plan is for proposed Lot 1.01 which would be created from a separate Minor Subdivision application from the same applicant. The applicant proposes to convert an existing unutilized restaurant site (formerly Chateau Grand) into office and retail use. A 1,448 SF addition is proposed to be constructed upon the northeast corner of the building. The proposed square footage for the retail portion of the building is listed as 33,931 SF. The proposed square footage for the office portion of the building is listed as 11,789 SF. A total of two hundred thirteen (213) parking spaces are proposed at the above-referenced location. Access to the proposed development will be provided by a driveway from River Avenue (Route 9) and by a driveway from Broadway, which intersects Route 9. The initial tract consists of a total 8.25 acres in area, and contains a vacant restaurant building formerly known as The Chateau Grand. The remainder of the property consists primarily of asphalt parking areas and curb infrastructure as well as a detention basin in the north of the site. The vegetation on site consists of ornamental species and sporadic native species around the site periphery. This site plan is for proposed Lot 1.01, a proposed 3.475 acre property containing the existing structure. The existing building will be renovated, including construction of a 1,448 SF addition. Proposed Lot 1.02, to the north of proposed Lot 1.01 is not part of this application. The project is located in the southern portion of the Township on the east side of River Avenue (Route 9), between Finchley Boulevard and Oak Street. The site is mainly bordered by forested lands. The opposite side of Route 9 is developed with mainly commercial uses. Waivers The following waivers have been requested from the Land Development Checklist: B2 -- Topography within 200 feet thereof. B4 -- Contours of the area within 200 feet of the site boundaries. B10 -- Man-made features within 200 feet thereof. C14 -- Tree Protection Management Plan. The indicated reasons for waiver requests on B2, B4, and B10 is that access to neighboring properties has been denied. A waiver has been requested from a Tree Protection Plan because of the developed nature of the site. Off-site topography would be of value to revise the stormwater management calculations. However, the information that can be obtained from the USG&CS Map would suffice. Virtually no trees will require removal as part of this site plan. We support the requested waivers as required. Zoning The site is situated within the HD-7, Highway Development Zone. Per Section 18-903H.1 of the UDO, under "permitted uses" in the HD-7 zone cites various office and retail uses. Confirming testimony is required from the applicant's professionals documenting the proposed uses as permitted within the HD-7 zone, including a brief description of how and when the facility will operate. Five (5) existing signs along the Route 9 frontage of the original property are shown on the Existing Conditions Plan. The southernmost sign is actually off-site and within the Broadway right-of-way. Two (2) signs flank the site access to proposed Lot 1.01 and two (2) signs flank the site access, which is to be barricaded, on proposed Lot 1.02. Information on the disposition and conformance of these signs must be provided. In the schedule of bulk requirements for the project, the minimum lot frontage shall be corrected to 328.82' and the minimum front yard local road shall be corrected to 19.4'. Per review of the site plans and application, the following design waivers appear to be required: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). Minimum 100 foot buffer from the State Highway (Subsection 18-803.E.2.f.). Providing curb and sidewalk along frontage (Subsection 18-814.M.). It should be noted that Broadway and Parkview Avenue are unimproved. Curb exists along Route 9 and sidewalk is proposed along the frontage of proposed Lot 1.01, but not proposed Lot 1.02. Parking within the front yard setback for a nonresidential development where the principal building is not setback 150 feet (subsection 18-903.H.6.). It should be noted this is an existing condition. Any and all other design waivers deemed necessary by the Board. Review Comments Site Plan/Circulation/Parking The two (2) proposed handicapped parking spaces adjacent Broadway should be relocated since the associated signage will be off-site. As indicated in the site plans, access is

provided via an access drive off of Route 9 and from Broadway. Broadway is unimproved except for an approximately one hundred foot (100') stretch between Route 9 and the site access. A total of two hundred thirteen (213) parking spaces are proposed for the site, eight (8) of which are handicapped. Two hundred ten (210) parking spaces are required. The requirements are based on a retail use of 33,931 SF with a space for every 200 SF tallying 170; and an office use of 11,789 SF with a space for every 300 SF accounting for another 40. The proposed standard parking spaces will be 9' x 18' in size and drive aisles will be a minimum of twenty-four feet (24') wide. The main access drive on the north side of the building is thirty feet (30') wide and an existing one-way fire lane drive on the south side of the building is about nineteen feet (19') wide. The portico on the Route 9 side of the building may be too low to allow trucks to pass beneath it. Consideration should be given to reversing the one-way direction of the fire lane drive on the south side of the building. Unless DOT will allow "no truck access" signage at the Broadway intersection, trucks will have no escape route once the intersection is entered except to travel opposite the one-way direction of the drive. Testimony should be provided by the applicant's professionals. A 15' X 18' refuse area is proposed at the southeast corner of the site next to proposed parking spaces. Testimony is required regarding the adequacy of the dumpster. The refuse area is enclosed, but no screening has been provided. The waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. An infiltration basin is proposed directly north of the site on the southwesterly portion of proposed Lot 1.02. An existing detention basin will remain on the northeasterly portion of proposed Lot 1.02. The proposed basin will not be fenced and has no vehicular access. The existing basin is enclosed by chain link fencing with barbed wire and has no vehicular access. Design revisions appear necessary. The plans show an "NJDOT Desirable Typical Section" width of fifty-seven feet (57') from the centerline of Route 9. Proposed improvements, including landscaping have been kept out of this corridor. The applicant's professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed project. Striping is proposed along the east side of the building. The proposed striping limits should be dimensioned. Though it is not listed, we believe the proposed striping is to bring attention to an existing electric service pad protected by bollards and to designate a delivery zone. Testimony is required to document the adequacy of the proposed loading area for facility operations. Vehicular circulation plans must be provided to confirm accessibility for delivery, emergency, and trash pickup vehicles that will need to access the site. It is not clear whether a thirty foot (30') wide drive is connecting the main access drive of the proposed project to the adjacent property to the north for overflow parking. Testimony shall be provided on whether the connection is temporary or for future use. On the Site Plan, an unlabelled, bold, dashed line is shown on adjoining proposed Lot 1.02. The line could a limit of disturbance line; the limit of disturbance must be increased based on the Grading Plan. Proposed pedestrian access points to the renovated building must be added to the site plan. Additional sidewalk must be proposed to connect the building access points with existing sidewalk and impervious surfaces. Protection of the proposed building access points along the fire lane on the south side of the building must be provided. We recommend adding a segment of sidewalk along the north side of Broadway between the access drive and the Route 9 intersection. The proposed sidewalks along Route 9 and Broadway should be dimensioned as well as their locations within the right-of-ways. Proposed "No Parking Fire Lane" signs must be added to the site plan. Proposed handicapped spaces and aisles shall be dimensioned. Proposed handicapped ramp locations must be added around the building. Gas meters, bollards, and wheel stops to protect the building overhang were observed on the south side of the building. These improvements are not shown on the Existing Conditions Plan or the Site Plan. These facilities will reduce the width of the one-way fire lane. These items must be added to the site plan to evaluate the adequacy of the fire lane. The electrical service pad near the southeast corner of the building appears to be incorrectly shown on the Existing Conditions

Plan. Also, an existing concrete pad adjacent the electrical service pad is not shown. The proposed building footprint on the site plan requires some minor adjustments to match the architectural plans. Architectural Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be approximately 30 feet in height, with the spire in front of the portico extending to about 50 feet in height, the highest ornamental feature of the building. The structure will house predominantly retail floor space, with office space on the second floor. The second floor area only covers roughly the front third of the total building area. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. The architect shall verify the floor areas. It appears the square footage calculations are low. Roof drains should be depicted and coordinated with the engineering drawings since the stormwater design indicates the entire building runoff being collected in a roof drainage system and piped to the storm sewer collection system. Grading A detailed grading plan is provided on Sheet 4. Consistent with existing topography, proposed grading will generally slope from south to north. A storm sewer collection system is proposed to collect runoff along the northerly property line of the site. Additional grading on the adjoining property to the north will be necessary since the proposed elevations along the northerly property line of the site will be higher than the existing elevations. Additional off-site grading must be shown. The Existing Conditions Plan shows that all existing curb has a six inch (6") face. Our site observation indicates this cannot be true. This matter needs to be addressed since much of the existing curb is being retained and this will affect the proposed site grading. An infiltration basin is proposed on the southwesterly portion of adjoining proposed Lot 1.02 just north of the proposed project site. The basin will be just less than six feet (6') deep on the shallow end. An existing detention basin on the northerly portion of adjacent proposed Lot 1.02 will remain. The existing basin depth is just over five feet (5') deep at the emergency spillway. The existing basin area of the site has chain link fence with barbed wire on top. Better placement of low points and inlets is recommended along the northern boundary of the site to reduce the amount of runoff being conveyed along the curb. We recommend a low point and inlet be designed in the northwest corner of the parking lot. Otherwise, per review of the current grading plan, it is generally acceptable. Better contrast between existing and proposed conditions is required on the plans. It is difficult to determine the limits of work. This is crucial since much of the existing site improvements will be retained. An increase in contrast can be obtained by "further graying (screening)" the existing information. Stormwater Management A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into a proposed infiltration basin. The proposed infiltration basin is located on the southwesterly portion of a proposed adjoining lot (proposed Lot 1.02) owned by the same entity. Testimony should be provided on how any conveyance of proposed Lot 1.02 would be impacted by the proposed stormwater management facility servicing proposed Lot 1.01. Furthermore, many proposed improvements such as storm sewer pipe, structures, and curb straddle the proposed property line subdividing the land into proposed Lots 1.01 and 1.02. Testimony should be provided on the ownership of these proposed improvements and the location of the subdivision line. The plans indicate existing drainage piping from Route 9 discharging near the northerly border of proposed Lot 1.02. The topography indicates this storm sewer discharge drains onto adjoining property to the north via an existing swale. A proposed outlet structure from the proposed infiltration basin next to Route 9 is being connected to the existing piping to serve as an overflow for the basin. The proposed infiltration basin has been designed large enough to contain the 2 and 10 year storm events without the use of the overflow. The basin is not large enough to contain the 100 year storm event without the help of the overflow. Since stormwater discharge is being directed onto adjoining property,

we recommend the applicant's engineer enlarge the proposed infiltration basin to contain the entire 100 year storm event and the overflow provided only as an emergency outlet. Our office should be contacted regarding these design considerations. The existing detention basin in the northerly portion of proposed Lot 1.02 will remain in place and operate for the remaining impervious parking area which is being left in place since it is not included with the site plan on proposed Lot 1.01. This existing detention basin also contains a pipe which discharges stormwater onto the same adjoining property and existing swale to the north as the pipe from Route 9. We recommend the applicant's engineer redesign this basin so only an emergency outflow (in excess of the 100 year storm event) is discharged off-site. Our office should be contacted regarding these design considerations. The plans note an existing fifteen inch reinforced concrete pipe (15" RCP) with an unknown terminus in the existing detention basin. An attempt to trace this pipe shall be made during the construction modifications to the basin. Based on the soils, side slopes for the basins shall be no steeper than 4:1. The project site is receiving off-site overland runoff from the south which must be accounted for in the stormwater management design. The proposed drainage area for proposed drainage structure "C.B.-A" is too large for a single grate structure. Either a double structure or an additional upstream structure shall be proposed such that a flow of 6 cfs/grate is not exceeded. Proposed drainage structure "C.B.-C" is proposed to be constructed over an existing eighteen inch reinforced concrete pipe (18" RCP). The disposition of this existing pipe is not clear on the plans. We believe the intent is to plug the downstream portion such that all runoff is directed to the proposed system being conveyed to the proposed infiltration basin near Route 9. Storm sewer profiles shall show existing and proposed grades and all pipe views at all structures. The Report discusses water quality through the use of "Flo-guards", but does not give any empirical data to show the standards are met. The possibility of connecting the existing bubbler inlet at a low point in the fire lane to a proposed roof drain system should be explored. In this manner a positive outlet to the recharge system would be provided and preclude the possibility of an isolated drainage problem. A stormwater maintenance manual has been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Landscaping Existing large coniferous trees are located behind each of the existing signs at the site access points. These trees are not shown on the Existing Conditions Plan or the Landscape and Lighting Plan. The disposition of these trees shall be addressed. Proposed landscaping along the Route 9 frontage of the site is sparse and should be increased. Additional plantings should not encroach on the NJDOT Desirable Typical Section Line. There are some existing deciduous trees within the NJDOT Desirable Typical Section Line which are not shown on either the Existing Conditions Plan or the Landscape and Lighting Plan. Part of the existing pond and landscaping in front of the portico is within the NJDOT Desirable Typical Section Line. The NJDOT may require removal of a portion of the pond and some of the landscaping. The overall landscape design is subject to review and approval by the Board. The sheet following the Landscape and Lighting Plan shall be titled Landscape and Lighting Details. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages, and a sight triangle easement for the proposed site access. It should be noted that the property has frontage on three (3) sides. However, Broadway located to the south, and Parkview Avenue located to the east, are both unimproved. A detailed lighting design is provided on the Landscape and Lighting Plan. The sheet following the Landscape and Lighting Plan shall be titled Landscape and Lighting Details. Per review of the isometric data, the design appears to adequately illuminate the proposed use while minimizing spillover onto adjacent sites. Minor design adjustments appear necessary to the lights in the southeast corner of the site to obtain the desired coverage. Otherwise, the current design appears adequate. Existing site lights are shown on the plans. The Landscape and Lighting Plan does not indicate the future status for these lights. Our office is under the assumption they will be removed since they do not match the proposed site lighting and no illumination patterns have been shown for them. Utilities

Existing septic system information is shown on the Existing Conditions Plan. The Site Plan must indicate that all existing septic system appurtenances are to be removed. General Note #9 on the Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. General Note #9 also states the existing connections will be utilized. This is not a reasonable assumption. Cleanouts and a manhole near the rear of the north side of the building may be to the existing sanitary sewer connection, or may be to the septic system. With the multiple tenants proposed for the building and all the plumbing renovations required, it is unlikely an existing connection could be used even if it does exist. An existing water service which is not shown on the plans was observed by our office on the south side of the main site access. Once again, it is unlikely this connection could be reused since each tenant will need to be metered and fire protection for the building and the site addressed. All existing and proposed water and sewer utility information must be provided on the revised plans. Testimony should be provided regarding proposed fire protection measures. Signage No signage information is provided other than schematic tenant signs for building mounted signage on Sheet A-3 of the architectural 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. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. Environmental - Site Description Per review of the site plans, aerial photography and a site inspection of the property, the initial tract contains a vacant restaurant building formerly known as The Chateau Grand. The remainder of the property consists primarily of asphalt parking areas and curb infrastructure as well as a detention basin in the north part of the site. The vegetation on site consists of ornamental species and sporadic native species around the site periphery. The existing building will be renovated, including construction of a 1,448 SF addition. The project is located in the southern portion of the Township on the east side of River Avenue (Route 9), between Finchley Boulevard and Oak Street. The applicant has submitted an Environmental Impact Statement. The document has been prepared by Trident Environmental Consultants to comply with Section 18-820 of the UDO. The report is a result of an Environmental Assessment and Inventory conducted on the site. Field studies were completed between July and October of 2005. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed 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 highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: The New Jersey State Development and Redevelopment Plan. The site lies within the Suburban Planning Zone. It also lies within the CAFRA Coastal Suburban Planning Area. Site investigation for wetlands and wetland buffers. Since neither was found, a presence/absence letter of interpretation is being submitted to the NJDEP. The Natural Heritage Program for any threatened and endangered species. Barred Owl, Northern Pine Snake, and Eastern Box Turtle habitat areas were evaluated. NJDEP Landscape Project Areas. The author of the Environmental Impact Statement concludes the proposed project will have both adverse and beneficial impacts to the project site and surrounding area. These impacts will be both long and short term. Careful planning and best management practices of the project will limit the adverse impacts associated with the development. Our office agrees with the author's findings. Tree Management Plan This application has requested 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 virtually no trees will be removed as part of this site plan. Phase I/AOC's If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from

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demolition activities be removed and/or remediated in accordance with State and local standards. Construction Details Construction details are provided on Sheet 8 of the plans. All proposed construction details must 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. Additional information is required for the trash enclosure detail. No footings are shown for the posts. The concrete slab has no reinforcement. No information is provided for the closing mechanisms on the wood gates. The Stop Sign detail should be revised to include the reflective strip that should be installed the length of the post. The Roof Leader detail with the use of splash blocks does not correlate to this site plan. A Van Accessible Sign Detail must be added. The base course pavement is shown incorrectly on the Curb and Pavement detail. The filter and pipe location conflict on the Inlet Design detail. The Outlet Structure detail is constructed over corrugated metal pipe. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Water and Sewer service (NJAW); Ocean County Board of Health; Ocean County Planning Board; Ocean County Soil Conservation District; NJDEP Presence/Absence LOI; NJDEP CAFRA (or waiver); NJDOT (access permit); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said they agree to comply with the comments in the reports. Mr. Shea said it is a lengthy report but everyone should be pleased they are preserving the existing building. Mr. Flannery said they are adding a 3% addition, squaring off the building.

Mr. Jackson asked if this is the same parcel that received approval for condominiums and Mr. Shea said yes and Mr. Flannery said that would be abandoned when this is approved. Mr. Flannery said this site plan will be for retail and office, and the amount of the parking lot that would be needed for the office and retail which is larger than is needed because the prior use was a banquet facility. The remainder of the site will be subdivision for future development. Mr. Flannery stated they would like to leave the site as it is now, with both right and left turns allowed in and out and if the DOT changes that they will deal with it at that point.

Mr. Banas asked again that the difficulties of the application be introduced so it can be put on the table and hear what the problems are and Mr. Flannery said they have no technical difficulties; the reports are lengthy and the applicant will comply with the technical comments and revise the plans and they will have testimony that is required at the public hearing which they will provide. Mr. Flannery said he did not see any issues that need to be discussed with the board but if the board or their professional sees an issue that needs to be discussed they would be happy to do it. Mr. Shea added that there is not a single issue that separates the applicant and the consultant. Mr. Vogt asked the applicant if they were going to revised the application to comply with his comments and the application will be heard at a public meeting and the applicant's attorney and engineer agreed. There are existing variances and Mr. Banas said this is the first he is hearing about it and Mr. Shea said they are existing and they are not asking for any additional and Mr. Banas asked what the existing conditions are and Mr. Flannery told him there is an existing building with existing parking and those are at variance with the current ordinance and they are not asking to change that situation but it will be presented at the public hearing which is the appropriate time to present it.

Mr. Schmuckler added that this is a technical meeting where the technical issues are discussed between the professionals and variances are usually discussed at the public hearing with

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testimony. Mr. Banas said that is true as far as justifying what is being brought forward but he said at least let the public and him know that they are asking for a variance. Mr. Flannery said the public has a right to know because the review letters are available and the board knows because they have the letters. The variances are discussed at the public hearing. They stated the variances were also advertised.

Motion was made by Mr. Franklin, seconded by Mrs. Schmuckler, to advance both applications – SD#1667 and SP#1916 to the meeting of May 19, 2009

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

6. SD # 1668 (Variance Requested)
Applicant: 528 LLC
Location: 1449 & 1501 Prospect Street, east of Cross Street
Block 391 Lots 20, 51
Minor Subdivision to realign lot lines

Mr. Vogt prepared a letter dated March 30, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 391, Lot 20 to convey 2.575 acres to Block 391, Lot 51. There is one (1) principal building and four (4) accessory buildings existing on Lot 20 that are proposed to remain. The uses are not identified. There is one (1) principal building and one (1) accessory building existing on Lot 51 that are proposed to remain. The uses are not identified. No new construction is proposed. Lot 20 has frontage on Prospect Street. Lot 51 has frontage on Prospect Street and Havenwood Court. The proposed lots are situated within the M-1, Industrial Zone. There are industrial facilities on either side of the existing lots. We have the following comments and recommendations: Zoning The parcels are located in the M-1 Industrial Zone. The uses are not identified but appear to be residential. The plan indicates that the existing uses will maintained. No variances are requested. There are existing side yard setback variances on both lots that will remain after the subdivision. There is an existing side yard setback variance for Lot 51 for the primary structure in that 21.1 ft. is provided while 30 ft. is required. There is an existing side yard setback for Lot 20 for an accessory building in that 4.7 ft. is provided while 10 ft. is required. Since Lot 51 is a corner lot which results in two (2) front yards. A front yard setback variance for Havenwood Court may be required for existing conditions instead of the side yard setback noted above. Review Comments Lot 51 has frontage on both Prospect Street and Havenwood Court. The UDO defines this condition as a corner lot and indicates that each corner lot shall have two (2) front yards, a minimum of one (1) side yard and one (1) rear yard. The Applicant should identify the side and rear yards and revise the schedule of bulk requirements to reflect the two front yards as well as the side and rear yards. The applicant should show the appropriate setback lines on the plans with dimensions. The applicant should provide testimony as to the uses of the primary structure and each of the accessory buildings. It is noted that Lots 1.03 & 1.04, Block 386 and Lots 14 & 15, Block 490 are shown to be within 200 ft of the project site but are not listed in the list of property owner's within 200 ft. The applicant should provide a copy of the certified property owner's list and modify the property owner's list as may be required. The proposed lot numbers should be approved by the Tax Assessor. Compliance with the Map Filing Law is required. A proposed six foot (6') wide shade tree and utility easement should be depicted on the plan along all property frontages (unless waived by the Board). Additional parking for the existing uses (if necessary) is subject to Board approval. Proof that taxes are paid and current should be provided. In accordance with the requirements of 18-703 of the UDO, a list of all stockholders, members or

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individual partners owning at least ten percent (10%) shall be provided unless waived by the Board. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Gertner Esq. appeared on behalf of the applicant. This application involves moving the lot line. Because of several pre existing conditions on the site they are requesting variances for setbacks but will be eliminating 2 non-conforming conditions. Mr. Gertner pointed to the display and showed the members where the variances are. Mr. Vogt said the only comment he has is a question of interpretation: Lot 51 has frontage on both Havenwood Ct. and Prospect St. which is 2 front yards and if so, there is a 3rd variance. Gordon Milnes, the engineer for the applicant said part of this subdivision will result in the correction of that situation because new lot 51.01 will have a minimum lot frontage on either street of 307 ft. and the requirement is 300 ft. so they will be testifying based on a dual frontage.

Mr. Jackson said there is a comment in the professional report about not noticing owners within 200 ft. and they may have to re-notice, there are 3 lots not listed in the property list and they were asked to provide a copy of the certified owners list. Mr. Jackson asked for that to be squared away because a deficient notice.

Mr. Schmuckler asked if moving the lot line would increase the variances and was told it would eliminate 3 variances. Mr. Banas suggested the applicant be made aware of the requirement of sidewalks. Mr. Fink said sidewalks are going to be required.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance to the meeting of May 19, 2009

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

7. **SD # 1669** (No variance Requested)
Applicant: Joshua Goldstein
Location: Country Club Drive and Pine Park Avenue
Block 25.05 Lots 41, 49 & 52
Minor Subdivision from 3 lots to 4

Mr. Vogt prepared a letter dated April 2, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide three (3) existing lots, Lots 41, 49, and 52 in Block 25.05, into four (4) proposed residential lots, proposed Lots 49.01 - 49.04. An existing dwelling is currently situated on existing Lot 49. The dwelling is to remain on what will become proposed Lot 49.01. No construction is proposed at this time on proposed Lots 49.02 - 49.04. Proposed Lot 49.01 will be a corner lot having frontage along Pine Park Avenue and Country Club Drive. Proposed Lot 49.02 will have frontage along Pine Park Avenue. Proposed Lot 49.03 will have frontage along Country Club Drive. Proposed Lot 49.04 will be an oversized corner lot having frontage along Country Club Drive and Temple Avenue, which is unimproved. All four (4) proposed lots are situated within the R-12 Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations:
Zoning The parcels are located in the R-12 Residential District. Single-family detached

dwelling is a permitted use. Per review of the Subdivision Map and the zone requirements, no variances are requested for this application. The existing two-story frame house on proposed Lot 49.01 contains an existing second story wood deck which crosses the rear setback line. No minimum dimension is given between the lot line and the deck. Testimony should be given regarding compliance. The plans indicate a possible overlap between the properties involved with this proposed subdivision and the adjoining lands to the south. The surveyor has correctly proposed this subdivision without using the area of the disputed land. Unfortunately, errors have been made in some of the proposed lot dimensions and proposed areas. As a result, proposed Lot 49.02 does not have the required lot area. Minor adjustments to the proposed lot lines should be made to correct this matter and keep all proposed lots conforming.

Review Comments The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for three (3) of the proposed lots is provided. No parking is shown on proposed Lots 49.02 - 49.04. Therefore, the zoning table correctly indicates 2.5 off-street parking spaces are required for these lots. Single vehicle width driveway aprons are proposed for these three (3) lots. We recommend wider proposed concrete driveway aprons be considered since a minimum of three (3) off-street parking spaces per lot will be needed. The existing dwelling is not marked with a number of bedrooms or a square footage calculation. Therefore 2.5 spaces are required per NJ R.S.I.S. for proposed Lot 49.01. The plan shows the parking to be provided for the existing dwelling will consist of four (4) off-street parking spaces. Even though the width of an existing bituminous concrete driveway is not indicated, the driveway is large enough to provide the four (4) required spaces. The plan indicates existing curb along Pine Park Avenue and Country Club Drive. Curb will need to be replaced at the proposed driveway locations and the intersection for a handicapped ramp. New sidewalk is proposed along these same roads across the frontage of the property. Temple Avenue is an unimproved stub street of about two hundred feet (200') in length. No improvements are proposed for Temple Avenue. Proposed Lot 49.04 is an oversized corner lot having frontage on the full length of Temple Avenue and 107.65' of Country Club Drive. Access to proposed Lot 49.04 is being afforded from the Country Club Drive frontage. Due to no construction of new dwellings being proposed on proposed Lots 49.02 - 49.04, the Board may wish to require the cost of the curb replacement, driveway aprons, and sidewalk improvements along portions of Pine Park Avenue and Country Club Drive to be bonded or placed in escrow to avoid replacing them at the time new curb cuts and driveway aprons are installed. Alternately, the plans can be revised to locate the future curb cuts, allowing the installation of depressed curb and driveway apron at that time. The existing chain link fence shown on existing Lot 49 will cross proposed property lines. The fence shall be removed or relocated as necessary. Per review of the plan, public water and sewer appear available within Pine Park Avenue and Country Club Drive. However, during our site investigation we found no sanitary manholes or cleanouts along Country Club Drive. Furthermore, the configuration of cleanouts from the existing residence indicates the sewer service is connected into Pine Park Avenue even though the building sewer exits the dwelling on the Country Club Drive side of the house. The existing utility information is incomplete and must be finalized since the applicant proposes connections to both public water and sewer. Proposed construction details must be modified 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 a signature block on the plans the proposed lot numbers have been approved by the Lakewood Tax Assessor's office on 01/30/09. A shade tree easement is depicted on the plan along the property frontage of all streets. Nine (9) Red Maples and eight (8) Pin Oaks are proposed within the easements along Pine Park Avenue and Country Club Drive. The proposed easements shall be "shade tree and utility" easements and not extend through the sight triangle easements. There are many large trees on the site which have not been located on the survey. Selection of proposed

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dwelling locations could be influenced by the tree locations. At a minimum, the large trees along the site frontages should be located since shade tree plantings will be impacted. Portions of the site appear lower than the surrounding road and some freshwater wetlands may be present. Future developers and/or homeowners should be made aware of potential site environmental constraints. Two (2) additional corner markers must be set. A marker must be set at the intersection of proposed Lots 49.01 and 49.02 with the right-of-way. Another marker must be set at the intersection of proposed Lots 49.03 and 49.04 with the right-of-way. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and sewer service (NJAWC); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Lines appeared on behalf of the applicant and said they can address all the comments in the report with either revisions or at the public hearing. Mr. Lines said the only issue is with the sewer and there is no sewer in Country Club Drive, so they will be applying to extend the sewer. Mr. Vogt said the only other comment he has is some of the lots appear to be low lying and there may be questions about possible wetlands and Mr. Lines said he did not see any wetlands out there, they would be isolated but he will look at it. Mr. Jackson asked about the overlapping of lot lines and Mr. Lines said it is along the south and he asked the surveyor to recheck the lot dimensions and they may need to adjust the lot line and they would not be taking any claim to the overlap, they would be giving that up.

Mr. Schmuckler asked if they could get 4 parking spaces on each lot and Mr. Lines said yes.

Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to advance to the meeting of May 19, 2009

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

8. **SD # 1670** (Variance Requested)
Applicant: Dov Gluck
Location: 4th & 5th Streets, between Princeton & Monmouth Avenue
Block 159 Lots 5.01, 12
Minor Subdivision to realign lot lines in rear

Mr. Vogt prepared a letter dated April 2, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to relocate the rear lot line between existing Lots 5.01 and 12 in Block 159. An existing two-story townhouse is currently situated on existing Lot 5.01 which fronts Fifth Street, a 37' X 128' property containing 4,736 SF. An existing dwelling is currently situated on existing Lot 12 which fronts Fourth Street, a 50' X 172' property containing 8,600 SF. The townhouse and dwelling are to remain. No construction is proposed at this time. The back twenty-two feet (22') from existing Lot 12 is proposed to be added to the rear of existing Lot 5.01. Existing Lot 5.01 will become proposed Lot 5.04, an "L" shaped lot, with the addition of 1,100 SF bringing the total area to 5,836 SF. Existing Lot 12 will become proposed Lot 12.01 with the reduction of 1,100 SF bringing the total area to 7,500 SF. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Waivers The following waiver has been requested from the Land Development Checklist: Topography is

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not been provided based on the fact no construction is proposed. No improvements are proposed, and the purpose of the subdivision is to re-align a lot line. We support the waiver request. Zoning The parcels are located in the B-2 Central Business Zone District. Single-family detached dwellings are a permitted use and townhouses are a conditional use. Per review of the Subdivision Map and the zone requirements, a side yard variance was previously granted for the townhouse lot on 6/18/96 under SP#1371. A setback of eleven feet (11') is shown, while a setback of twelve feet (12') was required. No other variances are requested for this application. Existing improvements such as fences are missing from the plan. Testimony should be provided as to whether any fencing will need to be relocated as part of this subdivision. Also, dimensions shall be shown to the hundredth of a foot on the existing single-family dwelling, townhouse unit, and setbacks to confirm that no other variances are required. Review Comments The plan shows existing curb and sidewalk on both Fourth Street and Fifth Street. The existing driveway apron is not shown for the townhouse on proposed Lot 5.04 and should be added to the plan. Per review of the plan, public water and sewer are available within both Fourth Street and Fifth Street. Since the residential units exist no new connections are proposed. The proposed lot numbers must be approved by the Lakewood Tax Assessor's office. Six foot (6') wide shade tree easements dedicated to Lakewood Township are depicted on the plan along the property frontage of both streets. These easements shall be designated as "shade tree and utility" easements. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; All other required outside agency approvals. *The Ocean County Planning Board approved this project on March 18, 2009. Subject to Township approval and after all revisions are approved, the latest plan shall be stamped by the Ocean County Planning Board prior to submitting to the Township for signature.* A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Adam Pfeffer Esq. appeared on behalf of the applicant. He said no new variances are requested; there are existing variances. The applicant will move the fences. This application will reduce a non conformity that exists. Mr. Vogt said he did not see any issues other than what is in his review letter which the applicant will revise for the public hearing.

Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to advance to the meeting of May 19, 2009

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

9. SD # 1672 (Variance Requested)
Applicant: Yisroel Schecter
Location: 42 Miller Road @ sw corner of Attaya
Block 11.04 Lot 2
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated April 2, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Lot 2 in Block 11.04, a lot at the southwest corner of intersecting streets Miller Road (a County Road) and Attaya Road, into two (2) new lots to be known as Lots 2.01 and 2.02. The existing property currently contains an existing dwelling. A proposed four (4) bedroom dwelling will be situated on proposed Lot 2.02 and no construction is proposed at this time on proposed Lot 2.01. Public sewer and water is not available.

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Therefore, the proposed dwelling for proposed Lot 2.02 and any future dwelling proposed for proposed Lot 2.01 will need to be serviced by septic and well. Proposed Lot 2.01 will have frontage along Attaya Road and Miller Road. Proposed Lot 2.02 will have frontage along Attaya Road. Both proposed lots are situated within the R-12 Single Family Residential Zone. Variances are required to create this subdivision. The surrounding land uses are predominantly residential. We have the following comments and recommendations: **Zoning** The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use. A minimum lot width variance is requested for proposed Lot 2.01. The proposed mean lot width is 74.87 feet and the proposed lot width at the front setback is 80.47 feet, where ninety feet (90') is required. A minimum lot width variance is requested for proposed Lot 2.02. The proposed lot width is 79.70 feet, where ninety feet (90') is required. A minimum aggregate side yard setback variance is requested for proposed Lot 2.02. The proposed aggregate of the side yards is 20.03', where twenty-five feet (25') is required. A five foot (5') right-of-way dedication to Ocean County is proposed along Miller Road. This dedication will create a full right-of-way width of sixty feet (60') which is consistent with the surrounding properties. County standards require a twenty-five foot (25') right-of-way radius at intersections. This has not been provided on the current plans; the County Planning Board is requiring this additional radial dedication and has deemed this application incomplete. Since the proposed lot area for proposed Lot 2.01 is virtually at the minimum 12,000 SF required, the additional right-of-way dedication will create a lot area variance. To compensate for this situation, the proposed subdivision line could be adjusted westward which would increase the magnitude of the minimum lot width and minimum aggregate side setback variances being requested for proposed Lot 2.02. The area of proposed Lot 2.02 is large enough to allow for an area reduction. Dimensions shall be shown on the proposed four (4) bedroom single-family dwelling unit to confirm the proposed side yard setbacks. The applicant should address the positive and negative criteria for the required variances. **Review Comments** The minor subdivision plan does not show the location of the existing dwelling or any other existing on-site improvements such as the driveway, well, and septic system. It is our assumption that all these existing improvements will be removed as opposed to relocated or reused. This information should be provided. The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings and when the number of bedrooms is not specified. Both proposed lots will provide the required off-street parking spaces. The driveway width on proposed Lot 2.02 needs to be dimensioned, but it appears the driveway can fit four (4) vehicles. On proposed Lot 2.01, the proposed sight triangle easement to be dedicated to the County is not in accordance with County standards. This must be corrected since it impacts the delineation of the shade tree and utility easement to be dedicated to the Township as well as the location of proposed shade trees. The plans show where new concrete curb and sidewalk is proposed. The proposed curb along Miller Road is at the incorrect location and must be moved back to twenty feet (20') from the centerline, in line with the existing catch basin. The curb radius at the intersection is too small and must be increased to twenty-five feet (25'). Existing and proposed grades are required along the site frontages for the proper widening of the roads. Due to no construction of a new dwelling on proposed Lot 2.01, the Board may wish to require the cost of the sidewalk improvements along the proposed lot frontage to be bonded or placed in escrow to avoid replacing them at the time of development. Per review of the plan, public water and sewer does not appear available. The lots will be serviced by private wells and septic systems. The applicant should provide testimony as to the location of the nearest public sewer and water lines. The sufficiency of the proposed lots to allow such facilities should be addressed. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided, or a note added to the plan indicating none are present. Proposed construction details must be modified to comply with applicable Township, County, 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

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Class B concrete @ 4,500 psi. The proposed lot numbers must be approved by the Lakewood Tax Assessor's office. A shade tree easement is depicted on the plan along the property frontage of both streets, with six (6) Red Maples and five (5) Pin Oaks proposed within it. The proposed easements shall be modified to be six foot (6') wide shade tree and utility easements with proposed plantings also modified to account for the correct County Sight Triangle Easement. There are large trees on the site which have not been located on the survey. The proposed shade tree plantings will be impacted by the existing trees. At a minimum, the large trees along the site frontages should be located. The monument set closest to the intersection shall be removed since it is located in what will become right-of-way. Additional monuments must be set to comply with the radial right-of-way required by the County. The monument set at the current proposed property line along Attaya Road will have to be reset if the proposed lot line is adjusted. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health; Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Lines appeared on behalf of the applicant and said he has reviewed the letter from the board's professional and will revise the plans to address his comments and provide testimony at the public hearing regarding the variances that are requested. Mr. Jackson asked him to be more specific about the application and Mr. Lines continued and said they are proposing a 2 lot minor subdivision. The existing house will be demolished and they show one new home on the property that is proposed; that is where they are proposing a side yard setback variance and they are requesting front yard setbacks for both lots. They both have conforming lot area but when the County curves the right of way by Attaya and Miller their lot area on the corner lot which is 12,000 sf now will get down slightly and they may have to adjust the property line by a few 100ths to make up for that lot area. There are no sidewalks or curbs in this area. Mr. Vogt pointed out that a lot of his technical comments are actually County Planning Board comments and asked for the applicant to address those as well. Mr. Lines said if the county waives any of the comments he hopes the board will find it acceptable as well and Mr. Vogt said yes.

Mr. Banas said they have never acted in that position previous to this meeting; they have acted as a sole agency to grant or deny the applications before them and never with the understanding that the county had precedence. If the applicant feels that he wishes to go forth prior to the approval or denial at this level, he must address this boards' issue first; the board has never taken the position of using both the municipalities and the county decision. Mr. Fink agreed. Mr. Banas continued and said the if applicant is asking for a variance for the building drawn here and is aware of the fact that the county is going to go and put other constraints on that property, it would be wise to reduce the size of that building before it is brought forward. Mr. Lines said the lot that they are requesting the variances for has nothing to do with the county's comments; they had comments on the county's improvements and the right of way dedication along Miller Road. Mr. Banas said if the county is going to reduce the lot size, and you are asking for a variance at this point, why are you asking for that variance. Mr. Lines said he did not request a lot area variance on that corner lot; it was just in the comments from the county that said they would like those 2 lot lines rounded which looses about 10 sf. so he can most likely adjust the lot line between the 2 lots. Mr. Schmuckler said whatever the applicant brings to the board they will look at vote on it. Mr. Jackson suggested he bring in an aerial so the board can see the surrounding area and Mr. Lines said he could do that.

Motion was made by Mr. Schmuckler, seconded by Mr. Franklin, to advance to the meeting of May 19, 2009

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

10. DISCUSSION – Revised Ordinance Section 18-905. Additional regulations pertaining to places of worship and religious facilities

Mr. Kielt said this ordinance is proposing to allow a temporary trailer, similar to what they do for schools, for a certain time period. Mr. Schmuckler said they can go for one year and have one additional year extension and Mr. Kielt said yes.

Mr. Jackson said the question for the board is if they believe this is consistent or inconsistent with the master plan.

Mr. Banas said he has trouble with both of these ordinances; he knows this is the ordinance that was read at first reading and this may be a reality but if he is to act on an ordinance, he would make his recommendation on an ordinance and recommend that this ordinance and all future ordinances be written in a fashion so it is extremely clear that what is removed be stricken and what is new material be italicized or underlined. That would help him to understand what the changes are in the ordinance.

Mr. Kielt said these ordinances are being prepared by Jan Wouters who is the new township attorney and this is how he prepared it and Mr. Kielt said he can bring Mr. Banas' concern to his attention, but these 2 ordinances were requested by the Township Committee and they asked for the board to move on them tonight.

Mr. Fink asked if the public had anything to say on these ordinances and opened it to the public.

Noreen Gill, 192 Coventry Drive, Lakewood. She said she is in agreement with Mr. Banas and said at the Master Plan hearings this is one thing that they felt was necessary because when it came time for a vote, unless you have the old one right next to you, there has to be some type of definition to tell you what the change is in order for a lot of people to understand it. The other thing she is concerned about is; does it state "while it is being approved" because an approval can take maybe 6-7 months and then construction can take 2-3 years because some of them do it in phases. She thinks there has to be a time frame because she has seen property lie in this town for 4 years that looks inhabitable, even in a neighborhood; so she thinks a time frame should be added and the words "while it is approved" deleted.

Bill Hobday, 30 Schoolhouse Lane, Lakewood. He said he thinks Mr. Banas is 100% correct on this and said when they start the revisions there has to be something that says how it will affect the township and what is it really for; to what benefit, how would the township benefit from this and/or how would that builder benefit from it and is it mutual. Are the neighbors in sync, is the township in sync? He can't find any real benefits to amendments such as this to the township, neighborhood or anybody with the exception of the builder; and they should be held to a higher standard.

Mr. Fink closed this portion to the public.

Mr. Banas said he would like to comment further and said it is his understanding that these ordinances are for one reason and that is to see whether or not these have any implications on

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the Master Plan that was approved by this planning board. Without the kind of things that he asked for it is virtually impossible for him. This one dealing with a house of worship is something that he had difficulty comparing his old ordinance with this one, so he can't see whether or not the changes do follow the Master Plan, if it is detrimental to the Master Plan or not and he could not vote for or against this direction because of that.

The board asked Mr. Jackson to find out the time limitations on voting for this and while they were waiting, Mr. Schmuckler asked Mr. Kielt to explain the second ordinance on the agenda for discussion. Mr. Jackson said even if Mr. Banas does not know what the changes may be, he would submit that it would be acceptable for him to review this ordinance as it is written. Mr. Banas said he cannot.

Mr. Fink asked Mr. Franklin his opinion on this ordinance and Mr. Franklin said he did not have any problem with the change. Mr. Fink said it seems the board is split on this ordinance so he asked for a motion.

Motion was made by Mr. Schmuckler, seconded by Mr. Franklin, to recommend this ordinance to the Township Committee.

Mr. Jackson interrupted and said he found the provision and it states that prior to the adoption of a development regulation the board shall make or transmit to the governing body within 35 days after the referral a report including identification of any provisions which are inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matter the board deems appropriate. The governing body, upon review of the report, may approve or disapprove the changes.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; no, Mrs. Koutsouris; no, Mr. Banas; no. Mr. Schmuckler; yes

Motion was made by Mr. Schmuckler, to go back to the Township Committee for clarification on what this ordinance will change. Mr. Kielt asked what the clarification was and Mr. Fink said the time frame. Mr. Jackson interjected and stated what the board is concerned with is the common problem that these trailers just show up and there is no alternative. Mr. Franklin said the zoning officer allows these trailers and if there was a time frame in place, that they can have it for one year with a one year extension, and that is it, then it has to be gone- the worst scenario is 2 years. If the zoning officer just does it without the ordinance. It can just stay there and stay there.

Mr. Banas is of the opinion that they are getting to be a municipality that has probably increased more in trailers throughout the community and at the same time have an ordinance that would prohibit trailers from taking place. The trailers for schools are an improvement that is necessary for the student itself, and the trailers for the religious purposes is without reason. There is no difference whatsoever as to why they have to have a trailer on a facility that needs a place for religious worship. He does not see the rationale for it and it would be contrary to have that.

Mr. Fink asked Mr. Jackson is there anything they can do and Mr. Jackson said if the board feels they do not want to approve it, they shouldn't and the governing body can do with it as they wish.

Mr. Banas said there is an ordinance forbidding trailers for living. There is a definite reason for trailers in the community for schools, but he does not see the reasoning for trailers, it does not meet the elements, in his way of looking at it, for the Master Plan. Mr. Schmuckler said he believes it is because the previous zoning officer is permitting it anyway, so the idea is to regulate it.

Mr. Jackson said he would report to the Township Committee that the board has reviewed this and has voted not to approve it.

Motion was made by Mr. Banas to amend the previous motion which was not seconded.

Mr. Jackson said in the letter he can add that the board voted 3-2 not to approve it and will incorporate some of the board's comments as some of the concerns. The board agreed.

11. DISCUSSION – Revised Ordinance Section 18-806. Non-conformance lots

Mr. Kielt stated there is only one change and that is that an existing residential building on a non conforming lot may be replaced, extended or increased in size provided that the residential building as altered meets all the setbacks (side, rear, front, height requirement and lot coverage). The prior ordinance, if they did not conform to the lot area and lot width, you could not get a building permit, you were required to go to the zoning board. Based upon the number of undersized lots in Lakewood, the Township Committee felt that in order to make it easier on the community and residents, as long as they conform to the setbacks, they can get permits. The only bulk requirement they can change is lot area and the lot width. Mr. Banas asked what does height requirement mean and Mr. Kielt said there is a height requirement in every ordinance and typically it is 35 ft. in a residential zone.

Mr. Fink opened it to the public

Noreen Gill said recently, in front of the zoning board, there was an application with a non conforming situation and the people in the neighborhood showed up and they were really arrogant that this person was building on a non conforming lot because he could have gone up higher. Her opinion is when these people buy these lots, they know they are non conforming and they come before boards; half of these non conforming lots will either meet a setback either in the front but not on the sides, so you are going to tell her that all of these non conforming lots that we have now in Lakewood, are not going to be approved unless they meet the front, the back or the side setbacks because they don't. Mr. Kielt said the alternative is that if they do not meet the setback, they need to go to the zoning board. This does not deviate from any height or any setbacks; all this is saying is they can build on a non conforming lot as long as they respect all the requirements of the zone and the only thing they are deviating from the lot area and the lot width.

Mr. Jackson said he is familiar with 2 towns that have adopted this and the reason was that if someone had a technical non conformance it enables them to come in for a deck, pool, an addition without the expense of going to a board, and it doesn't really have an impact on the other variances

Mr. Hobday said a non conforming lot is just that. It says that it does not meet the standard for a lot and most people in the neighborhood rely on the thought that there will not be a building on there and therefore as long as an individual could squeeze a building in and meet all the

other obligations they are free to do so. A non conforming lot is that for a reason; it is because the Master Plan said it does not meet the basic requirements of that zone.

Mr. Schmuckler said this it to replace an existing building not allow where there is no building on it. Mr. Hobday said it is dangerous and the Township Committee is asking the planning board for due diligence without providing the board with enough detailed information to make that judgment.

Linda Halm said it seems to her that it would allow for people to create non conforming lots, put up a house that initially conforms then expand from there and would leave wide open the advantage to start subdividing a property, create the non conforming lot, let the next guy put up a smaller house and then change it later. She said wouldn't they have a lot more non conforming lots being passed.

Mr. Kielt said in the ordinance, one of the items under 18-806A 1a says that no lot conforming to the standards set forth in the zone district shall be further reduced by the owner. Mr. Jackson said what this is trying to do is if you have a house that is 3ft. short in the frontyard setback and you want to put a deck on the back, right now you would have to go to the Board of Adjustment. Mrs. Halm said it seems that this would just be encouraging non conforming lots. Mr. Jackson said he thinks it makes it more livable for people who have non conforming lots now.

Mr. Fink closed this portion to the public

Motion was made by Mrs. Koutsouris, seconded by Mr. Franklin, to recommend the approval of the ordinance to the Township Committee. Mr. Banas wanted to make a motion to alter the motion in the following manner: item c- that an existing residential building on a non conforming lot may be replaced, extended or increased in size providing that the residential building (footprint) as altered meets all the setbacks etc. He wanted to add the insertion "footprint" and said it makes it clearer to him so they do not go outside the existing footprint of the building. Mr. Jackson said that takes the purpose out of the ordinance. There was no second on Mr. Banas' motion.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mrs. Koutsouris; yes, Mr. Banas; no, Mr. Schmuckler; yes This was on the first motion – to recommend approval

Mr. Jackson read the board members the memo he created on the prior ordinance to be mailed to the Township Committee.

6. PUBLIC HEARING ITEMS

Mr. Kielt stated he contacted both applicants and these will be carried to April 21, 2009

1. SD# 1636 (Variance requested)
Applicant: Yehuda & Adina Kirshenbaum
Location: 1385 Pasadena Street, west of Alvarado
Block 187.13 Lot 15
Minor Subdivision for 2 lots

Motion was made by Mr. Schmuckler, seconded by Mr. Franklin, to carry this to the meeting of April 21, 2009

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

2. SP # 1905 (Variance Requested)

Applicant: Congregation Bnei Giborei Yisroel

Location: 1193 W. County Line Road-across from Cedar Row

Block 27 Lot 22

Preliminary & Final Site Plan and Change of Use Site Plan from single family home to a synagogue

Motion was made by Mr. Schmuckler, seconded by Mr. Franklin, to carry this to the meeting of April 21, 2009

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

7. CORRESPONDENCE

Mr. Banas asked if Mr. Jackson drafted a letter that he was instructed to do after the last meeting and wondered how that was progressing. It was to recommend changing the ordinance to match.

8. PUBLIC PORTION

Bill Hobday requested that when the board is going to review ordinances, that they make copies available to the public at the meeting.

This portion was closed to the public.

9. APPROVAL OF MINUTES

- Minutes from March 17, 2009

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

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mrs. Koutsouris; yes, Mr. Banas; abstain, Mr. Schmuckler; yes

10. APPROVAL OF BILLS

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

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

**PLANNING BOARD MEETING
APRIL 7, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
PLAN REVIEW & REGULAR**

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning